



Province of Alberta

AGRICULTURAL OPERATION PRACTICES ACT

AGRICULTURAL OPERATIONS, PART 2 MATTERS REGULATION

Alberta Regulation 257/2001

With amendments up to and including Alberta Regulation 265/2020

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Office Consolidation

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(Consolidated up to 265/2020)

ALBERTA REGULATION 257/2001

Agricultural Operation Practices Act

**AGRICULTURAL OPERATIONS, PART 2
MATTERS REGULATION**

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Schedules

Definitions

1(1) In this Regulation,

- (a) “Act” means the *Agricultural Operation Practices Act*;
- (a.1) “ancillary structure” means any other building or structure as described in the definition of a confined feeding operation in the Act but does not include a manure storage facility or a manure collection area;
- (b) “animal unit” means, for a type of livestock, the number determined by dividing the number of individuals of the type of livestock by the factor listed in Schedule 1 for that type of livestock;
- (c) “construction”, with respect to a structure, confined feeding operation or manure storage facility, does not include
 - (i) expansion, modification or general maintenance of the structure, confined feeding operation or manure storage facility, and
 - (ii) the clearing and levelling of land;

- (d) “expansion”,
- (i) with respect to a confined feeding operation, means the construction of additional facilities to accommodate more livestock, and
 - (ii) with respect to a manure storage facility or manure collection area, means the construction of additional facilities to store more manure, composting materials or compost;
- (e) repealed AR 90/2004 s2;
- (f) “odour production” means odour production as defined in the *Standards and Administration Regulation* (AR 267/2001).

(2) In this Regulation, a reference to a type or a category of livestock means, subject to section 5.1, the type or category as set out in the Schedules.

AR 257/2001 s1;90/2004;193/2006;265/2020

Approval required

(1) Subject to this section, an approval is required for an owner or operator to commence construction or expansion of a confined feeding operation for the containment of the number of animals set out in column 3 of Schedule 2 for the type of livestock to be present at the confined feeding operation.

(2) An owner or operator of a confined feeding operation who holds an approval is not required to apply for an amendment to the approval or for another approval when the owner or operator wishes to change the type of livestock within the same category, and as a result, change the number of animals, at the confined feeding operation unless the change will increase the amount of manure produced or the level of odour production, on an annual basis, at the confined feeding operation beyond the amount of manure produced by or the level of odour production from the type of livestock and number of animals allowed by the owner’s or operator’s approval.

(3) Repealed AR 265/2020 s3.

(4) An owner or operator of a confined feeding operation who holds an approval is not required to apply for an amendment to the approval or for a new approval if

- (a) the owner or operator is not reconstructing or modifying a part of the confined feeding operation where manure, composting materials or compost accumulates or is stored

and if the reconstruction or modification will not result in an increased capacity of the manure storage facility or the manure collection area of the confined feeding operation, or

- (b) the owner or operator holds an authorization to commence construction, expansion or modification of the manure storage facility or the manure collection area of the confined feeding operation.

AR 257/2001 s2;90/2004;193/2006;265/2020

Registration required

3(1) Subject to this section, a registration is required for an owner or operator to commence construction or expansion of a confined feeding operation for the containment of the number of animals set out in column 2 of Schedule 2 for type of livestock to be present at the confined feeding operation.

(2) An owner or operator of a confined feeding operation who holds a registration is not required to apply for an amendment to the registration or for another registration when the owner or operator wishes to change the type of livestock within the same category, and as a result, change the number of animals, at the confined feeding operation unless the change will increase the amount of manure produced or the level of odour production, on an annual basis, at the confined feeding operation beyond the amount of manure produced by or the level of odour production from the type of livestock and number of animals allowed by the owner's or operator's registration.

(3) Repealed AR 265/2020 s4.

(4) An owner or operator of a confined feeding operation who holds a registration is not required to apply for an amendment to the registration or for a new registration if

- (a) the owner or operator is not reconstructing or modifying a part of the confined feeding operation where manure, composting materials or compost accumulates or is stored and if the reconstruction or modification will not result in an increased capacity of the manure storage facility or the manure collection area of the confined feeding operation, or
- (b) the owner or operator holds an authorization to commence construction, expansion or modification of the manure storage facility or the manure collection area of the confined feeding operation.

