

## AOPA TARGETED REVIEW, PROPOSED RECOMMENDATIONS

On October 24, 2003 SERLO was in attendance at the second meeting with the Klapstein Committee to look into changes to the Agricultural Operations Practices Act (AOPA) and the Regulations. These changes may take place after the spring sitting of the Legislature.

### 1. Existing Operations/Operation Size

- will be based on the existing facility's capacity and historic manure production volumes prior to Jan.1, 2002 or
- use numbers specified in existing municipal/health permits

### 2. Existing Operations/Applications of Standards

- Only the expanded portion of an existing operation or a shared facility between the existing and expanded portion, such as a manure storage/catch basin, is required to meet the standards in AOPA.

### 3. Existing Operations/Expansion

- An expansion will be defined by:
  - an increase in the amount of total annual manure produced
  - an operation expanding outside its existing footprint that increases its capacity, or
  - a change in species
- Adding a structure that does not increase capacity will not be considered an expansion (e.g., quarantine barn)
- An authorization will be required to increase manure storage

### 4. Existing Operations/Construction

- Construction will only pertain to increasing animal numbers and/or new or modified manure storage facilities.
- Clarity of the terms "construction" in the Matters Regulation and "construct" in the Standards Regulation will be addressed.

## 5. Enforcement of Conditions in Municipal Development Permits

- The NRCB will have sole responsibility for enforcing conditions on Municipal Development Permits pertaining to confined feeding operations (CFO) including non-manure related conditions.
- All records, reports, etc. required under the permit will be required to go to the NRCB
- The NRCB will have the authority to amend conditions in Municipal Development Permits for confined feeding operations.

## 6. Existing Operations/Expansions and MDS (minimum distance separation)

- There will be more clarity provided as to when, how and under what circumstances and expansion factor can be applied (e.g., good operators in compliance.)
- Any residence within an existing MDS will be considered an affected party for expansions
- The Board will have discretion to determine how the residence affects MDS.
- Any affected party will have the ability to waive their rights

## 7. Board Decision Reviews

- No changes required. At common law, the Board has the power to reconsider their decisions

## 8. Existing Operations/Small Improvements

- Small changes related to manure storage facilities or containment will be granted an exemption to the formal application process.
- Small changes will not be exempt from the regulations or have different standards.

## 9. Manure Composting

- AOPA will define and treat compost located on a confined feeding operation as manure.
- AOPA will regulate composting on confined feeding operations.

## 10. Practice Review Committees

- The Minister will have the discretion to deny or accept any requests for the establishment of a Practice Review Committee.
- The NRCB can request the establishment of a Practice Review Committee without issuing an enforcement order.

## 11. Public Input/Registrations

- Affected parties will include residences and landowners within the MDS or within ½ mile of an operation, whichever is greater.

## 12. Manure Spreading Notification

- Adjoining neighbors to manure spreading lands will not be considered “affected parties”.
- A manure application buffer from residences will be required if manure is not incorporated.

## 13. Manure Collection Areas

- The thickness of a liner may be relaxed if protection is maintained
- The liner thickness must be maintained after manure removal.
- Definition of manure collection area will be clarified.
- Technical standards to be developed that do not require legislative changes:
  - Standards for drainage and storm water management
  - Standards for leakage monitoring
  - Standards for manure liners.

## 14. Compliance Tools

- The NRCB will be given the authority to issue administrative penalties.
- Penalty levels will be comparable to other legislation.
- There will be provisions to appeal penalties.
- The NRCB will be given the authority to take corrective action and bill operators.
- There will be provisions to appeal.

## 15. Other Livestock Facilities

-No other species of livestock o facilities will be included

## 16. Species of Animals/Categories

-Schedule 2 will set threshold numbers based on annual manure production and the number of animals. This will provide flexibility in allowing changes within species (with notification to the NRCB) without requiring an amended approval, provided manure production is not increased.

## 17. Seasonal Feeding and Bedding Sites

-No changes are being proposed.

## 18. Court of Appeal – Judicial Review

-No changes required. Courts already have a review process to deal with enforcement orders and administrative penalties.

## 19. Additional Comments

-Clarification will be included that unconditional sales of lands relate to the conditions in a NRCB approval only.

-a buffer from residences will be required if manure is applied through an irrigation system where an air gap exists between the system and the soil.

-Producers must either follow the standards for land base requirements in the legislation or prepare a nutrient management plan.

-Requirements for record keeping will be increased from 300 tonnes of manure in a dry state.

-Consider allowing the use of other methods of determining soil Phosphorous than the Modified Kelowna method.

-Consider allowing the spreading of manure on soils that have natural EC levels of greater that 4 EC.

-It will not be necessary to require a leakage detection system in every case.

-Will clarify “equivalencies” allowed for alternative liners.

-The definition of short-term manure storage will be increased to 9 months, Winter months in Alberta are typically 7 months from freeze up to dry field conditions.