



NRCB | Natural Resources
Conservation Board

Natural Resources Conservation Board
Annual Report 2018-19





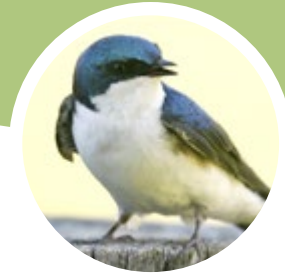
Vision, Mission, and Values

Our vision: to be a respected decision-maker, exemplifying integrity and foresight in the best interests of Alberta.

Our mission: as a quasi-judicial and regulatory agency, the Natural Resources Conservation Board (NRCB) makes impartial and knowledge-based decisions across two distinct mandates:

- Under the *Natural Resources Conservation Board Act*, the NRCB decides if natural resource projects are in the public interest, considering social, environmental, and economic effects, and
- Under the *Agricultural Operation Practices Act*, the NRCB fulfills applications and compliance responsibilities, administers and advances policies, and conducts board reviews for confined feeding operations.

Our values: in achieving our mission, we honour the NRCB's core values of integrity, fairness, respect, excellence, and service.



Governance

The chair and board members of the NRCB provide strategic direction and are responsible for the overall governance of the organization, its financial reporting, and reviews under the *Natural Resources Conservation Board Act* and the *Agricultural Operation Practices Act*. The chief executive officer is responsible for corporate services, the delivery of regulatory functions of the *Agricultural Operation Practices Act*, development of policy to support those functions, and is accountable to the chair and board members for the general operation of the corporation.

The NRCB complies with the requirements of the *Alberta Public Agencies Governance Act* and the Public Agencies Governance Framework. Its mandate and roles, code of conduct, compensation and expense disclosures, and board member competency framework are publicly available at www.nrcb.ca.

Accountability Statement

The NRCB is accountable to the Minister of Alberta Environment and Parks.

The *Natural Resources Conservation Board Act* is the responsibility of Alberta Environment and Parks.

The *Agricultural Operation Practices Act* is the responsibility of Alberta Agriculture and Forestry. A 2006 memorandum of understanding between the Minister of Sustainable Resource Development, the Minister of Agriculture and Rural Development, the chair, and the chief executive officer of the NRCB describes the purpose of the act, and governance and mandate responsibilities.

The 2018-19 financial reports of the NRCB are provided in the annual report issued by Alberta Environment and Parks.



Message from the Chair

In 2018-19, the Board issued all decisions under the *Natural Resources Conservation Board Act* within 80 working days, and all decisions under the *Agricultural Operation Practices Act* within 30 working days.

On behalf of the Board it gives me great pleasure to present the NRCB annual report for 2018-19. This report marks my first complete fiscal year as Board chair, after more than 10 years as NRCB chief executive officer. I have tremendously enjoyed this shift in responsibility and focus. Moving from the operations side to the Board of the NRCB has brought new challenges and points of view and I am grateful for the opportunity to serve the organization and the people of Alberta in this new role.

The NRCB continues to be an effective and efficient regulator on both of our mandates. Under the *Natural Resources Conservation Board Act*, we collaborate and coordinate our work with Government of Alberta ministries and other organizations on reviews of major natural resource projects. On the *Agricultural Operation Practices Act* side, the NRCB is dedicated to regulating confined feeding operations in keeping with the culture of Alberta's agriculture industry, partly achieved through working closely with the multi-stakeholder Policy Advisory Group. The Board also continues to support the efforts of NRCB operations in streamlining our permitting and compliance activities under the *Agricultural Operation Practices Act*. The launch of a redesigned NRCB website in spring 2019 highlights our commitment to transparency on both mandates by improving search capability and public access to documents related to all NRCB reviews.

The Board continues to focus on making sound decisions in the public interest under the *Natural Resources Conservation Board Act*. The past year has been a busy time with ongoing work on reviews of the Cougar Creek Debris Flood Retention Structure, and the Springbank Off-Stream Reservoir project. In addition, the Board reviewed eight decisions under the *Agricultural Operation Practices Act*, leading to four hearings. I gratefully acknowledge the outstanding work and dedication of Board members and acting Board members on these files.

Being part of the NRCB provides the opportunity to work with the many wonderful staff who work so hard to deliver our mandates. I thank them for their dedication and professionalism, and congratulate them for their continued commitment to integrity, fairness, respect, excellence, and service. During my tenure with the operations side of the NRCB I worked closely with Mike Wenig, our chief legal officer – operations, who left to pursue private practice in May 2018. Mike played an integral role in developing many operational policies in support of our delivery of the *Agricultural Operation Practices Act* and assisted field staff on countless permit and compliance decisions. We wish Mike all the best in his future endeavours.

I would also like to recognize the outstanding work of Walter Ceroici who has fulfilled the role of acting chief executive officer since I left that position to become Board chair. During this time Walter has juggled his own duties as NRCB director of science and technology while ably fulfilling the many responsibilities of chief executive officer. Walter has exhibited strong judgment, an air of calm under fire, a focus on outcomes and results, and stellar leadership in what has been a very demanding time for the NRCB. Walter's careful guidance has been integral to the ongoing success of the organization.

In 2019 a new chief executive officer will bring fresh leadership and vision to the NRCB. I look forward to working with that person and continuing the NRCB's role as a respected decision-maker, exemplifying integrity and foresight in the best interests of Albertans.

