

2025 Bill 44

First Session, 31st Legislature, 3 Charles III

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 44

AGRICULTURAL OPERATION PRACTICES AMENDMENT ACT, 2025

THE MINISTER OF AGRICULTURE AND IRRIGATION

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 44

2025

AGRICULTURAL OPERATION PRACTICES AMENDMENT ACT, 2025

(Assented to _____, 2025)

HIS 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 section.

2 Section 1 is amended

(a) **in clauses (b)(x) and (b.1) by striking out “composting materials” wherever it occurs and substituting “organic materials”;**

(b) **by repealing clauses (b.52) and (b.53) and substituting the following:**

(b.52) “composting” means a controlled process of aerobic decomposition of organic matter that includes a thermophilic phase;

(c) **by adding the following after clause (b.7):**

(b.701) “digestate” means any liquid or solid material formed as a by-product resulting from anaerobic digestion using organic materials and proportions of those materials permitted by the regulations;

(d) **by adding the following after clause (b.9):**

Explanatory Notes

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

2 Section 1 presently reads in part:

1 In this Act,

- (b) “agricultural operation” means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward, and includes*
 - (x) the collection, transportation, storage, application, use, transfer and disposal of manure, composting materials and compost, and*
- (b.1) “apply manure, composting materials or compost” means to spread manure, composting materials or compost on agricultural land, or to spread manure, composting materials or compost on and to incorporate or inject manure, composting materials or compost into agricultural land;*
- (b.52) “composting” means a managed process of bio-oxidation of composting materials, including a thermophilic phase;*

(b.91) “intermunicipal development plan” means an intermunicipal development plan within the meaning of the *Municipal Government Act*;

(e) **in clause (c.21) by striking out “manure collects” and substituting** “manure, organic materials or compost, or runoff from any one of these or any combination of these, collects”;

(f) **in clause (c.3) by striking out “composting materials” and substituting** “organic materials”;

(g) **by adding the following after clause (e):**

(e.1) “organic materials” means

- (i) organic substances generated by any agricultural operation described in clause (b)(ii), (iv), (v) or (vi), other than carcasses or parts of carcasses,
- (ii) digestate, and
- (iii) other substances permitted by the regulations;

3 Section 14(1) is amended by striking out “for manure that is in a predominantly liquid state or manure” and substituting “for manure or organic materials that are in a predominantly liquid state or manure or organic materials”.

- (b.53) *“composting materials” means organic material generated by an agricultural operation described in clause (b)(ii), (iv), (v) or (vi), other than carcasses or parts of carcasses, and includes other substances permitted by the regulations;*
- (b.7) *“development permit” means a development permit issued pursuant to Part 17 of the Municipal Government Act;*
- (b.9) *“inspector” means a person appointed as an inspector under Part 2;*
- (c.21) *“manure collection area” means the floor of a barn, the under-floor pits of a barn, the floor of a feedlot pen and a catch basin where manure collects but does not include the floor of a livestock corral;*
- (c.3) *“manure storage facility” means a facility for the storage of manure, composting materials and compost and a facility for composting but does not include such a facility at an equestrian stable, an auction market, a race track or exhibition grounds;*
- (e) *“nuisance” includes an activity that*
 - (i) *arises from unreasonable, unwarranted or unlawful use by a person of the person’s own property that causes obstruction or injury to the right of another person or to the public and produces such material annoyance, inconvenience and discomfort that damage will result,*
 - (ii) *creates smoke, odour, noise or vibration that interferes with the reasonable and comfortable use of a person’s property, or*
 - (iii) *is found to be a nuisance at common law;*

3 Section 14(1) presently reads:

14(1) No person shall commence construction, expansion or modification of a manure storage facility or manure collection area for which an authorization is required pursuant to the regulations or commence construction, expansion or modification of a manure storage facility for manure that is in a predominantly liquid state or manure to which water has been added unless

4 Section 15 is amended by striking out “composting materials” and substituting “organic materials”.

5 Section 17 is amended

(a) in subsection (1)

(i) by striking out “or the Board” wherever it occurs;

(ii) by striking out “composting materials” and substituting “organic materials”;

(b) in subsections (1.1) and (2) by striking out “or the Board” wherever it occurs.

6 Section 19(4) is repealed and the following is substituted:

(4) An affected person and any other person or organization that is notified under subsection (1), and any member of the public, may apply to an approval officer, with written reasons, within 20 working days after the date the application was determined to be complete, for a determination whether the affected person, the

- (a) *the person holds an authorization that authorizes the construction, expansion or modification, or*
- (b) *the person holds an approval or registration that authorizes the construction, expansion or modification.*

4 Section 15 presently reads:

15 A person who applies manure, composting materials or compost must do so in a manner that does not contravene the regulations unless the person holds an approval, registration or authorization that contains a variance or contains a term or condition referred to in section 18.1(4) that authorizes that manner of application.

