

***FARM DAIRY PREMISES
EFFLUENT MANAGEMENT CODE OF PRACTICE***



MAY 2010

A CODE OF PRACTICE MADE UNDER
THE DAIRY INDUSTRY ACT 1994 BY
THE TASMANIAN DAIRY INDUSTRY AUTHORITY
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FOREWORD

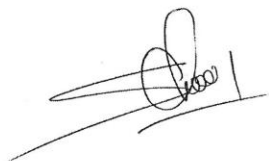
The Farm Dairy Premises Effluent Management Code of Practice represents one step towards ensuring that appropriate farm dairy premises effluent management is undertaken in the State. The adoption of this Code by the Tasmanian Dairy Industry Authority is not intended to substitute or interfere with the role of environmental regulators responsible for enforcing compliance with *Environmental Management and Pollution Control Act* (EMPCA). Rather, it is intended to assist those authorities by reducing the likelihood of dairy effluent presenting environmental problems.

The Tasmanian Dairy Industry Authority was approached by industry stakeholders to take a more active role in the management of farm dairy premises effluent, and has developed this Code in response to that request.

Effluent must be soundly managed and not ignored. Dairy farmers, like all members of society, have a **duty not to pollute** the environment.

As a Code of Practice issued and administered by TDIA under the Dairy Industry Act 1994, this Code becomes part of the licence conditions and requirements to operate for dairy farmers in Tasmania. Breaches of this Code can result in possible suspension or revocation of licence, and in the event of potential breaches of the EMPCA, referral to Municipal Environmental Health Officers or Environment Division of Department of Primary Industries, Parks, Water and Environment for further action under that Act.

This Code of Practice replaces the Managing Dairy Farm Effluent in Tasmania Code of Practice of August 1997.



Alex Schaap, Chair
Tasmanian Dairy Industry Authority



Bryan Green
Minister for Primary Industries and Water

PURPOSE

The purpose of this Code is to ensure that effluent from a dairy and associated yards is managed in a way which is not likely to have an unacceptable impact on the environment. The waste from a cow in a dairy or yard should not present any greater risk to the environment than the waste from a cow on a pasture. While the effluent from the dairy or yards represents only a small proportion of the waste produced on a dairy farm, it can present a greater risk to the environment because it is generated in such a localised area and may present a risk of point source pollution if not properly managed.

CONTENT

This Code consists of a statement of the outcome and specific requirements which must be met by operators of dairy premises. Attached to the Code is a brief explanation of how enforcement of the Code is to be managed. Also attached is a reference list of technical information which may assist operators in achieving compliance with this Code.

LEGISLATION

Compliance with this Code should reduce the potential for environmental harm or environmental nuisance as defined by the *Environmental Management and Pollution Control Act 1994* (EMPCA). This Code is made pursuant to the *Dairy Industry Act 1994* and operators of dairy premises must comply with its requirements.

GLOSSARY OF TERMS

Dairy Premises	Building premises, outbuildings, holding yards and equipment associated with animal husbandry and milk harvesting practices
Dairy Premises Effluent	Solid and/or liquid matter emanating from milk spillage, faeces, urine, waste water from milking, cleaning and yard washdown activities
Dairy Premises Effluent Management Plan	A plan, in a form approved by the TDIA, which describes the components and operation of the system for management of dairy premises effluent on the particular dairy premises. Effluent management operations will be audited against this plan.
Dairy Effluent System	Works and management measures adopted to manage dairy premises effluent
EHO	Municipal Environmental Health Officer
EMPCA	<i>Environmental Management and Pollution Control Act 1994</i>
Environmental Harm	May include any adverse impact on the environment and includes environmental nuisance (further defined in EMPCA)
Environmental Nuisance	The emission of a pollutant that unreasonably interferes with or is likely to unreasonably interfere with a person's enjoyment of the environment
EPA	Environment Protection Authority
EPN	Environment Protection Notice
Pollution	Means the discharge, emission, deposition or disturbance of pollutants as defined under Section 3 of EMPCA
Regulatory Authority	In most cases, the local Municipal Council is the relevant authority
TDIA	Tasmanian Dairy Industry Authority

OUTCOME 1

Dairy premises effluent must not leave the farm boundaries or enter surface waters or groundwater, unless treated and discharged in a manner approved by the relevant regulatory authorities.

