

2008 Bill 212

First Session, 27th Legislature, 57 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 212

**AGRICULTURAL OPERATION PRACTICES
(CONFINED FEEDING OPERATIONS APPROVALS)
AMENDMENT ACT, 2008**

MR. MCFARLAND

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 212

2008

AGRICULTURAL OPERATION PRACTICES (CONFINED FEEDING OPERATIONS APPROVALS) AMENDMENT ACT, 2008

(Assented to _____, 2008)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Amends RSA 2000 cA-7

1 The *Agricultural Operation Practices Act* is amended by this Act.

2 Section 19 is amended

- (a) **in subsection (1) by striking out** “*Environmental Protection and Enhancement Act*” **and substituting** “*Environmental Protection and Enhancement Act, the Public Highways Development Act, the Public Lands Act*”;
- (b) **in subsection (1.1) by adding** “the *Environmental Protection and Enhancement Act* or the *Water Act* under” **after** “is not required under”.

3 Section 20(1)(b) is amended by adding the following after subclause (vi):

Explanatory Notes

1 Amends chapter A-7 of the Revised Statutes of Alberta 2000.

2 Section 19(1) and (1.1) presently read:

19(1) On receipt of an application for an approval or an amendment of an approval, the approval officer may notify or require the applicant to notify the affected persons, and the approval officer may notify or require the applicant to notify persons and organizations who are to be notified under the Environmental Protection and Enhancement Act and the Water Act with respect to the subject-matter of the application under this section and any other persons or organizations the approval officer considers appropriate.

(1.1) Despite subsection (1), if in the opinion of the approval officer the proposed amendment is related to a minor alteration to an existing building or structure at a confined feeding operation or manure storage facility that will result in a minimal change to its risk, if any, to the environment and a minimal change to a disturbance, if any, notification is not required under subsection (1).

3 Section 20(1) presently reads:

20(1) In considering an application for an approval or an amendment of an approval, an approval officer must consider whether the applicant

- (vi.1) must consider, if available when the application for approval is considered, any written decision by the Minister as defined in the *Public Highways Development Act* in respect of an application for a permit under that Act in respect of the subject matter of the approval,
- (vi.2) must consider, if available when the application for approval is considered, any written decision by the Minister as defined in the *Public Lands Act* in respect of an application for a disposition or approval under that Act in respect of the subject matter of the approval under this Act,

meets the requirements of this Part and the regulations and whether the application is consistent with the municipal development plan land use provisions, and if in the opinion of the approval officer,

- (a) the requirements are not met or there is an inconsistency with the municipal development plan land use provisions, the approval officer must deny the application, or*
- (b) there is no inconsistency with the municipal development plan land use provisions and the requirements are met or a variance may be granted under section 17 and compliance with the variance meets the requirements of the regulations, the approval officer*
 - (i) must consider matters that would normally be considered if a development permit were being issued,*
 - (ii) may make, or require the applicant to make, inquiries and investigations and prepare studies and reports,*
 - (iii) must give directly affected parties a reasonable opportunity to review the information relevant to the application that is submitted to the approval officer and a reasonable opportunity to furnish evidence and written submissions relevant to the application,*
 - (iv) may hold meetings and other proceedings with respect to the applications,*
 - (v) may provide or facilitate mediation among directly affected parties,*
 - (vi) must consider the effects the proposed approval or amended approval may have on natural resources administered by ministries,*
 - (vii) must consider the following if available when the application for approval is considered: any applicable statement of concern submitted under section 73 of the Environmental Protection and Enhancement Act or under section 109 of the Water Act and any written decision of the Environmental Appeals Board or the Director under the Water Act in respect of the subject-matter of the approval,*
 - (viii) may consider any evidence that was before the Environmental Appeals Board or the Director under the Water Act in relation to the written decision referred to in subclause (vii), and*
 - (ix) must consider the effects on the environment, the economy and the community and the appropriate use of land.*

4 This Act comes into force on Proclamation.

4 Coming into force.