Peter Woloshyn, Board Chair



Message from the Acting CEO

I would like to thank the staff and Board of the NRCB for their support and for ensuring that the work of the NRCB continues to meet the highest possible standards. This report details several organizational initiatives completed this past year that have contributed to the success of the NRCB, such as enhancements to the NRCB's information technology and records management systems, and improvements to its confined feeding operations database. The NRCB is particularly proud of its new website, launched in spring 2019, which improves public access to information about NRCB programs and initiatives, thereby improving program transparency. The NRCB also takes pride in its fiscal accountability, exemplified by yet another clean audit from the Office of the Auditor General for 2018-19.

Efficiency is a priority for the NRCB; the organization continually works to streamline the NRCB regulatory process under the *Agricultural Operation Practices Act*. In the past year, the NRCB introduced electronic filing for permit applications, and increased communication with municipalities and industry groups on the *Agricultural Operation Practices Act* requirements—both of which helped enhance and expedite the permitting process for confined feeding operators. These efficiencies helped approval officers exceed performance measures for permit application reviews. The NRCB also continued to work with Alberta Agriculture and Forestry to ensure that regulations for the confined feeding industry remain effective and outcome-based.

Unusual weather conditions in 2018-19 posed challenges to the livestock industry. The hot, dry, and windy summer conditions in southern Alberta resulted in numerous dust issues at livestock facilities, and unusually cold temperatures in late winter resulted in manure storage issues for some operators. These challenging weather conditions resulted

in an increase in the number of complaints received by the NRCB. The development of operational protocols and policies as well as updates to existing policies, and cooperative work with other regulators allowed inspectors to more effectively respond to these complaints. Unauthorized construction of confined feeding operation facilities continued to be a concern. The NRCB undertook numerous measures to address this issue, including meeting with industry groups and encouraging them to inform their members about the *Agricultural Operation Practices Act's* permitting requirements.

“Efficiency is a priority for the NRCB”

The NRCB science and technology division provided technical support to the Board for the proposed Cougar Creek Debris Flood Retention Structure, and Springbank Off-Stream Reservoir projects. Division staff also worked with Alberta Agriculture and Forestry on its seven-year study on manure impact on groundwater, which will be completed next year. Findings of the study have already helped improve the technical support provided by science and technology staff to NRCB field services on a wide range of *Agricultural Operation Practices Act* compliance and permitting issues.

I believe that the NRCB has strengthened its position with the public and stakeholders as a trusted regulator, has shown how it can adapt to changes, and is well positioned to meet future challenges.

A handwritten signature in black ink, appearing to read 'W. Ceroici', written in a cursive style.

Walter Ceroici, Acting Chief Executive Officer

Strategic Priorities

The NRCB's four strategic priorities for 2018-19, as identified in its business plan, are:

1. Meet with, inform, and update government and stakeholders, including municipalities, about the requirements of the *Agricultural Operation Practices Act* and NRCB policy that support delivery of the *Agricultural Operation Practices Act*.
2. Finalize an NRCB emergency response plan for responding to manure contamination events that impact surface water quality. The plan will coordinate with the Alberta Support and Emergency Response Team (ASERT).
3. Implement a new public website to improve user access to information, decisions, and the public record under the *Natural Resources Conservation Board Act* and the *Agricultural Operation Practices Act*.
4. Complete a records retention and disposition schedule and determine next steps for improving the management of NRCB records.





L to R:
Page Stuart,
Michele Annich,
Peter Woloshyn

Board

Peter Woloshyn was appointed Board chair in December 2017. Prior to his appointment, Peter led the NRCB's operations and corporate divisions as chief executive officer for more than 11 years, during which he oversaw the removal of regulatory obstacles to facilitate approval of biodigesters that use a manure-based feedstock. Peter brings 22 years of experience with Alberta Agriculture and Forestry to the NRCB in economic analysis, resource use, and work in crop insurance and reinsurance with the Agriculture Financial Services Corporation. He is also a community advisor board member of the University of Alberta's Alberta Land Institute.

Page Stuart has been a Board member since June 2017. A professional agrologist with an Executive Masters of Business Administration, Page has more than 20 years' experience in the intensive livestock industry, including managing a large cattle feedlot through significant value-added growth. Most recently, Page held positions as chair of the Alberta Cattle Feeders' Association and as inaugural co-chair of the AgCoalition, an unprecedented

collaboration of agricultural producer groups in Alberta. Page has a particular interest in furthering agricultural and environmental sustainability, farm safety, and policy development, and has served in multiple provincial and federal initiatives. She currently volunteers as a member of the Lakeland College Capital Campaign Cabinet.

Michele Annich was appointed to the Board in August 2017 and brings 30 years of experience in aboriginal, municipal, and administrative law to the NRCB. Michele has represented Canada at the Supreme Court on aboriginal consultation matters, the nature and scope of treaty rights, and fiduciary duties. In private practice she dealt with many municipal development and planning issues. Michele was a full-time hearing chair for nearly five years with the Appeals Commission for Alberta Workers' Compensation. She has taught municipal and administrative law to municipal administrators in the Northwest Territories and Nunavut, is an active community volunteer, and is presently chair of the Board of Directors of the Family Centre of Northern Alberta.

Acting Board members **Daniel Heaney**, **Keith Leggat**, and **Sandi Roberts** provided support to the Board in times of increased activity in 2018-19. Daniel has worked for more than 30 years on various aspects of sustainable agriculture including manure management in crop production systems. Keith has more than 30 years of experience with the Government of Alberta in resource inventory and ecological land classification, land use planning, and air and water policy development. Sandi was an NRCB approval officer for eight years and most recently was a Carstairs town councilor where she worked on policy and governance as well as municipal planning and development.

