

Decision Summary LA05023B

This document summarizes my reasons for issuing Approval LA05023B, an amended version of Approval LA05023A. This amended approval is issued on my own motion, under section 23 of the *Agricultural Operation Practices Act* (AOPA). My decision is based on the act and its regulations, the policies of the NRCB, and all other materials in the permit file.

1. Background

The Hutterian Brethren of Ridgeland (Ridgeland Colony) owns and operates an existing multi-species confined feeding operation (CFO) on SW 5-25-17 W4M in Wheatland County. The existing CFO is approximately 21 km northeast of Hussar, Alberta. The topography at this site is hummocky.

On August 24, 2015, the NRCB issued Approval Officer Amendment Approval LA05023A, which superseded all other previously issued permits, including Ridgeland's deemed municipal permit 1988 WHE, Approval LA05023 and Authorizations LA13026 and LA03045. Approval LA05023A permitted the construction of a free-run chicken layer/pullet barn (104 m x 32 m + 97 m x 16 m) with the total capacity of animals as follows:

- 50,300 chicken layers (plus associated pullets)
- 600 sows farrow to finish
- 100 milking cows (plus associated dries and replacements)
- 5,000 chicken broilers
- 1,000 ducks
- 100 geese
- 50 turkeys

The purpose of issuing the Approval Officer Amendment Approval LA05023A was to remove the unconstructed three chicken layer/pullet barns permitted in Approval LA05023 and replace them with a free-run chicken layer/pullet barn, as permitted in Authorization LA13026. The construction completion deadline of November 30, 2016, as stated in Authorization LA13026 remained in place. This deadline to construct the free-run chicken layer/pullet barn was later extended to November 30, 2019 and Ridgeland Colony did not request a further extension.

In a conversation with a member of Ridgeland Colony on February 22, 2024, Mr. Albert Waldner stated the barn had not been constructed and the Colony are still discussing plans for construction.

As per NRCB policy (Operational Policy 2015-1 *Construction Deadlines*, Part 4), if permitted facilities under a permit have been not been constructed and a request to amend the permit to extend the construction deadline has not been made, the approval officer is to use section 23 of AOPA to amend this permit on the approval officer's own motion to cover the constructed facilities and to reduce the livestock capacity accordingly.

As required under section 9 of the Administrative Procedures Regulation under AOPA, I advised the operator on February 22, 2024, of my intention to amend the permit to what had been built to date, and to adjust the animal numbers accordingly. Mr. Waldner was given an opportunity to

comment. In a conversation with Mr. Albert Waldner (the permit holder), and a follow up email, he did not object to this amendment on behalf of Ridgeland colony (the permit holder).

I am therefore amending Approval LA05023A on my own motion under section 23 of AOPA, to exclude the free-run chicken layer/pullet barn that was not constructed from the permitted CFO facilities and reduce the chicken layer numbers to 300 chicken layers which was the permitted number of layers in the deemed permit (before LA05023).

With verbal consent from Ridgeland Colony (conversation March 4, 2024), I am also taking the opportunity to remove all hog facilities from the permitted CFO facilities as these facilities have been repurposed to non-CFO uses several years ago and are no longer used to house livestock. Additionally, I will remove the permitted 600 sows farrow to finish from the livestock permitted at this CFO. Consequently, I will also remove condition 4 of Approval LA05023A that states: *"The permit holder shall not confine and feed any swine at this confined feeding operation unless and until the permit holder has constructed additional storage facilities, as needed, to satisfy the storage requirement in section 10 of the Standards and Administration Regulation, Alta. Reg. 267/2001, as amended. Any such additional manure storage facilities are subject to the permitting requirements in AOPA, as applicable"* because this condition is no longer applicable.

2. Terms and conditions

Approval LA05023B specifies the new permitted livestock capacity as:

- 300 chicken layers (plus associated pullets)
- 100 milking cows (plus associated dries and replacements)
- 5,000 chicken broilers
- 1,000 ducks
- 100 geese,
- 50 turkeys.

and reduces the permitted CFO facilities at this site to:

- Poultry barn (ducks, geese, turkeys, broilers and layers) (51m x 15m)
- Dairy barn (88m x 21m + 19m x 46.8m)
- Dairy feedlot pens (88m x 57m + 70m x 66m)
- Solid manure storage pads (71m x 40m + 18m x 18m)
- Earthen liquid manure storage (71m x 60m x 3m deep)

For clarity and efficiency, and in accordance with NRCB policy, I have consolidated the previously issued approval, Approval LA05023A into a new approval: LA05023B (see NRCB Operational Policy 2016-7: *Approvals*, part 11.5). 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, and then cancelling all existing permits once the new permit is issued. This consolidation is carried out under section 23 of AOPA, which enables approval officers to amend AOPA permits on their own motion.

Therefore, Approval LA05023B contains all of the relevant terms from Approval LA05023A, reduces the layer numbers, and deletes the swine livestock. Relevant conditions are also carried forward except the construction conditions related to the chicken layer/pullet barn that was not constructed, the hog facilities, and conditions that are related to the hog operation (Operating conditions 4, and 6 of Approval LA05023A). In addition, Condition 7 of Approval

LA05023A which states:” *The lagoon to be emptied, utilizing spray irrigation and not drained into the natural draining course*” will be reworded to meet AOPA regulations and to provide more clarity. The condition will be changed to read: “*All liquid manure shall either be direct injected or irrigated followed by incorporation within 48 h or the application of one inch of straight irrigation water. All setbacks to common bodies of water, including natural drainage courses, must be adhered to*”.

All existing facilities are listed in the appendix of Approval LA05023B.

3. Conclusion

Approval LA05023B is issued for the reasons provided above.

Ridgeland Colony’s NRCB-issued Approval LA05023A is therefore superseded, unless Approval LA05023B is held invalid following a review and decision by the NRCB’s Board members or by a court, in which case Approval LA05023A will remain in effect.

March 19, 2024

(original signed)
Carina Weisbach
Approval Officer