



# Unauthorized Construction under the Agricultural Operation Practices Act

# Fact Sheet

## Why a permit is required

- The *Agricultural Operation Practices Act* (AOPA) requires operators to obtain a permit before constructing or expanding a manure storage facility or collection area (i.e., any confined feeding operation (CFO) facility that captures or holds manure, such as barns, liquid manure storage lagoons, livestock pens, runoff control structures, and catch basins).
- AOPA's standards are designed to protect groundwater and surface water, and ensure that nuisance effects for neighbours (for example, odour, flies, or dust) are minimized and managed. Obtaining a permit before construction is started confirms that your facility can meet the technical requirements of the act, and that it meets the minimum distance separation, is consistent with the municipal land use plan, and that, where required by AOPA, neighbours are notified of the planned development.
- As the owner or operator of your CFO, you are legally responsible for obtaining all required permits before beginning construction.
- If you are concerned that an activity you have started may be considered construction, contact the NRCB right away. It is better to let them know, and work with an inspector to find a solution, than to face more serious consequences at a later date.

## Post-construction inspection

- The permit will require you to have a post-construction inspection conducted by the NRCB. The inspection **must take place before livestock or manure are placed in the facility**. The inspection confirms that the facility is constructed according to the requirements of AOPA and

that it complies with the conditions attached to the permit. You are required to contact the NRCB to schedule the post-construction inspection before you place livestock or manure in the facility.

## What is and isn't considered construction

- Construction includes a wide number of activities. At a minimum, it includes:
  - > Any concrete pouring for a manure collection or storage facility
  - > Any work to install foundations
  - > Any work to dig an earthen manure storage for CFO facilities (other than clearing and levelling land)
- The following activities are **not** considered "construction" (see section 1(1)(c) of the Part 2 Matters Regulation)—but it's always a good idea to confirm whether a permit is required:
  - > General maintenance of a structure, CFO or manure storage facility
  - > Clearing and levelling land
- In the above exemption, *land* means the specific area where a manure storage or collection facility, or other CFO facility, will be located. In other words, it's ok to clear or level the land where you want to locate a manure storage or manure collection facility before you get the permit. But any other work that goes beyond clearing or levelling is not allowed by AOPA.
- If you are unsure of whether the work you plan to do is considered construction, contact an approval officer at the nearest NRCB office.

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## Risks to the operator

- Construction without a permit is a serious offence and has significant potential consequences for the operator:
  - You could be required to dismantle or depopulate the facility.
  - You could be prosecuted, especially if you have a poor record of compliance, knew that you needed a permit, or don't cooperate with the inspector.
- If you are issued a written directive or enforcement order, the directive or order will be posted on the NRCB website.

## Further information

- For more information, please contact:

### **NRCB field offices:**

Fairview	780-835-7111
Morinville	780-939-1212
Red Deer	403-340-5241
Lethbridge	403-381-5166

Dial 310-0000 to be connected toll free.

Fact sheets and other NRCB publications are available at [www.nrcb.ca](http://www.nrcb.ca).

*March 13, 2017*