Board Activity 2018-19

In accordance with the NRCB's dual mandate, the Board issues decisions on reviews of approval officer and inspector decisions under the *Agricultural Operation Practices Act*, and reviews proposed major natural resource projects under the *Natural Resources Conservation Board Act*.

All decisions issued by the Board are publicly available on the NRCB website.

Agricultural Operation Practices Act

In 2018-19 the Board received requests to review eight approval officer decisions. The Board dismissed four of these after deliberation and issued decisions detailing the reasoning, as noted below:

- Silver Winds Hutterian Brethren—Board Decision 2018-08/ LA17073 was issued July 18, 2018. The review focused on risk to surface water quality.
- 500016 Alberta Ltd.—Board Decision 2018-11/ RA18016 was issued September 21, 2018. The review focused on issues related to the county's municipal development plan.
- Faberdale Dairies Ltd.—Board Decision 2018-12/ RA18050 was issued October 4, 2018. The review focused on toxins, nuisance odour, surface water, and groundwater.
- Spruit Farms Ltd.—Board Decision 2018-13/ RA18037 was issued December 11, 2018. The review focused on minimum distance separation, adequacy of manure spreading land base, control of flies, surface water, groundwater, and odour.

Four reviews of approval officer decisions were directed to hearing, as noted below:

- Norlin Investments—Board Decision 2018-06/ LA17041 was issued April 24, 2018. The review focused on a surface water run-on and runoff control system for the confined feeding operation.
- Stronks Feedlot Ltd.—Board Decision 2018-09/ LA17038 was issued August 23, 2018. The review focused on protection of groundwater quality.
- Vermeer Dairy Ltd.—Board Decision 2018-10/ RA17058 was issued September 12, 2018. The review focused on the municipal development plan's land use provisions.
- Nelson Family Ranches Ltd.—The Board issued RFR 2019-01/LA18058A January 18, 2019 granting a hearing. The parties entered into mediation, initiated by the Board, and have jointly requested a hearing be scheduled for fall 2019, should it be required.





Natural Resources Conservation Board Act

In accordance with the *Natural Resources Conservation Board Act*, projects that are directed by Alberta Environment and Parks to submit an environmental impact assessment are subject to a review by the Board to determine if the projects are in the public interest.

The Board's public interest determination begins when an application has been reviewed by Alberta Environment and Parks and the Board, and the applicant has addressed any deficiencies. The timeframe for commencing the Board's public interest review depends on the time required to review the application and the time required by the applicant to respond to any deficiencies.

Active files—applications for the following proposed projects have been submitted to the Board:

- Cougar Creek Debris Flood Retention Structure—application to construct a debris flood retention structure and access road on Cougar Creek, near Canmore. On November 15, 2018, the Board issued a decision finding the project in the public interest; however, on January 9, 2019, the Town of Canmore advised the Board of proposed structural design changes to the structure and access road on Cougar Creek. On February 28, 2019, the Board suspended its November 2018 decision and advised parties that the NRCB awaits the Town's revised application.

- Springbank Off-Stream Reservoir Project—application to construct a dry dam to store water temporarily during a flood. On March 26, 2018, Alberta Transportation filed a revised application to the Board. On July 28, 2018, the NRCB and provincial associated government agencies sent a joint supplemental information request to Alberta Transportation. A response to this request is required to complete the provincial evaluation of the application. The federal government (Canadian Environmental Assessment Agency) is conducting a separate environmental assessment of the project.

Pending projects—the following project applicants have been directed by Alberta Environment and Parks to prepare environmental impact assessments. The formal applications have not yet been submitted to the Board:

- AHP Development Corporation:
Amisk Hydroelectric Project
- Cyclus Power Inc.:
Cavus Pump Storage Generation Project
- Innergex Renewable Energy Inc.:
Sundog Hydroelectric Project &
Pelican Hydroelectric Project
- Stone Creek Resorts Inc.: Stone Creek Gondola Project
- TransAlta Corporation:
Brazeau Pumped Storage Hydro Expansion Project

Performance

Core Business One:

Public interest reviews of proposed natural resource projects under the *Natural Resources Conservation Board Act* and reviews of approval officer decisions under the *Agricultural Operation Practices Act*

Strategic priority:

Implement a new public website to improve user access to information, decisions, and the public record under the *Natural Resources Conservation Board Act* and the *Agricultural Operation Practices Act*.

STRATEGY

Improve website access to the complete public record for public interest reviews under the *Natural Resources Conservation Board Act* and hearings under the *Agricultural Operation Practices Act*.

RESULTS ACHIEVED

New website prepared and launched—the NRCB completed a substantial upgrade of its website, revamping the design and functionality of the site while improving access to content and the NRCB's ability to maintain the site in-house. The NRCB launched the new site in spring 2019.

Additional priorities:

STRATEGY

Proactively provide opportunities for all participants to understand *Natural Resources Conservation Board Act* reviews and *Agricultural Operation Practices Act* hearings through guides, public information sessions, and prompt, accurate responses to direct inquiries.

RESULTS ACHIEVED

Information requests—NRCB staff participated in two public information sessions on the proposed Springbank Off-Stream Reservoir project to explain the NRCB review process. The NRCB produced a fact sheet explaining intervenor funding under the *Natural Resources Conservation Board Act*. Staff also responded to a number of information requests regarding Board reviews under the *Natural Resources Conservation Board Act* and the *Agricultural Operation Practices Act*.

STRATEGY

Identify critical issues related to applications under the *Natural Resources Conservation Board Act*, to ensure that all relevant information is included in the review.

