

## Decision Summary LA23043

This document summarizes my reasons for issuing Approval LA23043 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document LA23043. All decision documents and the full application are available on the Natural Resources Conservation Board (NRCB) website at [www.nrcb.ca](http://www.nrcb.ca) under Confined Feeding Operations (CFO)/CFO Search. My decision is based on the Act and its regulations, the policies of the NRCB, the information contained in the application, and all other materials in the application file.

Under AOPA this type of application requires an approval. For additional information on NRCB permits please refer to [www.nrcb.ca](http://www.nrcb.ca).

### 1. Background

On November 1, 2023, Miami Hutterian Brethren and Miami Colony Farming Co. Ltd. (collectively referred to as “Miami Colony”) submitted a Part 1 application to the NRCB to construct a new layer barn and convert the current layer barn for chicken pullets at an existing multi species CFO.

The existing CFO has the following facilities:

- Layer barn – 15.3 m x 61 m
- Dairy barn – 17.1 m x 61 m
- Calf barn – 14.6 m x 61 m
- Dairy pens 1 (modified liner) – 43.2 m x 39.3 m
- Dairy pens 2 – 45.8 m x 91.5 m
- Earthen liquid manure storage (Lagoon 1) – 109 m x 35 m x 3.6 m deep
- Earthen liquid manure storage (Lagoon 2) – 100 m x 35 m x 3.6 m deep

The Part 2 application was submitted on December 5, 2023. On January 5, 2024, I deemed the application complete.

The proposed expansion involves:

- Removing 350 swine farrow to finish
- Increasing milking cows (plus associated dries and replacements) from 80 to 90
- Increasing chicken layer numbers from 11,000 to 30,000
- Increasing chicken pullet numbers from 5,500 to 15,000
- Constructing a new chicken layer barn – 26.2 m x 114 m
- Converting the existing chicken layer barn to a chicken pullet barn – dimensions not changing

When the Part 2 application was submitted, it was noted that the following facilities at the CFO have been decommissioned:

- Sow barn – 71.6 m x 12.2 m
- Weanling barn – 89 m x 12.2 m
- Finisher barn – 73 m x 12.2 m
- Quarantine barn with pit – 15.2 m x 2.3 m x 0.4 m deep

- Earthen manure storage (liquid) – 77 m x 37 m x 3.1 m deep
- Broiler barn – 24 m x 10 m
- Dairy catch basin (irregular shape) – 61 m x 30 m

Due to all the swine facilities at the CFO having been decommissioned, the operator requested to remove the 350 swine farrow to finish from its permitted animal numbers. Under Section 23 of AOPA and NRCB Operational Policy 2016-7: *Approvals*, part 11.3, when facilities are decommissioned, an approval officer removes those facilities from the permit and adjusts the livestock numbers. Accordingly, the 350 swine farrow to finish, as well as the decommissioned facilities listed above as decommissioned, are no longer permitted.

#### **a. Location**

The existing CFO is located at E½ 01-05-19 W4M and NW 06-05-18 W4M in the County of Warner No. 5 (County of Warner), roughly 6.5 km southwest of the Hamlet of New Dayton. The terrain is flat to gently rolling, with a general slope to the south. The site is located approximately 4.8 km east of Milk River Ridge Reservoir.

#### **b. Existing permits**

To date, Miami Colony has been issued NRCB Approval LA05026A and Authorizations LA03006A, LA10037, and LA13013. Those permits allowed the renovation, construction, and operation of a multispecies CFO. The CFO's existing permitted facilities are listed in the appendix to the Approval LA23043.

## **2. Notices to affected parties**

Under section 19 of AOPA, the NRCB notifies (or directs the applicant to notify) all parties that are “affected” by an approval application. Section 5 of AOPA’s Part 2 Matters Regulation defines “affected parties” as:

- In the case where part of a CFO is located, or is to be located, within 100 m of a bank of a river, stream or canal, a person or municipality entitled to divert water from that body within 10 miles downstream
- the municipality where the CFO is located or is to be located
- any other municipality whose boundary is within a specified distance from the CFO, depending on the size of the CFO
- all persons who own or reside on land within a specified distance from the CFO, depending on the size of the CFO

For the size of this CFO the specified distance is 1/2 mile. (The NRCB refers to this distance as the “notification distance”.)

None of the CFO facilities are located within 100 m of a bank of a river, stream or canal.

A copy of the application was sent to the County of Warner, which is the municipality where the CFO is located.