5 Section 17 presently reads in part:

17(1) A person may apply to an approval officer or the Board for a variance of the requirements in the regulations respecting confined feeding operations, manure storage facilities or the collection, transportation, storage, application, use, transfer or disposal of manure, composting materials or compost, and an approval officer or the Board may grant a variance if in the opinion of an approval officer or the Board the variance provides the same or a greater degree of protection and safety as that provided for by the regulations.

(1.1) A person who wishes to alter an existing building or structure at a confined feeding operation or manure storage facility may apply to an approval officer or the Board for a variance of the requirements in the regulations respecting confined feeding operations and manure storage facilities, and an approval officer or the Board may grant a variance despite the regulations if in the opinion of an approval officer or the Board the variance would provide a greater degree of protection and safety than currently exists at the confined feeding operation or manure storage facility.

(2) An approval officer or the Board may include a variance in an approval, registration or authorization.

6 Section 19(4) presently reads:

(4) An affected person and any other person or organization that is notified under subsection (1) may apply, with written reasons, within 10 working days of being notified to an approval officer, and any member of the public who has viewed the application under subsection (3) may apply, with written reasons, within 20 working

other person or organization or the member of the public is a directly affected party.

7 Section 20 is amended

(a) in subsection (1)

- (i) in the portion preceding clause (a) by adding “and any applicable intermunicipal development plan land use provisions” after “land use provisions”;**
- (ii) in clause (a) by adding “or any applicable intermunicipal development plan land use provisions” after “land use provisions”;**
- (iii) in clause (b) by adding “and any applicable intermunicipal development plan land use provisions” after “land use provisions”;**

(b) in subsection (1.1)

- (i) by adding “and any applicable intermunicipal development plan land use provisions” after “land use provisions”;**
- (ii) by striking out “composting materials” and substituting “organic materials”.**

8 Section 21(3) is amended by striking out “10 working days” and substituting “20 working days after the application was determined to be complete”.

days after the date the application was determined to be complete, for a determination whether the affected person, other person or organization or member of the public is a directly affected party.

7 Section 20 presently reads in part:

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

(1.1) In considering under subsection (1) whether an application is consistent with the municipal development plan land use provisions, an approval officer shall not consider any provisions respecting tests or conditions related to the construction of or the site for a confined feeding operation or manure storage facility nor any provisions respecting the application of manure, composting materials or compost.

8 Section 21(3) presently reads:

(3) An owner or occupant notified under subsection (1) is an affected person who may, within 10 working days,

- (a) apply, with written reasons, to an approval officer for a determination as to whether the affected person is a directly affected party, and*
- (b) make written submissions to an approval officer on the application respecting whether the application meets the requirements of the regulations.*

9 Section 22 is amended

(a) in subsection (1)

(i) in the portion preceding clause (a)

(A) by striking out “is inconsistent” **and substituting** “is consistent”;

(B) by adding “and any applicable intermunicipal development plan land use provisions” **after** “land use provisions”;

(ii) in clause (a) by adding “or any applicable intermunicipal development plan land use provisions” **after** “land use provisions”;

(iii) in clause (b) by adding “and any applicable intermunicipal development plan land use provisions” **after** “land use provisions”;

(b) in subsection (2)

(i) in the portion preceding clause (a)

(A) by striking out “there is an inconsistency with” **and substituting** “the application is consistent with”;

(B) by adding “and any applicable intermunicipal development plan land use provisions” **after** “land use provisions”;

(ii) in clause (a) by adding “with the municipal development plan land use provisions or any applicable intermunicipal development plan land use provisions” **after** “inconsistency”;

(iii) in clause (b) by adding “and any applicable intermunicipal development plan land use provisions” **after** “land use provisions”;

(c) in subsection (2.1)

(i) by adding “and any applicable intermunicipal development plan land use provisions” **after** “land use provisions”;

9 Section 22 presently reads in part:

22(1) In considering an application for a registration or an amendment of a registration, the approval officer must determine whether the applicant meets the requirements of this Part and the regulations and whether the application is inconsistent 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) the requirements are met and there is no inconsistency with the municipal development plan land use provisions, the approval officer may grant a registration or an amendment of a registration and may impose terms and conditions on the registration or amendment, including the terms and conditions that a municipality could impose if the municipality were issuing a development permit.*

(2) In considering an application for an authorization or an amendment of an authorization, the approval officer must determine whether there is an inconsistency with the municipal development plan land use provisions and determine whether the applicant meets the requirements of this Part and the regulations and if, in the opinion of the approval officer,