RESULTS ACHIEVED

Identification of critical issues—the NRCB contributed to supplementary information requests, including NRCB priority questions, for the Springbank Off-Stream Reservoir project in February and June 2018. On November 15, 2018, the Board issued a decision finding the Cougar Creek Debris Flood Retention Structure in the public interest; however, on January 9, 2019 the Town of Canmore advised the Board of proposed structural design changes to the structure and access road on Cougar Creek. On February 28, 2019 the Board suspended its November 2018 decision and advised parties that the NRCB awaits the Town's revised application.



Outcome: efficiency in Board decisions

The Board issued 100% of decisions in 2018-19 within its targeted number of working days.

Performance measures and results

EFFICIENCY OF REVIEWS

Target: 100%	2016-17	2017-18	2018-19
Percentage of NRCB decisions issued within 80 working days of the conclusion of reviews under the <i>Natural Resources Conservation Board Act</i> (NRCBA)	N/A No NRCBA reviews completed	N/A No NRCBA reviews completed	100% 1 NRCBA review completed
Percentage of NRCB decisions issued within 30 working days of the conclusion of reviews and hearings under the <i>Agricultural Operation Practices Act</i> (AOPA) ¹	100% 6 AOPA reviews and 2 AOPA hearings	100% 9 AOPA reviews and 3 AOPA hearings	100% 8 AOPA reviews and 3 AOPA hearings ²

1. "Hearing" means an oral or written board deliberation.
"Reviews" are written decisions that grant or deny a request for review.
2. Four requests for review were directed to hearing in 2018-19 but one was postponed for mediation.



Field Operations

NRCB field operations has two distinct roles: to issue permits in accordance with the requirements of the *Agricultural Operation Practices Act*, and to follow up on conditions in the permits and respond to complaints. Where approval officers or inspectors identify environmental risk at confined feeding operations they typically work with operators to address the issue. In 2018-19, NRCB inspectors continued to maintain open communication with operators on key issues including unauthorized construction and manure application on frozen or snow-covered land, a practice prohibited without prior permission from the NRCB.

Surface water

The NRCB continued to collect information on surface water conditions at confined feeding operations during inspections. NRCB inspectors conducted 502 inspections at 272 operations in 2018 (multiple inspections were conducted at some operations). Most inspections were at feedlot, dairy, and multi-species operations. Inspectors documented surface water issues at 54 operations; serious issues were identified at nine of those. (A serious surface water issue involves manure contaminated water runoff flowing into a surface water body.) Five of the serious surface water issues were determined to be unpreventable due to severe weather conditions (e.g., regional flooding).

The main actions taken by operators to address identified surface water issues included:

- increasing or maintaining manure spreading and stockpiling setbacks as specified in the *Agricultural Operation Practices Act*
- establishing or maintaining surface water runoff control
- removing manure from affected areas
- constructing berms to prevent surface water run-on

All of the surface water issues identified were addressed by the operators to the satisfaction of the NRCB.

Unauthorized construction

Unauthorized construction to build a new manure storage facility, expand an existing facility, or increase livestock numbers is a serious violation of the permitting requirements of the *Agricultural Operation Practices Act*. The number of unauthorized construction incidents remained a concern in 2018-19. Violations were brought to the NRCB's attention via complaint or by operator self-reporting. Prosecution of operators who construct without a permit remains a potential enforcement tool.

The NRCB addressed unauthorized construction complaints at 15 operations. Inspectors issued compliance directives to six operators, requiring them to cease construction and apply for and obtain a permit. The NRCB took enforcement action at the other nine operations, taking into consideration the stage of construction and the cooperation of the operator.



New and updated operational policies, guides, and fact sheets

The NRCB continued to provide clarity supporting the intent of the *Agricultural Operation Practices Act*, often with advice from the multi-stakeholder Policy Advisory Group, in the form of new and updated operational policies, guides, and fact sheets.

All NRCB operational policies, guides, and fact sheets are publicly available at www.nrcb.ca

Environmental risk screenings

In 2018-19, approval officers continued to use the NRCB environmental risk screening tool during application reviews for confined feeding operations, to assess the potential risk of existing facilities to groundwater and surface water quality. NRCB inspectors also used the tool, when required, to respond to certain types of complaints, and for annual follow-up on operations identified under the NRCB's risk-based compliance program.

In 2018-19, the NRCB conducted risk screening determinations at 418 facilities (e.g., catch basin, earthen manure storage) associated with 111 confined feeding operations.

ENVIRONMENTAL RISK SCREENING RESULTS, 2018-19

Pathway	Number of facilities ranked LOW potential risk	Number of facilities ranked MODERATE potential risk	Number of facilities ranked HIGH potential risk
Groundwater	411	7	0
Surface water	411	5	2

Permits

In 2018-19, the NRCB received 133 technically complete permit applications. These include approvals (permits for larger operations), registrations (permits for smaller operations), and authorizations (permits for manure storage facilities where there is no change in livestock numbers). The number of completed applications received in 2018-19 decreased over the previous year due to broader economic conditions and livestock markets.

The NRCB targets efficiency in issuing all permit decisions with a goal to issue 85 per cent of decisions within 65 working days of the date at which the application is deemed to be technically complete. In 2018-19, the NRCB achieved this target on 92 per cent of applications and the average number of days to issue a permit decision continued to be significantly below the target.

AVERAGE NUMBER OF DAYS TO DECISION, 2018-19¹

Permit type	Average number of days	Number of decisions
Approvals	45	75
Registrations	42	14
Authorizations	33	53

Outcome: efficiency in permitting decisions

The NRCB exceeded its performance target in 2018-19, issuing 92% of permit decisions within 65 working days.