The NRCB gave notice of the application by:

- posting it on the NRCB website,
- public advertisement in The Prairie Post, a newspaper in circulation in the community affected by the application on January 5, 2024, and

- sending 2 notification letters to people identified by the County of Warner as owning or residing on land within the notification distance.

The full application was made available for viewing during regular business hours and was posted on the NRCB website for public viewing.

### **3. Notice to other persons or organizations**

Under section 19 of AOPA, the NRCB may also notify persons and organizations the approval officer considers appropriate. This includes sending applications to referral agencies which have a potential regulatory interest under their respective legislation.

Referral letters and a copy of the complete application were emailed to Alberta Health Services (AHS), Alberta Environment and Protected Areas (EPA), Alberta Agriculture and Irrigation (AGI), Alberta Transportation & Economic Corridors (TEC), and St. Mary's River Irrigation District (SMRID).

I also sent a copy of the application to Prairie Sky Royalty, Triple W Natural Gas Co-op Ltd., Montana Alberta Tie Ltd., Village of Warner, Fortis Alberta Ltd., and Alpha Bow Energy, as they are right of way holders and/or have easements on the subject land.

I received responses from Wade Goin, a public health inspector with AHS, Jeff Gutsell, a hydrogeologist with EPA, Leah Olsen, a development/planning technologist with TEC, and Micaela Azzarello, a land administrator with SMRID.

Leah Olsen stated that a permit from TEC would not be required for the proposed development.

Micaela Azzarello stated that the applicant has a conveyance agreement with SMRID and that they need to purchase additional water allocation to cover their existing and new expansion development.

I also received a written response from AGI informing of the inspector responsible for this application.

The responses from AHS and EPA are discussed further in Appendix B.

Kelly Lloyd, a chief administrative officer with the Village of Warner, stated that the Village of Warner does not have any comments. I did not receive any other responses from right of way holders and/or easement holders.

### **4. Alberta Land Stewardship Act (ALSA) regional plan**

Section 20(10) of AOPA requires that an approval officer must ensure the application complies with any applicable ALSA regional plan.

As required by section 4(1) of the South Saskatchewan Regional Plan (SSRP), I considered that document's Strategic Plan and Implementation Plan and determined that the application is consistent with those plans. In addition, there are no notices or orders under the Regulatory Details portion of the SSRP that apply to this application.

## **5. Municipal Development Plan (MDP) consistency**

I have determined that the proposed expansion is consistent with the land use provisions of the County of Warner's municipal development plan and land use bylaw. (See Appendix A for a more detailed discussion of the county's planning requirements.)

## **6. AOPA requirements**

With respect to the technical requirements set out in the regulations, the proposed expansion:

- Meets the required AOPA setbacks from all nearby residences (AOPA setbacks are known as the "minimum distance separation" requirements, or MDS)
- Meets the required AOPA setbacks from water wells, springs, and common bodies of water
- Has sufficient means to control surface runoff of manure
- Meets AOPA's nutrient management requirements regarding the land application of manure
- Meets AOPA groundwater protection requirements for the design of floors and liners of manure storage facilities and manure collection areas

With the terms and conditions summarized in part 10 and in Appendix C, the application meets all relevant AOPA requirements.

## **7. Responses from municipality and other directly affected parties**

Directly affected parties are entitled to a reasonable opportunity to provide evidence and written submissions relevant to the application and are entitled to request an NRCB Board review of the approval officer's decision. Not all affected parties are "directly affected" under AOPA.

Municipalities that are affected parties are identified by the Act as "directly affected." The County of Warner is an affected party (and directly affected) because the proposed expansion is located within its boundaries.

Tyler Nelson, a development officer with the County of Warner, provided a written response on behalf of the County of Warner. Tyler Nelson stated that the application is consistent with the County of Warner's municipal development plan and land use bylaw, and there are no Intermunicipal Development Plans (IDP's) that apply in the area. Tyler Nelson stated that the zoning for the area and the surrounding ½ mile are all zoned extensive agriculture and the shown setbacks meet current land use bylaw specifications. The application's consistency with the land use provisions of the County of Warner's municipal development plan and land use bylaw is addressed in Appendix A, attached.

No responses were received from any other person, organization, or member of the public.

