

9.6 2012-2013 ANNUAL COMPLIANCE MONITORING REPORT - FARM DAIRY EFFLUENT**Information Only - No Decision Required**

Report To:	Environment and Planning Committee
Meeting Date:	28 November 2013
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Report Number:	REP13-11-12

1 Summary

- 1.1 The Tasman District Council has run a dedicated dairy effluent monitoring programme since 2005. One full time monitoring officer is tasked to undertake this programme which is run annually across the district's entire 144 farms. Compliance is assessed on performance against conditions of resource consent for those discharging treated effluent to water or alternatively the rules within the Tasman Resource Management Plan (TRMP) controlling land application of effluent for those operating as permitted activities.
- 1.2 A revised monitoring programme was adopted this season. This was due to Councils commitment to the Aorere farm survey which occupied the entire period that this report covers. The requirement to complete this survey has meant that the normal farm dairy effluent monitoring programme has been put behind. Complaint response was still given priority as were meetings with consultants and farmers in regards to upgrades and on farm developments.
- 1.3 There were 144 dairy farmers with active effluent discharges in Tasman in the 2012/13 season. Of these 139 farms operated under the Permitted Activity rules. Of these 44 or (32%) were ultimately inspected for compliance, during the season as a result of follow ups, complaints or farmer requests. The remaining five farms hold resource consents and are required to be inspected annually as per their consent conditions.
- 1.4 When combined a total of 49 consented and permitted activity farms were inspected. The results of this survey were:
 - 88% - Full Compliance.
 - 8% - Non-Compliance - technical or minor adverse effect.
 - 4% - Significant Non-Compliance - immediate adverse effect.

2 Draft Resolution

That the Environment and Planning Committee receives the 2012-2013 Annual Compliance Monitoring Report - Farm Dairy Effluent REP13-11-12.

2012-2013 ANNUAL COMPLIANCE MONITORING REPORT - FARM DAIRY EFFLUENT**3 Purpose of the Report**

- 3.1 This report provides a summary of the compliance results from the 2012/2013 farm dairy survey, in particular compliance with respect to Resource Consent conditions for the discharge of treated dairy effluent to water, and the discharge of dairy effluent to land as a Permitted Activity under the Tasman Resource Management Plan (TRMP).

4 Background and Discussion

- 4.1 Between November 2012 and April 2013 Council's Compliance and Enforcement Department undertook a comprehensive survey of all dairy farms located within the Aorere River catchment in Golden Bay. The survey was initiated primarily as a result of an event in mid-2012 where bacteriological contamination of marine farms operating offshore of the river mouth occurred when they were open for harvest.
- 4.2 This results of this survey were presented to the Environment & Planning Committee on the 23 May 2013 and are not covered any further in this report.
- 4.3 While it was important to undertake this survey it did impact adversely on the normal farm dairy effluent monitoring programme which aims to have all farms inspected at least once during the season. With no chance of achieving the full district farm survey, priority was instead given to responding to complaints, meetings with consultants and farmers in regards to upgrades and any on farm developments. Despite this 49 farms were inspected and are reported on here.
- 4.4 Compliance
- As with all dairy farm inspections undertaken by Council, farms once assessed were placed into one of three categories that described their level of compliance. The criteria for assigning these categories are:
- **Compliant:** No non-compliance with any Resource Consent conditions or any sections of Rule 36.1.2. 3 of the TRMP were found at the time of inspection.
 - **Non-compliant:** All issues that did not fit into either "compliant" or "significantly non-compliant" e.g. technical non compliance with no adverse effect.
 - **Significantly Non-compliant:** refer to Appendix 1 for a full list of criteria
- 4.5 These compliance terms are use by all Regional Councils (supported by the Regional Managers Group) when reporting on dairy compliance and will be referred to throughout the remainder of this report.

4.5.1 Survey Results

Compliance with respect to an individual's consent conditions, Rule 36.1.2.3 of the TRMP and Section 15(1)(b) of the RMA 1991 as assessed from the farm inspections are presented in Figure 1.

Of the 49 inspections made during 2012/13 season, 43 (88%) of all inspections were graded "Compliant".

2012-2013 ANNUAL COMPLIANCE MONITORING REPORT - FARM DAIRY EFFLUENT

Four (8%) inspections found issues that were graded as “Non-compliant”. Such non-compliance included:

- Minor ponding present after more than one hour had passed since effluent disposal (one farm). In this case the ponding was less than 10m² and just deep enough to splash.
- Failure to submit sampling results by due dates as required by Resource Consent conditions

Two (4%) inspections found issues that were graded as “Significantly Non-compliant”. In both cases, the inspections found more than one issue that was graded as being significantly non-compliant. Such non-compliance included:

- Severe ponding of effluent on the ground surface.
- The discharge of effluent where it entered a surface water body
- The breach of an Enforcement Order.