1. The NRCB counts days to decision from the date the application is technically complete.

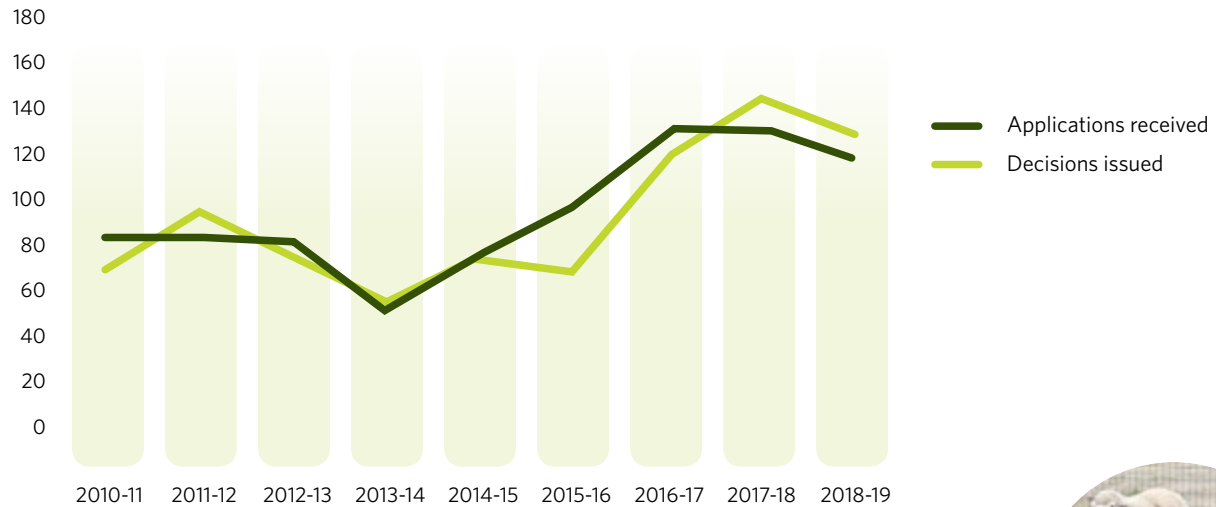
Most applications were submitted by operators in the central and southern regions of the province. The poultry, dairy, and cattle sectors were the source of the majority of applications.

TECHNICALLY COMPLETE APPLICATIONS RECEIVED AND DECISIONS ISSUED, BY REGION, 2018-19

Region	Technically complete applications received	Decisions issued ¹
Peace	4	4
North Central	15	19
Central	60	70
Southern	54	49
Total	133	142

1. The number of decisions issued in a given year may not match the number of completed applications as some applications may carry over from the previous year.

Historical trend of completed applications received and decisions issued



TECHNICALLY COMPLETE APPLICATIONS FOR AN INCREASE IN LIVESTOCK NUMBERS, 2018-19

Livestock category ¹	Completed applications
Cattle	23
Dairy	26
Poultry	28
Swine	3
Other ²	2

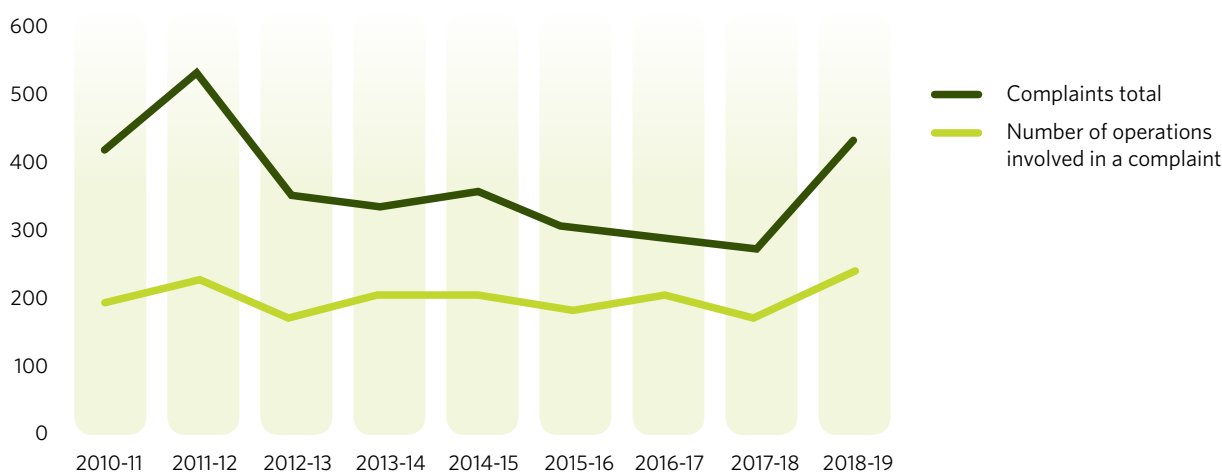
1. An application for more than one livestock category is listed under each applicable livestock category and is counted in each category.
2. "Other" includes bison, goats, horses, sheep, and stand-alone manure storage facilities.



Complaints

The NRCB logged 407 complaints about 212 operations, compared with 258 complaints about 156 operations the previous year. The increase can be attributed to a number of factors. Eighty-seven of the complaints in 2018-19 were logged about a single operation, and 55 of those 87 involved a facility that is not regulated by the NRCB. The increase may also partly be attributed to unusual weather conditions in several parts of the province. Dust was an issue in southern Alberta in the summer of 2018 due to hot, dry, windy conditions. Heavy snowfall and a prolonged extreme cold period during the winter of 2018-19 presented some operators with limited options to empty their manure storage facilities. In these cases, operators communicated with the NRCB to obtain permission to spread manure on frozen or snow-covered land.

