

LEAK DETECTION PROGRAM AND PERMIT AMENDMENT PROCESS FOR ALBERTA'S CONFINED FEEDING OPERATIONS

About the program

- In 2007/08, the NRCB developed an environmental risk screening tool to provide transparent and consistent evaluations of environmental risk to ground and surface water at confined feeding operations in Alberta. The screening tool was developed in collaboration with technical experts from government and industry.
- In 2008 the NRCB began its new leak detection program. The program is evaluating potential risk to groundwater and reviewing monitoring requirements at the 287 confined feeding operation facilities in Alberta that have leak detection conditions in their permits. As of spring 2009, close to half of the facilities have been assessed.
- A technical team from the NRCB is reviewing the information gathered at each facility, including the completed risk screening file, historical monitoring results, and other relevant information, to determine the monitoring requirements for leak detection. The technical team will determine whether the monitoring requirements should be enhanced, reduced or suspended to reflect the risk rating of the facility.
- If screening indicates that the leak detection monitoring requirements should be changed, a statement revising the monitoring requirements will be issued to the permit holder. During a site visit, NRCB field staff will explain the revised requirements and the environmental risk screening process. A copy of the statement will also be provided to the municipality for information.
- If the revised monitoring requirements are the same as or lower than the existing permit requirements, the permit holder can choose to retain the existing monitoring requirements in their permit. The operator will be required to fulfil the requirements.
- If the NRCB determines that monitoring can be suspended at the facility:
 - the NRCB will suspend the monitoring requirement, or
 - the operator may choose to maintain the current monitoring requirement, or
 - the operator may apply for an amendment to remove the monitoring condition from their permit. This process is set out in the *Agricultural Operation Practices Act* (AOPA) and requires different levels of notification depending on the type of permit being amended.

Leak detection requirements and permit amendments

- Monitoring requirements need to reflect the potential environmental risk posed by a facility. Permit amendment options will depend on whether the permit has a flexible or inflexible monitoring condition.
- Most permits issued before 2002 have inflexible, prescriptive monitoring conditions. Most permits issued after 2002 have flexible monitoring conditions. These flexible conditions allow the NRCB to adjust the requirements in response to changes in the risk at a site. For example, monitoring requirements could be extensive at a new facility if a potential risk has been identified. Over time, these monitoring requirements could be reduced or suspended if the data indicates that mitigation measures are successfully preventing any impact on groundwater.
- ***Inflexible versus flexible monitoring conditions***
- "Inflexible" monitoring conditions in a permit require a formal amendment process. The NRCB will use an Approval Officer Amendment to amend inflexible conditions to flexible conditions, allowing for future changes, and will adjust the monitoring requirement to reflect the result of the risk assessment.
- If the monitoring requirements can be suspended or are the same as or less than the current requirements, the operator may choose to retain the inflexible condition and is required to fulfil the condition.
- Approval Officer Amendments are set out under section 23 of AOPA, section 26 of the Board Administrative Procedures Regulation, and the NRCB's Approval Policy.

Directly affected party notification and Approval Officer Amendments

- Municipalities are considered directly affected parties on all NRCB-issued decisions and will be notified of all amendments under the leak detection program.
- For operations that were originally permitted by their municipality and were grandfathered under AOPA, only the municipality and the permit holder are considered to be directly affected parties and will be notified.
- For permits issued by the NRCB after 2002, notification of amendments will be provided to directly affected parties identified during the AOPA permitting process, including the municipality and the permit holder.

Requests for Board review

- All directly affected parties (including the permit holder) have the right to request a review of any permit amendment, to the Board of the NRCB.
- AOPA does not provide an appeal process for changes to monitoring requirements when a flexible condition already exists in the permit.

Reassessment of risk

- If an operator makes changes at a facility to address environmental concerns or potential risks, the facility can be rescored using the risk screening tool.
- If warranted, the monitoring requirements can be adjusted to reflect the new level of risk at a site. This process can be conducted at any future time. If the permit contains a flexible monitoring condition, changes to the monitoring requirements would not trigger another permit amendment process.

For further information

- For more information about the leak detection program or the amendment process, please contact the NRCB office closest to you. Dial 310-0000 to be connected toll-free.

NRCB regional offices:

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

This fact sheet is an update to the April 17, 2008 fact sheet "Leak detection monitoring review program for Alberta's confined feeding operations." Fact sheets and other NRCB publications are available at: www.nrcb.gov.ab.ca

July 14, 2009