AR 257/2001 s3;90/2004;193/2006;265/2020

Authorization required

4(1) An authorization is required to commence construction, expansion or modification of a manure storage facility that is not part of a confined feeding operation if the manure storage facility contains or is to contain a total of 500 tonnes or more of manure, composting materials and compost for 7 months or more in any calendar year.

(2) An authorization is required to commence construction, expansion or modification of a manure storage facility or a manure collection area that is part of a confined feeding operation unless the owner or operator of the confined feeding operation holds an approval or a registration authorizing the construction, expansion or modification.

(3) Despite subsections (1) and (2), an owner or operator of a manure storage facility or a confined feeding operation who holds an authorization is not required to apply for an amendment to the authorization or for a new authorization if the owner or operator is not reconstructing or modifying the part of the manure storage facility or the manure collection area where manure, composting materials or compost accumulates or is stored and if the reconstruction or modification will not result in an increased capacity of the manure storage facility or the manure collection area.

AR 257/2001 s4;90/2004;193/2006

Ancillary structures

4.1(1) An owner or operator of a confined feeding operation who holds an approval or registration

- (a) is not required to apply for an amendment to the approval or registration or for a new approval or registration for construction, reconstruction or modification of an ancillary structure, but
- (b) must provide an approval officer or the Board with notice in writing prior to the commencement of construction, reconstruction or modification of an ancillary structure.

(2) On receipt, by an approval officer or the Board, of a notice under subsection (1)(b), the ancillary structure described in the notice forms part of the confined feeding operation for which the owner or operator holds an approval or registration.

AR 193/2006 s6

Affected party

5 Unless specified otherwise in the Act, for the purposes of Part 2 of the Act an affected party is

- (a) in the case of any part of a confined feeding operation that is located or is to be located within 100 metres of the bank of a river or stream or of a canal, a person or municipality that is entitled, under the *Water Act*, to divert water from the river, stream or canal within 10 miles downstream, as measured along the water course;
- (b) the municipality where the confined feeding operation is or is to be located;
- (c) a municipality within and a person who resides on or owns land that is within, the following distance from the boundary of a parcel of land on which the confined feeding operation is located or is to be located:
 - (i) 1/2 a mile of a confined feeding operation that contains or is to contain 500 or fewer animal units;
 - (ii) one mile of a confined feeding operation that contains or is to contain 501 or more animal units but fewer than 1001 animal units;
 - (iii) 1.5 miles of a confined feeding operation that contains or is to contain 1001 or more animal units but fewer than 5001 animal units;
 - (iv) 2 miles of a confined feeding operation that contains or is to contain 5001 or more animal units but fewer than 10 001 animal units;
 - (v) 3 miles of a confined feeding operation that contains or is to contain 10 001 or more animal units but fewer than 20 001 animal units;
 - (vi) 4 miles of a confined feeding operation that contains or is to contain 20 001 or more animal units.
- (d) repealed AR 90/2004 s6.

AR 257/2001 s5;90/2004

New livestock categories

5.1 If a type of livestock within a category of livestock specified in the Schedules is not listed in the Schedules, an approval officer or the Board may determine anything necessary to apply the regulations to that type of livestock.

AR 90/2004 s7;193/2006;265/2020

Expiry

6 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be

repassed in its present or an amended form following a review, this Regulation expires on June 30, 2025.

AR 257/2001 s6;90/2004;24/2014;108/2017;265/2020

Coming into force

7 This Regulation comes into force on January 1, 2002.

Schedule 1

Animal Units

Category of Livestock	Type of Livestock	Factor to be used to determine the animal units
Feedlot Animals	Beef Cows/Finishers (900+ lbs)	1.1
	Beef Feeders (450 – 900 lbs)	2
	Beef Feeder Calves (< 550 lbs)	3.6
	Horses – PMU	1
	Horse Feeders > 750 lbs	1
	Horse Foals < 750 lbs	3.3
	Mules	1
	Donkeys	1.5
	Bison	1
Dairy (*count lactating cows only to calculate animal units)	Free Stall – Lactating Cows with all associated dries, heifers and calves*	0.5
	Free Stall – Lactating with Dry Cows only*	0.6
	Free Stall – Lactating cows only	0.7
	Tie Stall – Lactating cows only	0.7
	Loose Housing – Lactating cows only	0.7
	Dry Cow	1
	Replacements – Bred Heifers (Breeding to calving)	1.15
	Replacements – Growing Heifers (350 lbs to breeding)	1.9
	Calves (< 350 lbs)	5
Swine (*count sows only to calculate animal units)	Farrow to finish*	0.56
	Farrow to wean*	1.5
	Farrow only*	1.9
	Feeders/Boars	5
	Growers/Roasters	8.5
	Weaners	18.2