Historical trend of complaints received



NUMBER OF OPERATIONS INVOLVED IN COMPLAINTS BY REGION, 2018-19

Peace	North Central	Central	Southern
6	27	79	100

NUMBER OF OPERATIONS INVOLVED IN COMPLAINTS BY ANIMAL CATEGORY, 2018-19

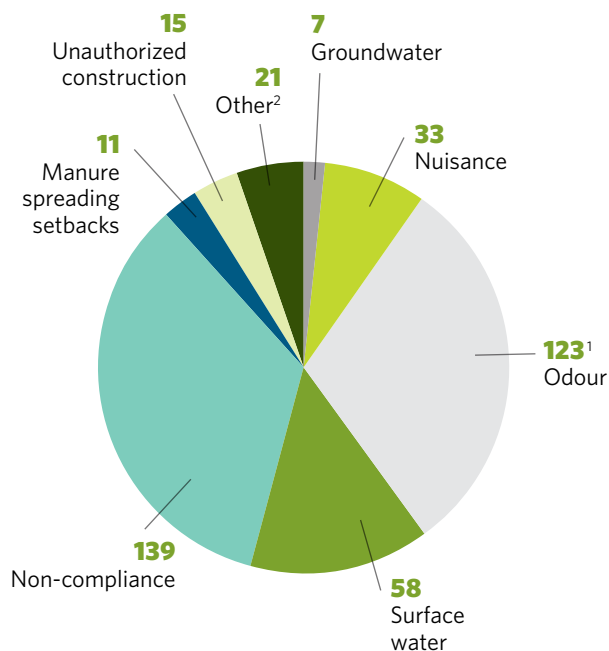
Cattle	Cow/calf ¹	Dairy	Poultry	Swine	Sheep	Goats	Horse	Bison	Multi-species ²	Other ³
152	29	61	27	33	4	0	5	1	25	70

1. Cow/calf operations that do not confine and feed livestock when grazing is available do not require a permit under the *Agricultural Operation Practices Act* but must comply with the manure management requirements of the act.

2. "Multi-species" means a confined feeding operation with more than one type of livestock.

3. "Other" includes game farms, stables, auction markets, and other facilities that do not fall under the *Agricultural Operation Practices Act*.

Types of complaints, 2018-19



Outcome: efficiency in complaint resolution

The NRCB resolved 99% of complaint files within 90 days.

1. Of the 123 odour complaints, 87 were logged about a single operation; 55 of those 87 involved a facility that is not regulated by the NRCB.
2. "Other" includes complaints that do not fall under the *Agricultural Operation Practices Act* (e.g., disposal of dead livestock, animal welfare, livestock on acreages).

Ninety-nine per cent of complaint files were resolved, or required no further action, within 90 days.

Enforcement

Due to frequent snowfalls and lengthy periods of extreme cold temperatures in the winter of 2018-19, operations using liquid manure encountered manure storage capacity problems, leading to 62 requests from operators (at 56 confined feeding operations) for permission to spread manure on frozen or snow-covered land. The *Agricultural Operations Practices Act* prohibits this practice without prior permission from the NRCB. Field staff worked with the operators to ensure that manure removed from the facilities and applied on frozen or snow-covered land was spread according to strict requirements in order to minimize any possible environmental risk.

Two of the enforcement orders in 2018-19 were issued for a liquid manure storage facility that overflowed. The operator was required to clean up the resulting spill and lower the level of the lagoon contents to attain a half metre freeboard, as required under the *Agricultural Operation Practices Act*. The third order was issued because a catch basin overflowed.

Two emergency orders were issued in 2018-19. One was issued to an operator for not complying with manure spreading setbacks required in the *Agricultural Operation Practices Act*. This had the potential to impact water quality in a nearby common body of water. The second emergency order was issued to prevent overflow of a catch basin during rapid snow melt conditions.

The NRCB issued six compliance directives for unauthorized construction and one for non-compliance with manure application requirements under the *Agricultural Operation Practices Act*. Two of the unauthorized construction directives were issued to operations that had more livestock than their permits allowed. The directives required the operators to apply for and obtain permits for the increased number of livestock, within a specified deadline.

ORDERS AND COMPLIANCE DIRECTIVES ISSUED, 2018-19

Enforcement orders	3
Emergency orders	2
Compliance directives	7

Performance

Core Business Two:

Regulation under the *Agricultural Operation Practices Act*

Strategic priority:

Meet with, inform, and update government and stakeholders, including municipalities, about the requirements of the *Agricultural Operation Practices Act*, and NRCB policy that supports delivery of the *Agricultural Operation Practices Act*.

STRATEGY

Complete scheduled meetings with municipalities to inform them about the *Agricultural Operation Practices Act* permitting requirements and how these requirements may affect municipal land use planning considerations, and explain how land use provisions in municipal development plans are considered in NRCB decisions.

RESULTS ACHIEVED

Meetings with municipalities—the NRCB met with the Rural Municipalities of Alberta and 15 municipalities in 2018-19 to explain the requirements of the *Agricultural Operation Practices Act*. Discussions were also held on how municipalities can ensure land use provisions in their municipal development plans are consistent with the *Agricultural Operation Practices Act* statutory requirements and NRCB operational policies.

STRATEGY

To support the efficient delivery of the *Agricultural Operation Practices Act*, continue to develop operational policies in consultation with the Policy Advisory Group and develop technical guidelines under the Technical Advisory Group.