## **8. Environmental risk of CFO facilities**

When reviewing a new approval application for an existing CFO, NRCB approval officers assess the CFO's existing buildings, structures, and other facilities. In doing so, the approval officer considers information related to the site and the facilities, as well as results from the NRCB's environmental risk screening tool (ERST). The assessment of environmental risk focuses on surface water and groundwater. The ERST provides for a numeric scoring of risks, within either a low, moderate, or high-risk range. (A complete description of this tool is available under

CFO/Groundwater and Surface Water Protection on the NRCB website at [www.nrcb.ca](http://www.nrcb.ca).) However, if those risks have previously been assessed, the approval officer will not conduct a new assessment, unless site changes are identified that require a new assessment, or the assessment was supported with a previous version of the risk screening tool and requires updating. See NRCB Operational Policy 2016-7: *Approvals*, part 9.17.

In this case, the risks posed by Miami Colony's existing CFO facilities were assessed in 2010. The assessment indicated that the potential risks to surface water and groundwater were low.

Since the 2010 risk assessment, an updated version of the ERST was developed. For this reason, I reassessed the risks posed by the CFO's existing facilities that have the highest potential to pose a risk to surface water and groundwater. These facilities were the dairy pens and both EMSs. The dairy pens are a partially covered manure collection and storage area and the EMSs are the deepest facilities and the closest to the UGR. My reassessment found that these facilities and the proposed layer barn pose a low potential risk to groundwater and surface water. Because these are the CFO's highest relative risk facilities, I presume that the CFO's other existing facilities also pose a low potential risk to both groundwater and surface water. From a review of other information gathered in the course of this application, I am satisfied that the screening provided by the ERST is adequate and that the presumption is not rebutted. A further assessment of the risks posed by the other facilities, using the ERST, is not necessary.

## 9. Other factors

Because the approval application is consistent with the MDP land use provisions, and meets the requirements of AOPA and its regulations, I also considered other factors.

AOPA requires me to consider matters that would normally be considered if a development permit were being issued. The NRCB interprets this to include aspects such as property line and road setbacks related to the site of the CFO. (Grow North, RFR 2011-01 at page 2). Approval officers are limited to what matters they can consider though as their regulatory authority is limited.

Tyler Nelson noted that the shown setbacks meet the current specifications of the County of Warner's Land Use Bylaw (LUB).

I have considered the effects the proposed expansion may have on natural resources administered by provincial departments. EPA has not made me aware of statements of concerns submitted under section 73 of the *Environmental Protection and Enhancement Act* / section 109 of the *Water Act* in respect of the subject of this application.

I am not aware of a written decision of the Environmental Appeals Board for this location (<http://www.eab.gov.ab.ca/status.htm>), accessed February 6, 2024.

Finally, I considered the effects of the proposed expansion on the environment, the economy, and the community, and the appropriate use of land.

Consistent with NRCB Operational Policy 2016-7: *Approvals*, part 9.10.9, I presumed that the effects on the environment are acceptable because the application meets all of AOPA's technical requirements. In my view, this presumption is not rebutted.

Consistent with NRCB Operational Policy 2016-7: *Approvals*, part 9.10.9, if the application is

consistent with the MDP, then the proposed development is presumed to have an acceptable effect on the economy and community. In my view, this presumption is not rebutted.

I also presumed that the proposed expansion is an appropriate use of land because the application is consistent with the land use provisions of the municipal development plan (See NRCB Operational Policy 2016-7: *Approvals*, part 9.10.9). In my view, this presumption is not rebutted.

## **10. Terms and conditions**

Approval LA23043 specifies the cumulative permitted livestock capacity as:

- 90 milking cows (plus associated dries and replacements)
- 30,000 chicken layers
- 15,000 chicken pullets
- 1,000 chicken broilers

and permits the construction of the new layer barn and modification of existing layer barn into a pullet barn.

Approval LA23043 contains terms that the NRCB generally includes in all AOPA approvals, including terms stating that the applicant must follow AOPA requirements and must adhere to the project descriptions in their application and accompanying materials.

In addition to the terms described above, Approval LA23043 includes conditions that generally address construction deadlines, document submission, and post construction inspection. For an explanation of the reasons for these conditions, see Appendix C.

Under Section 23 of AOPA and NRCB Operational Policy 2016-7: *Approvals*, part 11.3, I have removed all swine facilities and adjusted the permitted livestock by removing all swine (350 sow farrow to finish) from the permit. I have also deleted one EMS, a broiler barn, and the dairy catch basin from the list of permitted facilities due to these facilities being decommissioned.

