

9.3 2014-2015 DAIRY EFFLUENT SURVEY

Information Only - No Decision Required

Report To:	Environment and Planning Committee
Meeting Date:	27 August 2015
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Report Number:	REP15-08-06

1 Summary

- 1.1 This report presents the compliance results from the 2014/2015 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).
- 1.2 In the 2014/2015 season a total of 143 dairy sheds had active discharges in the Tasman District. Of those 137 farm dairies operated as Permitted Activities and the remaining six held Resource Consents to discharge treated effluent to water.
- 1.3 At these inspections each farm was assessed against Resource Consent conditions for the discharge of treated dairy effluent to water, or against the Permitted Activity Rule 36.1.2.3 (the discharge of animal to land). The final compliance results for all 143 farms were:
 - 96% - Fully Compliant
 - 4% - Non- Compliant
 - 0% - Significantly Non-Compliant
- 1.4 Unlike past seasons, ponding did not featured as the most common issue of non-compliance in the non-compliant category. This is likely to be attributed to the uptake of storage systems that have been designed and constructed to industry best practice.

2 Draft Resolution

That the Environment and Planning Committee

1. **receives the 2014-2015 Dairy Effluent Survey report REP15-08-06.**

2014-2015 DAIRY EFFLUENT SURVEY**3 Purpose of the Report**

- 3.1 The purpose of this report is to present the results of compliance for the 2014/2015 dairy season with respect those farm dairies that hold Resource Consent to discharge treated dairy effluent to water. Also compliance with respect to those farms that operate under the Permitted Activity Rule 36.1.2.3 of the Tasman Resource Management Plan (TRMP) - Discharge of Animal Effluent to Land.
- 3.2 The survey specifically looked at the collection, containment, and disposal of effluent from the farm dairy and general farm management practices associated with effluent. No sampling of waterways or soils was undertaken as part of this study. This report does not assess effects of water quality, amenity, or aquatic ecology.

4 Background**The Survey Process**

- 4.1 The survey process was identical to that of previous surveys. It is not intended to detail that survey method in this report and the reader is referred to staff report EP06/05/18 for the methodology including the geographical location of the three “sub-regions” (Golden Bay, Central, and Murchison) specified in the reports.
- 4.2 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 Attachment 1 for a full list of criteria
- 4.3 These compliance classes are used by all regional councils (supported by the Regional Managers Group) to ensure national consistency when reporting on dairy compliance and will be referred to throughout the remainder of this report.

2014-2015 DAIRY EFFLUENT SURVEY**5 Compliance - Present Situation****2014/2015 Survey Results**

- 5.1 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.
- 5.2 Of the 143 inspections made during 2014/2015 season, 137 (96%) of all inspections were graded "Compliant".
- 5.3 Six (4%) 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 intermittent ponding over an area less than 10m² and was just deep enough to splash.
 - Failing to adhere to setback rules for effluent application near waterways (one farm). In this case no effluent directly or indirectly entered water.
 - Failing to ensure effluent storage facilities are sealed (three farms). In all cases this involved stockpiling large volumes of dry effluent solids on an un-sealed surface. These solids are often used on cropped, re-worked paddock at a later date.
 - Failing to submit sampling results by the due date specified by a condition of consent (one farm).
- 5.4 No inspections found an issue that was graded as "Significantly Non-compliant".