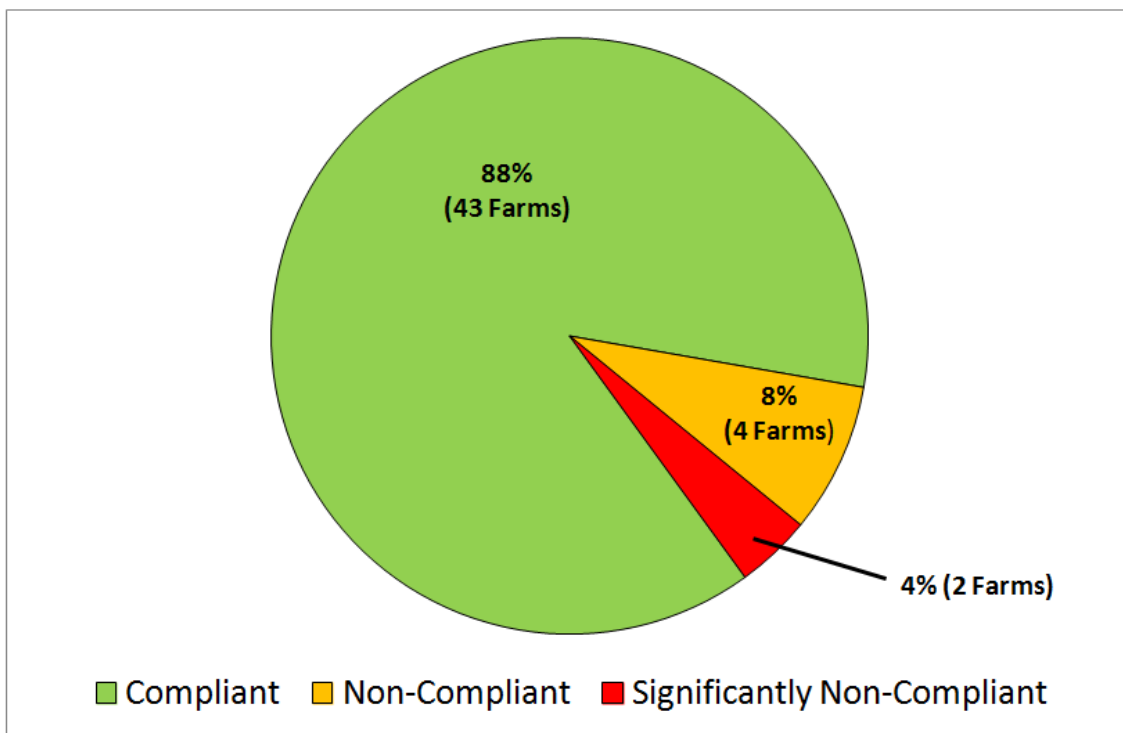


Figure 1: Compliance with respect to Rule 36.1.2.3 of the TRMP, Resource Consent conditions, and Section 15(1) of the RMA 1991 following the inspection of all farms in Tasman District.

4.6 Enforcement

It is worth noting that one of the two farms graded “Significantly Non-compliant” during recent years is a repeat offender. This farm has continued to be non-compliant with their Enforcement Order, placed on them in 2006. In response to this unwillingness to comply Council is again left with no option but to initiate a prosecution that is now before the courts.

2012-2013 ANNUAL COMPLIANCE MONITORING REPORT - FARM DAIRY EFFLUENT

The other farm showing significant non-compliance was a first time offender. Two abatement notices were issued. One notice required that an actual or potential unauthorised direct or indirect discharge to water be ceased immediately. The second required immediate improvements to the effluent system to avoid remedy or mitigate further discharges occurring. Both notices were fully complied with and have subsequently been cancelled. Following a thorough investigation of the circumstances surrounding the breaches, the farm operator also received two infringement fines (one for each offence found).

5 Conclusion

- 5.1 While disappointing that not all the districts farms were surveyed this season the farms that were inspected, primarily through the Aorere project, showed an overall high level of compliance. Unfortunately some farms did display some non-compliance that required an enforcement response with one requiring Council to initiate a prosecution due to the nature of the breach and previous history.
- 5.2 It is also worth noting that as a result of the small number of farms in this year's survey the compliance performance results will be somewhat skewed and impossible to compare with previous year's performance results.
- 5.3 With the Aorere survey completed it is envisaged that we will once again return to achieving a complete survey of all the districts farms this season, which will be reported on in full next year.

6 Attachments

Nil