For clarity, and pursuant to NRCB policy, I consolidated the following permits with Approval LA23043: LA03006A, LA05026A, LA10037, and LA13013 (see NRCB Operational Policy 2016-7: *Approvals*, part 11.5). Permit consolidation helps the permit holder, municipality, neighbours and other parties keep track of a CFO's requirements, by providing a single document that lists all the operating and construction requirements. Consolidating permits generally involves carrying forward all relevant terms and conditions in the existing permits into the new permit, with any necessary changes or deletions of those terms and conditions. This consolidation is carried out under section 23 of AOPA, which enables approval officers to amend AOPA permits on their own motion.

## **11. Conclusion**

Approval LA23043 is issued for the reasons provided above, in the attached appendices, and in Technical Document LA23043.

Miami Colony's NRCB-issued Approval LA05026A and Authorizations LA03006A, LA10037, and LA13013 are hereby superseded, and their content consolidated into this Approval LA23043, unless Approval LA23043 is held invalid following a review and decision by the NRCB's board members or by a court, in which case Approval LA05026A and Authorizations LA03006A, LA10037, and LA13013 will remain in effect.

March 6, 2024

(Original signed)  
Kelsey Peddle  
Approval Officer

### **Appendices:**

- A. Consistency with municipal land use planning
- B. Responses from Alberta Health Services (AHS) and Environment and Protected Areas (EPA)
- C. Explanation of conditions in Approval LA23043

## APPENDIX A: Consistency with municipal land use planning

Under section 20 of AOPA, an approval officer may only approve an application for an approval or amendment of an approval if the approval officer holds the opinion that the application is consistent with the “land use provisions” of the applicable municipal development plan (MDP).

This does not mean consistency with the entire MDP. In general, “land use provisions” cover MDP policies that provide generic directions about the acceptability of various land uses in specific areas.

“Land use provisions” do not call for discretionary judgements relating to the acceptability of a given confined feeding operation (CFO) development. Similarly, section 20(1.1) of the Act precludes approval officers from considering MDP provisions “respecting tests or conditions related to the construction of or the site” of a CFO or manure storage facility, or regarding the land application of manure. (These types of MDP provisions are commonly referred to as MDP “tests or conditions”). “Land use provisions” also do not impose procedural requirements on the NRCB. (See NRCB Operational Policy 2016-7: *Approvals*, part 9.2.7.)

Miami Colony’s CFO is located in the County of Warner and is therefore subject to that county’s MDP. The County of Warner adopted the latest revision to this plan in November 1999, under Bylaw #804-99, which pre-dates Part 2 of AOPA that came into force in 2002.

As relevant here, section 4.1.5 of the MDP states that, “[i]n general, [land] uses will be encouraged to locate in areas discussed below....” Sub-section 4.1.5(c) then states that “intensive agriculture”:

- [Is] generally accepted everywhere in the county within the principles of minimum distance separation and the land use bylaw, particularly in the irrigated areas of the county,
- [Should] have regard for the minimum distance separation calculation,
- [Should] ensure compliance with land use bylaw and any other regulation.

Two of the bullets in section 4.1.5(c) of the MDP refer to the “minimum distance separation” (MDS). The MDP does not define this term so it is reasonable to define it by reference to the MDS requirements under AOPA. As noted in part 5 above, the proposed construction meets these MDS requirements.

The third bullet in section 4.1.5(c) refers to compliance with “any other regulation.” This is likely not a “land use provision,” for purposes of the MDP consistency requirements under AOPA. At any rate, no party, including the county, has identified “any other regulation” that has not been met.

In my view, the text of the County of Warner’s MDP cannot be interpreted without referring to the land use bylaw (LUB). Section 4.1.5(c) of the MDP mentions the LUB twice and requires compliance with the LUB. Following NRCB Operational Policy 2016-7: *Approvals*, part 9.2.4, I also considered the County of Warner’s Land Use Bylaw #988-23, which post-dates Part 2 of AOPA. Under that bylaw, the subject land is currently zoned as Extensive Agriculture and CFOs are listed as a discretionary land use under this zoning category (Schedule 2 (AG), Section 2).

Schedule 3, Section 1.4 of the LUB states that “Confined Feeding Operations that fall under the jurisdiction and requirements of AOPA do not require a municipal development permit but must obtain a provincial NRCB authorization or approval.” In my view, this refers to CFOs above threshold limits set out in Schedule 2 of the Part 2 Matters Regulation of AOPA, and the County of Warner recognized it no longer had permitting authority after AOPA came into effect. Nevertheless, I considered the LUB’s planning requirements for Miami Colony’s application.