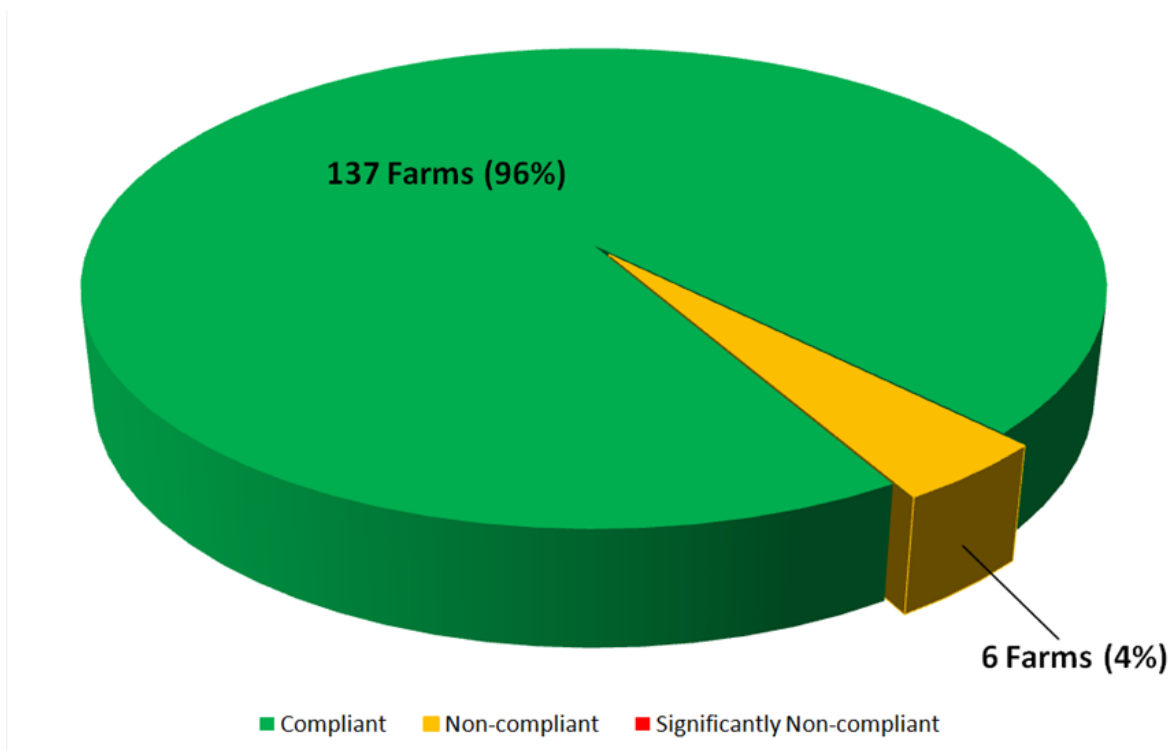
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Figure 1 Compliance with respect to Rule 36.1.2.3 of the TRMP, Resource Consent conditions, and Section 15(1) of the RMA 1991 following the inspection of all farms in Tasman District.

- 5.5 One farm that has in the past continually presented issues of “Significant Non-compliance” and has been the subject of numerous court orders, prosecutions and fines in past seasons made vast improvements last season and this work continued through the 2014/2015 season. A local farm consultant was engaged in 2012 and took over the management of the entire farm which has included a complete redevelopment of the infrastructure including the effluent system. This work was completed in April 2015. Council’s Compliance Department has built a solid open working relationship with this management team and will continue to work very closely with them heading into the 2015/2016 season.
- 5.6 All enforcement action undertaken during the 2014/2015 season is detailed below in section 5.12 of this report.
- 5.7 A considerable amount of work has been done since 2012 by the dairy industry (Westland Milk, Fonterra, and Dairy NZ) by working one-on-one with farmers with respect to system and wet weather contingencies. This is particularly so in the Murchison area, where inspections made in past seasons identified that non-compliance associated with ponding was far more prevalent here than any other area of the District. Both supply companies have audited effluent systems that were of concern and recommendations made to the respective farmers as to how to improve them. At the end of last season many of them were in the process of either designing improved systems or actively constructing improved containment facilities. It is pleasing to report these same farmers have now completed or will have completed their systems by the start of the new dairy season. However there still remain those who will not move forward unless pushed to do so. This push will have to come

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from industry as the Permitted Activity Rules do not provide Council the ability to easily do so.

- 5.8 Council and Industry are actively promoting to farmers the benefits of engaging professionals who have gained accreditation through the Farm Dairy Effluent Accreditation Scheme. Regardless of whether the farmer chooses to engage such a person, they are required to demonstrate that any new system or modification to any existing system meets Dairy NZ's Farm Dairy Effluent Design Code of Practice and Standards. These standards include among other things, adequate sizing and the sealing of effluent storage systems.
- 5.9 Much focus has been placed on ponding in past years as this was the most common issue of non-compliance found during the surveys. Many of the farms that presented ponding in past seasons have now installed storage that has been designed and constructed to industry standards. This combined with correct management of these systems has seen for the first time ponding not being a common form of non-compliance.
- 5.10 Figure 2 shows a comparison of the compliance rates from the 2005/6, 2006/7, 2007/8-2008/9, 2010-2011, 2013/2014 surveys with this latest survey. Due to the interrupted surveys of 2009/2010 (just 37 farms surveyed) and the more recent 2012/2013 (34 farms) those statistics are not included in Figure 2.
- 5.11 From Figure 2 it can be seen that full compliance has continued to improve from season to season. The 2014/2015 season was no exception to this positive trend. Only six inspections found non-compliance and related to either a technical breach or a minor breach with no adverse effect. For the first time no record of Significant Non-Compliances were recorded. Consequently the rate of Full compliance also improved to be the best on record. Compliance in Tasman can be considered to be of a very high level. This continual high standard of compliance can be directly attributed to the commitment of most farm owners and their staff to employ best farm practices with respect to the disposal of farm dairy effluent.