- (a) there is an inconsistency or the requirements are not met, 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 may grant an authorization or an amendment of an authorization, may include a variance and may impose terms and conditions on the authorization or amendment including the terms and conditions that a municipality could impose if the municipality were issuing a development permit.*

(2.1) In considering, under subsection (1) or (2), whether an application is consistent with the municipal development plan land use provisions, an approval officer shall not consider any provisions respecting tests or conditions related to the construction of or the

- (ii) **by striking out “composting materials” and substituting “organic materials”.**

10 Section 25(4)(g) is repealed and the following is substituted:

- (g) must have regard to the municipal development plan and any applicable intermunicipal development plan but is not bound by either plan,

11 Section 29(1) and (2) are amended by striking out “The Board” and substituting “An approval officer”.

12 Section 30(2)(a) is amended by striking out “composting materials” and substituting “organic materials”.

13 Section 39(1) is amended

- (a) **by striking out “If in the opinion of the Board” and substituting “If in the opinion of an inspector,”;**
- (b) **by striking out “the Board may” and substituting “an inspector may”.**

14 Section 40(1) is amended by striking out “The Board” and substituting “An inspector”.

15 Section 42.1 is amended by striking out “composting materials” wherever it occurs and substituting “organic materials”.

site for a confined feeding operation or manure storage facility nor any provisions respecting the application of manure, composting materials or compost.

10 Section 25(4)(g) presently reads:

(4) In conducting a review the Board

(g) must have regard to, but is not bound by, the municipal development plan,

11 Section 29 presently reads in part:

29(1) The Board may cancel an approval, registration or authorization

(2) The Board may include terms and conditions in a cancellation.

12 Section 30(2)(a) presently reads:

(2) In carrying out an inspection under this section, an inspector may

(a) require that any equipment used to manage manure, composting materials or compost be operated, used or set in motion under conditions specified by the inspector,

13 Section 39(1) presently reads in part:

39(1) If in the opinion of the Board a person is creating a risk to the environment or an inappropriate disturbance, or is contravening or has contravened an approval, registration, authorization, variance, terms or conditions of a cancellation, this Act or the regulations, the Board may, whether or not the person has been charged or convicted in respect of the contravention, issue an enforcement order ordering any of the following:

14 Section 40(1) presently reads:

40(1) The Board may amend an enforcement order by adding to the list of persons to whom the enforcement order is directed.

15 Section 42.1 presently reads:

42.1(1) If an inspector is of the opinion that

16 Section 44 is amended

(a) in subsection (2)(c.1) by striking out “composting materials” and substituting “manure, organic materials”;

(b) by repealing subsection (4) and substituting the following:

(4) A regulation made under this Act may adopt or incorporate, in whole or in part or with modifications, a code, standard or guideline, including any code, standard or guideline established by the Minister under section 44.1, that relates to any matter in respect of which a regulation may be made under this Act if the code, standard or guideline is publicly available.

(5) A code, standard or guideline may be adopted or incorporated under subsection (4) as it reads on a specific date or as amended from time to time.

17 The following is added after section 44:

Ministerial codes, etc.

44.1(1) The Minister may, in writing, do the following relating to any matter in respect of which a regulation may be made under this Act:

- (a) *a release of manure, composting materials or compost into the environment may occur, is occurring or has occurred, and*
- (b) *the release may cause, is causing or has caused an immediate and significant risk to the environment,*

the inspector may issue an emergency order to the person responsible for the manure, composting materials or compost, directing the performance of emergency measures that the inspector considers necessary.

(2) Subsection (1) applies whether or not the release of the manure, composting materials or compost into the environment is or was expressly authorized by or is or was in compliance with an approval, a registration or an authorization.

16 Section 44 presently reads in part:

- (2) *The Minister may make regulations*
 - (c.1) *respecting composting, composting materials and compost;*
 - (4) *A regulation under this Act may adopt or incorporate in whole or in part or with modifications documents that set out standards, codes, objectives, guidelines or other bodies of rules that relate to any matter in respect of which a regulation may be made under this Act if the standards, codes, objectives, guidelines or other bodies of rules have been published and copies are available.*

17 Ministerial codes, etc.

- (a) establish a code, standard or guideline relating to the matter, including setting out requirements relating to the matter;
 - (b) amend the code, standard or guideline.
- (2) As soon as practicable after establishing or amending a code, standard or guideline under subsection (1), the Minister must make the code, standard, guideline or amendment publicly available on the website of the Minister's department.

18 This Act comes into force on Proclamation.

18 Coming into force.

RECORD OF DEBATE

Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
		Interventions	From	To
Stage	Date	Member	From	To
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