As relevant here, Schedule 2 (AG), Section 5 of the LUB lists several minimum setback requirements for developments on Extensive Agriculture zoned land, including setbacks from roadways, side and rear property lines, and neighbouring residences. Miami Colony’s proposed construction meets these setbacks.

Schedule 4, Section 2 of the LUB lists lot size requirements for subdivision of agricultural land for a CFO. Subdivision of lands does not fall under the authority of the NRCB and therefore, I will not include this policy in my MDP consistency determination.

For these reasons, I conclude that the application is consistent with the land use provisions of the County of Warner’s MDP and LUB that I may consider.

## **APPENDIX B: Responses from Alberta Health Services (AHS) and Environment and Protected Areas (EPA)**

### **a. Alberta Health Services (AHS)**

As noted in part 3 above, an AHS public health inspector had questions regarding the status of water wells on the site of the CFO, followed by my response:

*The application did not indicate any water wells. However, the AB Environment Water Wells web application indicated wells in the area. Previous applications indicated 2 wells had been abandoned. Do you know if there are actually any wells any longer? If they have been abandoned, have they been decommissioned properly?*

When the applicant submitted their application, they indicated that all wells on site had been abandoned. I forwarded this response to the applicant to allow them to provide further information as to whether or not the wells had been decommissioned. After a phone conversation with the applicant, they informed me that the wells had been decommissioned “before their time” and due to how long ago the decommissioning happened, they could not provide any information as to how the wells were decommissioned or who did the decommissioning. I passed this information along to AHS and they provided a second response below:

*In response to the request for comment on the above noted application, we have reviewed the provided information and wish to provide the following comments:*

- *Alberta Health Services (AHS) understands that all water wells on the site have been decommissioned.*
- *Alberta Health Services does not object to this project provided all other pertinent bylaws, regulations and standards are complied with.*

This application is consistent with the County of Warner’s MDP and LUB (see Appendix A and response from County of Warner in part 7 above) and meets all of AOPA’s technical requirements for groundwater and surface water protection.

### **b. Alberta Environment and Protected Areas (EPA)**

As noted in part 3 above, an EPA hydrogeologist provided several comments below, followed by my response:

EPA stated in their response that Miami Colony has not submitted an application for groundwater license to address water needs, and it is unclear whether the applicant has sufficient water volumes for their operation, as they cancelled their water license with EPA in July of 2004 because they were diverting their water requirements from St. Mary’s River Irrigation District (SMRID). Additionally, Miami Colony is not within an irrigation district, and must assess their total water requirements for their current and expanding operations (humans and animals), and determine whether sufficient water allocation exists.

EPA is responsible for licencing the use of water in the province. For efficiency and to avoid inconsistent regulation, NRCB approval officers generally do not consider water supply concerns when reviewing AOPA permit applications, other than ensuring that applications sign one of the water licensing declarations and source of water listed in the Part 2 application form.

Miami Colony chose *Option 3: Additional water licence not required of the Declaration and Acknowledgement of Applicant Concerning Water Act License* (page 6 of Technical Document LA23043). I forwarded EPA's response to the applicant, and after a phone conversation with the applicant, Miami Colony indicated to me that they have submitted an application to SMRID for additional water requirements. I reminded the applicant that while I do not consider water supply with respect to the application, it is their responsibility to ensure they have adequate water for their operation. Additionally, SMRID provided a letter stating that Miami Colony has a water conveyance agreement for livestock and they need to purchase additional water allocation to cover their existing and new expansion development (letter on file).

EPA also stated in their response that there are three water wells in the Alberta Water Wells Information Database on E½ 1-5-19 W4M that were not licensed and if Miami Colony wished to license these wells, to contact EPA.

As stated above in my response to AHS and in Technical Document LA23043, all water wells on site have been decommissioned.

## **APPENDIX C: Explanation of conditions in Approval LA23043**

Approval LA23043 includes several conditions, discussed below (part 1). A number of conditions from previous permits are not being carried forward into Approval LA23043 (see part 2 below). Construction conditions from NRCB-issued Authorization LA13013 (modifications to dairy pens) that have been met are identified in the appendix to Approval LA23043.

### **1. New conditions in Approval LA23043**

#### **a. Construction Deadline**

Miami Colony proposes to complete construction of the proposed new layer barn and renovation of the existing layer barn into a pullet barn by December 31, 2026. This time-frame is considered to be reasonable for the proposed scope of work. The deadline of December 31, 2026, is included as a condition in Approval LA23043.