Category of Livestock	Type of Livestock	Factor to be used to determine the animal units
Poultry	Chicken – Breeders	100
	Chicken – Layer – Liquid (includes associated pullets)	125
	Chicken – Layers (Belt Cage)	150
	Chicken – Layers (Deep Pit)	150
	Chicken – Pullets/Broilers	500
	Turkeys – Toms/Breeders	50
	Turkey – Hens (light)	75
	Turkey – Broilers	100
	Ducks	100
	Geese	50
Sheep and Goats	Sheep – Ewes/Rams	5
	Sheep – Ewes with Lambs	4
	Sheep – Lambs	21
	Sheep – Feeders	10
	Goats – Meat/Milk (per Ewe)	6
	Goats – Nannies/Billies	10
	Goats – Feeders	13
Cervid	Elk	1.7
	Deer	5
Wild Boar	Feeders	6
	Sow (farrowing)	1.25

AR 257/2001 Sched. 1;90/2004;193/2006;265/2020

Schedule 2**Threshold Levels**

Category of Livestock	Type of Livestock	Column 2	Column 3
		Number of Animals (registration)	Number of Animals (approvals)
Feedlot Animals	Cows/Finishers (900+ lbs)	150 – 349	350+
	Feeders (450 – 900 lbs)	200 – 499	500+
	Feeder Calves (< 550 lbs)	360 – 899	900+
	Horses – PMU	100 – 399	400+
	Horses – Feeders > 750 lbs	100 – 299	300+
	Horses – Foals < 750 lbs	350 – 999	1000+
	Mules	100 – 299	300+
	Donkeys	150 – 449	500+
	Bison	150 – 349	350+
Dairy (*count)	Lactating cows* (Lactating cows only –	50 – 199	200+

Category of Livestock	Type of Livestock	Column 2	Column 3
		Number of Animals (registration)	Number of Animals (approvals)
lactating cows only)	associated Dries, Heifers and Calves are not counted)		
Swine (*count sows only)	Farrow to finish*	30 – 249	250+
	Farrow to wean*	50 – 999	1000+
	Farrow only*	60 – 1249	1250+
	Feeders/Boars	500 – 3299	3300+
	Growers/Roasters	500 – 5999	6000+
	Weaners	500 – 8999	9000+
Poultry	Chicken – Breeders	1000 – 15999	16000+
	Chicken – Layer (includes associated pullets)	5000 – 29999	30000+
	Chicken – Pullets/Broilers	2000 – 59999	60000+
	Turkeys – Toms/Breeders	1000 – 29999	30000+
	Turkey – Hens (light)	1000 – 29999	30000+
	Turkey – Broiler	1000 – 29999	30000+
	Ducks	1000 – 29999	30000+
	Geese	1000 – 29999	30000+
Goats and Sheep	Sheep – Ewes/Rams	300 – 1999	2000+
	Sheep – Ewes with Lambs	200 – 1999	2000+
	Sheep – Lambs	1000 – 4999	5000+
	Sheep – Feeders	500 – 2499	2500+
	Goats – Meat/Milk	200 – 1999	2000+
	Goats – Nannies/Billies	400 – 2999	3000+
	Goats – Feeders	500 – 4999	5000+
Cervid	Elk	150 – 399	400+
	Deer	200 – 999	1000+
Wild Boar	Feeders	100 – 299	300+
	Sow (farrowing)	50 – 99	100+

- When Dairy Replacement Heifers are housed away from the dairy, treat as Beef – Feeders.
- When Dairy calves are housed away from the dairy, treat as Beef – Feeder Calves.

AR 257/2001 Sched. 2;90/2004;193/2006;265/2020



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