RESULTS ACHIEVED

Consultation on operational policy—together with a representative from Alberta Agriculture and Forestry, the NRCB co-chairs the Policy Advisory Group, which met on May 23, 2018 in Nisku and November 28, 2018 in Calgary. The NRCB consulted with the group on a number of issues, including distinguishing between confined feeding operations and seasonal feeding and bedding sites, and the interpretation of land use provisions in municipal development plans as they apply to permitting decisions for confined feeding operations.

Consultation on technical guidelines—The NRCB and Alberta Agriculture and Forestry co-chair the Technical Advisory Group, which completed a guideline for identifying manure storage facilities and manure collection areas at confined feeding operations. The group also continued developmental work on guidelines for assessing naturally occurring protective layers and compacted soil liners, and for manure incorporation and manure injection.

STRATEGY

Coordinate with livestock industry associations to continue to educate confined feeding operators about requirements of the *Agricultural Operation Practices Act*.

RESULTS ACHIEVED

Meetings with industry associations—NRCB staff met with representatives from industry associations on a number of occasions in 2018-19 and continued to provide them with information to share with their members about requirements of the *Agricultural Operation Practices Act*, including unauthorized construction and requirements for spreading manure on frozen or snow-covered land.

STRATEGY

Continue to support other provincial ministries and agencies studying the potential effects of manure collection and storage facilities on groundwater quality, and use the results for ongoing improvements to tools used by the NRCB in its regulation of confined feeding operations under the *Agricultural Operation Practices Act*.

RESULTS ACHIEVED

Manure impact study—the NRCB continued its involvement with Alberta Agriculture and Forestry's study on the impact of manure storage and collection facilities and manure spreading on groundwater quality. The NRCB continues to use knowledge gained from the study to improve its approach to assessing environmental risks at confined feeding operations.

Strategic priority:

Finalize an NRCB emergency response plan for responding to manure contamination events that impact surface water quality. The plan will coordinate with the Alberta Support and Emergency Response Team (ASERT).

STRATEGY

Develop and finalize an emergency plan for NRCB field inspectors identifying a protocol, roles, and responsibilities in the event of a manure release emergency at a confined feeding operation.



RESULTS ACHIEVED

The Manure-Spill Release Protocol for NRCB field staff was finalized and circulated to staff in April 2018.

Strategic priority:

Complete a records retention and disposition schedule and determine next steps for improving the management of NRCB records.

STRATEGY

Prepare a draft records retention and disposition schedule in close consultation with the Government of Alberta's Enterprise Information Management division in preparation for submission to the Government of Alberta.



RESULTS ACHIEVED

Schedule drafted—the NRCB developed a draft records retention and disposition schedule. Further work on the schedule is anticipated for the next fiscal year.

Performance measures and results

EFFICIENCY OF PERMITTING DECISIONS

Target: 85%	2016-17	2017-18	2018-19
Percentage of decisions issued within 65 working days from the date the application is determined to be complete	92%	94%	92%

EFFICIENCY OF COMPLAINT RESOLUTION

Target: 95%	2016-17	2017-18	2018-19
Percentage of complaint files resolved, or requiring no further action, within 90 days	99%	99%	99%



Organizational Capacity

The NRCB is very proud of the outstanding work its staff delivers and is committed to providing a work environment that supports this level of performance, through internal and external training, and personal and wellness supports.

Numerous improvements were made to the NRCB's corporate systems including enhancements to its information technology and records management systems.

The NRCB prioritizes fiscal accountability and achieved a clean financial audit from the Office of the Auditor General once again in 2018-19.

The following organizational initiatives were undertaken or completed in 2018-19:

- Information technology (IT)—in addition to four tiers of backup already in place, the NRCB adopted an advanced IT security service in 2018-2019 that includes advanced security software, network vulnerability scanning, phishing email campaigns to educate staff on security, and a learning management system. IT security training was provided to staff at the NRCB training session in September 2018.
- Training—staff received external professional development and training required for professional certification. In addition, NRCB staff were provided with internal training on soil nutrients, water quality, wetlands, the NRCB environmental risk screening tool, geotechnical investigations, biogas and green energy, and First Nations relations and consultation.
- Upgrades to confined feeding operation database—the NRCB continued to improve and upgrade its confined feeding operation database that stores information collected by field staff during permitting and compliance activities.
- Vehicles—field staff are provided with NRCB-leased vehicles to ensure they have safe transportation suitable for rural and farm roads, and for transporting biosecurity clothing and field equipment. In 2018-19, staff collectively travelled more than 300,000 kilometres to respond to complaints and for permitting activities.
- Records management—the NRCB is improving its records management system. A draft records retention and disposition schedule has been developed and further work on the schedule is anticipated for the next fiscal year.
- Policies—the NRCB implemented new policies on the use of social media and use of NRCB electronic systems and finished a comprehensive update of its codes of conduct, approved by the Office of the Ethics Commissioner. The NRCB also revised the procedures for disclosure under the *Public Interest Disclosure (Whistleblower Protection) Act*, which were approved by Alberta's Public Interest Commissioner in August 2018. Upon the decriminalization of cannabis in October 2018, the NRCB adopted an interim substance use policy and will be developing its own policy in 2019-20. The NRCB provided training on its social media policy, electronic system use policy, and codes of conduct during the September 2018 staff training session. An interim substance use policy was presented during the February 2019 staff training session.