#### **b. Construction above the water table**

Section 9(3) of the *Standards and Administration Regulation* under the *Agricultural Operation Practices Act* (AOPA) requires the bottom of the liner of a manure storage facility or manure collection area to be not less than one metre above the water table of the site “at the time of construction.”

Based on information provided in Technical Document LA23043, the proposed new layer barn may not meet the one metre separation requirement between the bottom of the liner and water table at the time of construction of section 9(3). However, because the height of the water table can vary over time (as indicated from drilling reports on pages 13 and 14 of Technical Document LA23043), the potential lack of adequate depth to water table indicated in Miami Colony's report does not mean that there will be an inadequate depth at the time of construction. To address this variability and ensure that the depth requirement is met at the time of construction, a condition is included requiring Miami Colony to cease construction and notify the NRCB immediately if the water table is observed to be one meter or less from the bottom of the liner.

#### **c. Post-construction inspection and review**

The NRCB's general practice is to include conditions in new or amended permits to ensure that the new or expanded facilities are constructed according to the required design specifications. Accordingly, Approval LA23043 includes conditions requiring:

- a. the concrete used to construct the liner of the manure collection and storage portion of the new layer barn to meet the specification for category D (solid manure – dry) in Technical Guideline Agdex 096-93 “Non-Engineered Concrete Liners for Manure Collection and Storage Areas.”
- b. Miami Colony to provide documentation to confirm the specifications of the concrete used to construct the manure storage and collection portions of the new layer barn.
- c. Miami Colony to ensure the structural integrity of the liner in the existing layer barn is maintained throughout the renovation process and must repair any cracks that are observed appropriately.

The NRCB routinely inspects newly constructed facilities to assess whether the facilities were constructed in accordance with the permit requirements. To be effective, these inspections must occur before livestock or manure are placed in the newly constructed facilities. Approval

LA23043 includes conditions stating that Miami Colony shall not place livestock or manure in the manure storage or collection portions of the new layer barn or the renovated layer barn into a pullet barn until NRCB personnel have inspected the new layer barn and renovated layer barn into a pullet barn and confirmed in writing that they meet the approval requirements.

## **2. Conditions not carried forward from LA03006A, LA05026A, and LA10037**

Approval LA23043 does not include the conditions in Approval LA05026A and Authorizations LA03006A and LA10037, noted below.

Pursuant to section 23 of AOPA (approval officer amendments), I have determined that conditions #1-2 from LA03006A, conditions #1-4 from LA05026A, and conditions #1-3 from LA10037 should be deleted and therefore are not carried forward to Approval LA23043. My reasons for deleting these conditions are as follows.

Condition #1 of LA03006A requiring a visible marker showing the freeboard level and year round access to the liquid manure storage facilities is redundant due to both of these requirements being repealed from AOPA's legislation. I therefore will not be carrying forward this condition.

Condition #2 of LA03006A and conditions #2 and 3 of LA05026A are redundant due to a groundwater monitoring statement that was issued in 2010 suspending leak detection monitoring requirements. As well, the monitoring wells and the swine facilities have all been decommissioned and are no longer permitted. I will therefore not be carrying forward these conditions.

Condition #1 of LA05026A states "[t]he NRCB must be notified immediately if there is an overflow or leak from any of the manure storages." In my view, I presume this condition relates to facilities that collect and/or store liquid manure. In this Approval LA23043, Miami Colony is removing swine farrow to finish from their permitted animal numbers and converting their layer manure handling system from liquid to solid, thus leaving the dairy barn the only remaining facility collecting liquid manure. The remaining two EMSs have sufficient nine month storage for the 90 milking cows plus associated dries and replacements, with very little risk of them overflowing. In my opinion, this condition is no longer applicable, and I will not be carrying it forward.

Condition #4 of LA05026A states "[l]iquid manure must be either directly injected or surface applied and incorporated within 48 hours of spreading. Solid manure applied to cropland must be incorporated within 48 hours of spreading." This condition is redundant as it is repeated in AOPA (Standards and Administration Regulation, Section 24(1)) and the opening paragraph of this approval states "[t]he co-permit holders shall comply with the requirements of the *Agricultural Operations Practices Act* (AOPA) and the regulations passed pursuant to that act." Therefore, I will not be carrying forward this condition.

Conditions #1-3 of LA10037 are redundant as they relate to the construction and inspection of an EMS that has been decommissioned and is no longer permitted. Therefore, I will not be carrying forward these conditions.