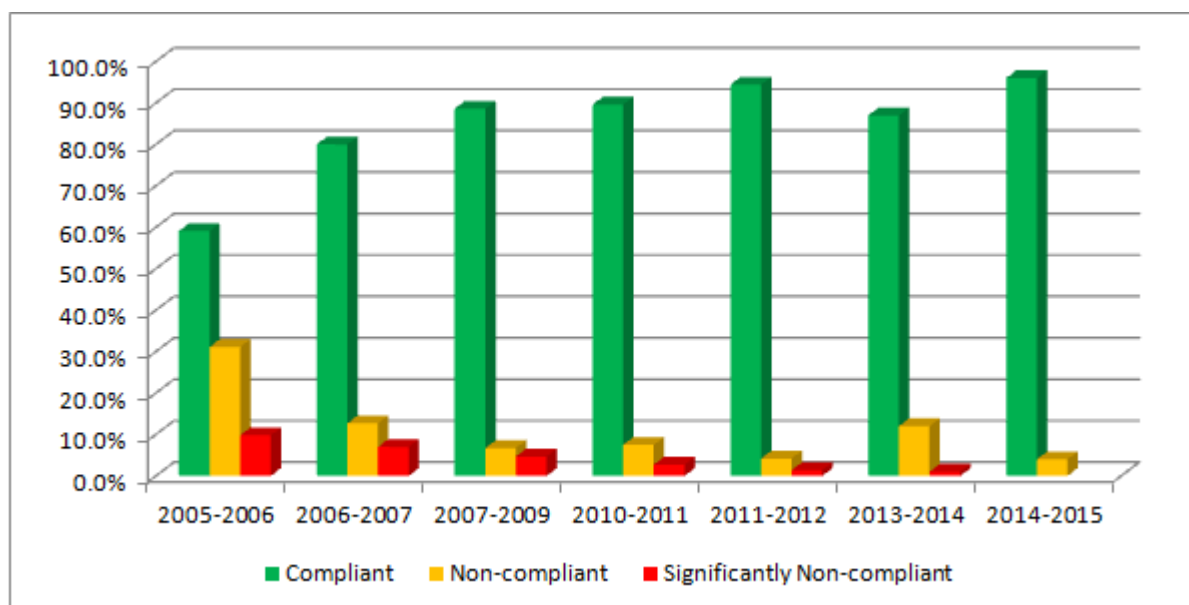


Figure 2 Comparison of Compliance with respect to Rule 36.1.2.3 of the TRMP, Resource Consent conditions, and Section 15(1) of the RMA 1991 from previous dairy seasons.

2014-2015 DAIRY EFFLUENT SURVEY**2014/2015 Enforcement Action**

5.12 As in previous years five modes of enforcement action were employed to address the non-compliance that arose from these farm inspections. These being: warning letters, Abatement Notices, Infringement Fines, Prosecutions, and Enforcement Orders. Six inspections resulted in Council taking enforcement action during the 2014/2015 season. The type of enforcement action taken is largely determined by the resulting adverse environmental effect arising from that non-compliance.

Formal Warning Letter

5.13 A formal warning letter acts as a formalised staff direction and is retained on file. This is not a court process although further non-compliance that receives enforcement action will take into account that the operator had previously received formal direction. A total of six warning letters were issued this season. All inspections where that were graded non-compliant with respect to ponding, setback distances to water, and stock-piling solid on an un-sealed surface received a formal written warning. This line of enforcement action was taken as each circumstance of non-compliance did not result in any actual adverse environmental effect and each farm concerned had a previous good compliance history. In each case the farm owner/worker was made well aware that continued, un-announced inspections would be made for the remainder of the season. It was also made clear the further formal enforcement action could result if non-compliance was found again.