- Scientific and technical support to the Board and operations—science and technology staff continued to provide technical assistance to NRCB field staff involved in *Agricultural Operation Practices Act* regulatory activity. They also continued to contribute to Alberta Agriculture and Forestry’s manure impact study on groundwater and surface water, co-chaired the Technical Advisory Group, and participated in the review and development of technical guidelines. Science and technology staff also provided support under the *Natural Resources Conservation Board Act* for the terms of reference and technical review of environmental impact assessments for *Natural Resources Conservation Board Act* project applications.
- Stakeholder education and awareness—the NRCB completed a substantial upgrade of its website with a new service provider. The restructured website updates the design and functionality of the site, improves access to content, and supports the ability of the NRCB to maintain the site in-house. The NRCB provided new fact sheets on requests for board review under the *Agricultural Operation Practices Act* and on distinguishing between confined feeding operations and seasonal feeding and bedding sites. NRCB staff also attended numerous industry association meetings and trade shows to speak directly with operators, delivered technical presentations to various stakeholder groups, and met with municipal councils to inform them about the requirements of the *Agricultural Operation Practices Act*.

Staff changes

Due to retirements and departures, the following new staff were hired in 2018-19:

- Fiona Vance, Chief Legal Officer - Operations, Edmonton office
- Stephanie Fleck, Environmental Specialist, Edmonton office
- Fraser Grant, Approval Officer, Red Deer office

Statement of Disclosures under the Public Interest (Whistleblower Protection) Act

Policy and procedures for disclosures under the *Public Interest (Whistleblower Protection) Act*, and an accompanying form, are posted for staff access on the NRCB’s internal intranet site.

No disclosures were initiated in 2018-19.

Where We Were

Communicating with stakeholders to ensure continued open and constructive communication is a priority for the Natural Resources Conservation Board. In 2018-19, staff and board members participated in the following meetings, trade shows, and conferences to provide information about NRCB programs, policies, and processes. Regularly scheduled, ongoing meetings with Alberta Agriculture and Forestry were also held to ensure that regulations for the confined feeding industry remain effective and outcome-based.





Municipalities

- Flagstaff County, Sedgewick
- Lacombe County, Lacombe
- Mountain View County, Didsbury
- Municipal District of Foothills, High River
- Municipal District of Provost, Provost
- Municipal District of Wainwright, Wainwright
- Municipal Government Board, Calgary
- Municipal Government Board, Edmonton
- Ponoka County, Ponoka
- Red Deer County, Red Deer County
- Rocky View County, Rocky View County
- Rural Municipalities of Alberta, Ponoka
- Rural Municipalities of Alberta convention, Edmonton
- Stettler County, Stettler
- Wetaskiwin County, Wetaskiwin
- Wheatland County, Strathmore
- Vulcan County, Vulcan

Other Government

- Alberta Health, Edmonton
- Alberta Health Services, Edmonton
- Alberta Innovates, Edmonton
- Alberta Energy Regulatory Forum, Calgary
- Alberta Transportation Springbank public open house, Calgary
- Alberta Transportation Springbank public open house, Springbank
- Bow River Phosphorous Management Plan meeting, Calgary
- City of Red Deer and Red Deer River Watershed Alliance, Red Deer
- Environmental Services Association of Alberta, Calgary
- Government of Alberta Groundwater Community of Practice, Edmonton
- Lakeland College Animal Health Centre grand opening, Vermilion
- Lakeland College dairy employee training program, Vermilion
- Law Society of Alberta Indigenous Law workshop, Edmonton
- Parkland Airshed Management Zone Board Meeting, Red Deer
- Policy Advisory Group, Nisku, Calgary
- Public Agencies Chair Forum, Edmonton
- Red Deer River Watershed Alliance, Red Deer
- University of Alberta Renewable Resources program, Edmonton
- University of Calgary Environmental Science program, Calgary

Industry

Meetings & Events

- AgExpo, Lethbridge
- Aggie Days, Lethbridge
- Agri-Trade, Red Deer
- Alberta Beef Industry conference, Red Deer
- Alberta Cattle Feeders' Association, Calgary
- Alberta Institute of Agrologists annual general meeting, Banff
- Alberta Land Institute conference, Edmonton
- Alberta Livestock Expo, Lethbridge
- Alberta Milk spring producers' meeting, Barrhead
- Alberta Milk spring producers' meeting, Leduc
- Alberta Milk fall producers' meeting, Red Deer County
- Alberta Pork annual general meeting, Calgary
- Alberta Veterinary Medical Association conference, Edmonton
- Manure Management Update conference, Lethbridge
- Water & Agriculture conference, Crossfield

The NRCB gratefully acknowledges the permission of Denny Puszkas to use the photo on page 6, and the permission of Peter Woloshyn to use the remainder of photos throughout the NRCB 2018-19 annual report.



NRCB | Natural Resources
Conservation Board

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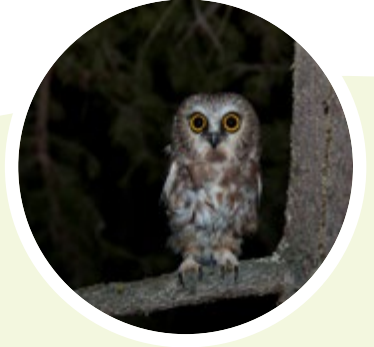
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Copies of the *Agricultural Operation Practices Act* and the *Natural Resources Conservation Board Act* can be obtained from the Queen's Printer at www.qp.gov.ab.ca or through the NRCB website.

For additional copies of this publication, contact the Edmonton office of the NRCB at **780-422-1977** or email info@nrcb.ca. Dial 310-0000 to be connected toll free to any NRCB office. This document is available online at: www.nrcb.ca

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