

the standard

Environmental Standards for Alberta's Livestock Industry

Revised October 2006

Agdex 096-2

Permits and Regulations for Existing Operations

“ The purpose of AOPA is to ensure that the province's livestock industry can grow to meet the opportunities presented by local and world markets in an environmentally sustainable manner. ”

In January 2002, the province established a permit process for confined feeding operations (CFOs) and set province-wide manure management standards under the *Agricultural Operation Practices Act* (AOPA). The requirements under AOPA are aimed at supporting the sustainable growth of the livestock industry and protecting the environment.

On October 1, 2006, amendments to the regulations that support AOPA came into effect. The amendments provide further clarity to the original intent of the legislation, address permitting issues and update the standards for manure storage. Below are some frequently asked questions.

What is a confined feeding operation (CFO)?

Confined feeding operations (CFOs) are defined as fenced or enclosed land or buildings where livestock are confined for the purposes of growing, sustaining, finishing or breeding **by means other than grazing**, and any other building or ancillary structure directly related to that purpose. Grazing livestock operations, wintering sites, equestrian stables, auction markets, racetracks or exhibition grounds are not considered CFOs.

What if my CFO existed before AOPA came into effect?

All CFOs or manure storage facilities that existed before January 1, 2002, are considered to have a permit under AOPA. Terms and conditions of permits issued by a municipality or health authority continue to apply and are enforced by the Natural Resources Conservation Board (NRCB). The type of permit an operation is considered to have is based on the type of livestock and manure storage and the existing CFO's capacity as of January 1, 2002.

For more information on the types of AOPA permits, refer to the contacts listed at the end of this publication.



Alberta



NRCB

Natural Resources
Conservation Board

Do I need a permit to expand my CFO or manure storage facility?

Producers can continue to operate at the January 1, 2002, capacity of their operation until they expand their operation or alter their manure storage. Any expansion or alteration that increases the number of animals or amount of manure stored must be approved by the NRCB. Operators who are unsure of their capacity as of January 1, 2002, should contact an NRCB approval officer.

What if I want to change a condition on my existing permit?

Operators may apply to the NRCB to have amendments made to the terms and conditions listed on a permit issued by a municipality, local health authority or the NRCB. Applications for amendments may be subject to public input.

Is the NRCB only responsible for conditions on new permits?

The NRCB is responsible for **compliance conditions on all existing municipal development permits and health authority permits**, as well as the province-wide standards in AOPA for manure use, storage and handling. Producers with existing livestock operations must abide by the terms and conditions set out in any development permits issued by a municipality. However, producers can apply to the NRCB to have the conditions on their existing permit modified.

What is the enforcement process for AOPA?

The NRCB's enforcement process uses education, voluntary compliance and escalating enforcement tools to address non-compliance issues. If there is a

problem, but no immediate threat to human health or the environment, the NRCB may ask the producer to voluntarily correct the problem. If that approach does not work, the NRCB inspector may issue an enforcement order directing the producer to take action. Producers who feel they have been treated unfairly can request a review of the enforcement order by a panel of NRCB Board members. If at the end of the process, a producer fails to comply with an order, the NRCB can apply to the courts for a court order.

Can I make improvements to my existing CFO?

Producers are encouraged to improve their operations. Incremental improvements that reduce risks to the environment or reduce disturbance to neighbours can be made without having to fully meet all the standards and regulations within AOPA. For example, an operator who plans to **increase the capacity of an existing manure storage** facility from six months of storage to eight months must apply to the NRCB for a permit and may be issued a permit even though the change does not meet the nine-month requirement under AOPA.

A permit under AOPA is required to increase the amount of manure, composting materials or compost storage or to change the method of storage. A permit is also required to replace existing manure storage facilities or manure collection areas, but the minimum distance separation (MDS) does not have to be met. Operators should contact an NRCB approval officer before construction to verify whether or not a permit is required.

If an operator wants to **replace or construct an ancillary structure** such as an office, feed mill, machine shed, or other building integral to a CFO, the operator does not need a permit from the NRCB or municipality. However, the operator must notify the NRCB before beginning any construction, reconstruction or modification of the ancillary structure.



Can I change the type of livestock at my CFO?

An operator must notify the NRCB before the change, but does not require a permit from the NRCB to change the **type of animal** (e.g. from feeders to weaners) **within the same category** (e.g. swine) as long as the total annual manure production does not increase. However, operators who want to change categories (e.g. dairy to swine) must obtain an amendment to their permit from the NRCB before making the change. Applicants should be aware that the municipality and neighbouring residents will be notified and can provide comments to the NRCB on the proposed amendment.

“notify the NRCB before beginning any construction or modification of an ancillary structure”

Can I still expand my CFO if a new residence has been built nearby?

Owners and operators of CFOs can apply for permits to expand their operations if a residence was constructed within the minimum distance separation (MDS) **after the CFO was approved and constructed**. The residents are considered affected parties and can submit comments and concerns

about proposed expansions to the NRCB approval officer when they are officially notified that an application for a permit is under review. After the approval officer reviews the application and any input submitted by persons who file statements of concern, the officer will make a decision on the application. Any person who feels he or she will be directly affected by the approval officer's decision can file a request for a review of the decision with the NRCB Board.

What manure handling regulations apply to my existing CFO?

Anyone who applies or transfers more than **500 tonnes** of manure or compost per year must **keep records** and conduct soil tests every three years. Irrespective of the amount, anyone applying manure must also follow the soil nitrate-nitrogen and salinity limits, setback distances and manure incorporation requirements.



For more information, contact:

Alberta Agriculture, Food and Rural Development

Toll-free: 310-FARM (3276)

Website: www.agric.gov.ab.ca

(click "search" and type in "AOPA")

Publications office: 1-800-292-5697

Natural Resources Conservation Board (NRCB)

Dial 310-0000 to be connected toll-free

Lethbridge: (403) 381-5166

Red Deer: (403) 340-5241

Morinville: (780) 939-1212

Fairview: (780) 835-7111

Response line: 1-866-383-6722

Website: www.nrcb.gov.ab.ca

DISCLAIMER:

This document is not intended as legal advice, but as an interpretive document to the *Agricultural Operation Practices Act* and Regulations