Abatement Notices

5.14 An abatement notice prescribed under Section 322 of the Resource Management Act is a formal and legal directive from Council to cease an activity and/or undertake an action(s) in order to avoid, remedy or mitigate an actual or potential adverse effect on the environment. An abatement notice is used by Council to immediately deal with an illegal activity and to instigate corrective action. Further enforcement action can follow the issuing of an abatement notice.

5.15 No Abatement Notices were issued during this reporting period.

Infringement Fines

5.16 An infringement fine prescribed under Section 343C of the Resource Management Act is an instant fine issued by Council to a person(s)/company who has committed an offence against the Act.

5.17 No infringement fines have been issued in response to farm inspections during the 2014/2015 season.

Prosecutions and Enforcement Orders

5.18 An enforcement order prescribed under Section 319 of the Resource Management Act is a directive from the Court to a person(s)/company to cease an activity and/or undertake an action(s) in order to avoid, remedy or mitigate an actual or potential adverse effect on the environment from their activity.

5.19 No new orders were sought in this period

5.20 No prosecutions were initiated for offences found during the 2014/2015 season.

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- 5.21 It is encouraging to report that the three farms in the District that have current Enforcement Orders against them demonstrated full compliance with the requirements of these orders, and the permitted activity rules.

6 Strategy and Risks

- 6.1 Although risks are not significant under the Council policy, there is high public interest in dairy effluent disposal due to the risk to the environment of any system failures, and potential for strong public comment if the programme does not maintain high levels of compliance.

7 Consideration of Financial or Budgetary Implications

- 7.1 Presently there is uncertainty as to the legal means open to Council in order for it to recover the costs incurred in the monitoring of farm dairies with respect to the Permitted Activity Rules. The majority of farms within the district operate as permitted activity. At present this Council does not charge for inspections where the farms are fully compliant however it is utilising the re-inspection fee contained in the Schedule of Charges when non compliance is detected and requires revisits. This fee does not apply to the time associated with undertaking the enforcement process. As the majority of farms are achieving full compliance it is fair to say that program costs for permitted activity monitoring are presently borne by Council via general rates.
- 7.2 For the six remaining consented activities the costs associated with monitoring are recovered by way of annual charges.

8 Significance and Engagement

- 8.1 This is not relevant to this monitoring programme except that we will report these results publicly and continue to work with farmers and the Tasman dairy industry.

9 Conclusion

- 9.1 It will be recalled that the purpose of this report is to present the results of compliance of the 2014/2015 dairy season with respect those farm dairies that hold Resource Consent to discharge treated dairy effluent to water, and also compliance with respect to those farms that operate under the Permitted Activity Rule 36.1.2.3 of the TRMP - Discharge of Animal Effluent to Land.
- 9.2 Summarised below are the major findings of this report.
- 9.3 A total of 143 dairy sheds had active discharges in the Tasman District during the 2014/2015 season. Of these, 137 farm dairies operated as Permitted Activities and the remaining six held Resource Consents authorising discharge treated effluent to water.
- 9.4 All farms were inspected this season. The results of this survey were:

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- 96% - Compliant.
- 4% - Non-Compliant
- 0% - Significantly Non-Compliant

9.5 Heading into the new dairy season Tasman District continues to present a good rate of compliance with respect to farm dairy effluent management in fact 2014/2015 was the best compliance rate since reporting start in 2005/2006. Of the six cases of non-compliance found this season, all were considered minor and presented no immediate adverse effect to the environment; however improvement can always be made.

10 Next Steps / Timeline

10.1 The 2015/2016 season commences in September 2015 and inspections will begin in earnest with a view to once again completing a full assessment of every farm in regards to dairy effluent disposal.

10.2 As always there is a risk that some non-compliance will surface however it is expected that the ongoing commitment for best farm practices will be reflected in a continuing high standard of compliance in Tasman.

10.3 Next season Council staff will continue to work closely with the industry in order to build upon the positive work achieved during the past year. Such work includes the on-going promotion of on-farm best practice, particularly with respect to wet weather contingencies and also the promotion of Dairy NZ's Farm Dairy Effluent Design Code of Practice and Standards, and the new Farm Dairy Effluent Design Accreditation Scheme.

11 Attachments

1. Attachment 1: Criteria for Assigning Grade of Significant non-compliance