MINIMUM REQUIREMENTS

Dairy premises effluent must not leave the farm boundaries or enter surface waters or groundwater, unless treated and discharged in a manner approved by the relevant regulatory authorities.

Dairy premises effluent must not enter surface waters, except artificial surface water bodies wholly contained within the farm boundaries.

OUTCOME 2

There must be an appropriately designed and operated system for the responsible management of dairy premises effluent.

MINIMUM REQUIREMENTS

All dairy sheds, and animal holding yards and feed pads in the vicinity of the dairy shed where stock are regularly held for extended periods must have concrete or other impervious flooring.

The floors of all dairy premises areas must have bunds around the perimeter or are otherwise designed so that all effluent is directed to a sump or holding pond.

Appropriate contingencies must be in place to contain all effluent, regardless of adverse weather conditions and/or component breakdowns.

Holding ponds are constructed and/or managed to reduce risk of groundwater contamination.

A Dairy Premises Effluent Management Plan must be developed for each dairy premises and submitted for approval to the TDIA. The dairy premises must operate in accordance with a plan approved by the TDIA for those premises.

OUTCOME 3

Spray irrigation or distribution of dairy premises effluent is carried out in an environmentally sound manner.

MINIMUM REQUIREMENTS

The effluent application schedule and rates are appropriate to the farm.

ATTACHMENT 1 – This Attachment does not form part of the code.

MANAGEMENT MECHANISM FOR CODE OF PRACTICE

LEGAL ACTION

Compliance with this Code of Practice is a condition of licence for all dairy farmers in Tasmania, and licences can be suspended or revoked for failure to comply. Compliance will be assessed as part of routine TDIA audit inspections, which may be announced or unannounced.

The Environment Protection Authority and local Municipal Councils are responsible for administering EMPCA, and various legal options are available under this Act. One course of action may involve serving an Environment Protection Notice (EPN) on the responsible person concerned whereby:

- The dairy could be closed down if compliance is not achieved within a specified time frame;
- A charge may be imposed for issue of the notice;
- Ongoing reports of the effluent management system may be required to be prepared by a suitably qualified person. A fee may be charged for each inspection;
- A penalty can be incurred for failure to comply with a requirement of an EPN – the maximum fine is currently \$120,000 for a company with a daily fine of \$60,000 for each day the offence continues, and \$60,000 for an individual with a daily fine of \$12,000. These maximums are subject to change annually in line with the Fee Units Act 1997;
- A right of appeal against the issue of the EPN can be lodged for a fee of \$50.

Fines can also be incurred where an incident that may cause environmental harm or environmental nuisance has not been reported to the appropriate governing body (local Council or Environment Division). These fines can be up to \$120,000 for a body corporate, and up to \$60,000 for an individual, at current rates.

COMPLAINTS RESOLUTION

Dealing with complaints concerning pollution caused by dairy premises effluent is the role of the local Municipal Council. The EHO/Council Officer on receiving the complaint will decide on the most appropriate course of action to take. Action could involve:

- An inspection to determine the nature of the complaint;
- Contact with the landholder concerned;
- Following inspection, deciding whether the matter needs to be referred to the Environment Protection Authority for assistance or whether legal action is required.

ATTACHMENT 2 - This Attachment does not form part of the code.

FOR FURTHER INFORMATION, CONSULT THESE DOCUMENTS:

Victorian Department of Primary Industries

Dairy Gains VICTORIAN GUIDELINES Management of Dairy Effluent, 2007

Website: www.dpi.vic.gov.au

Tasmanian Department of Primary Industries, Parks, Water and the Environment

Wastewater Management Guidelines for Intensive Animal Husbandry Activities, 2001

Website: www.environment.tas.gov.au

DairySAT

Dairy Self Assessment Tool

Available through DairyTas - email contact dairytas@eburnie.com.au

Dairy Australia Technical Guidelines

Dairy effluent technical guidelines

Website: www.dairyingfortomorrow.com.au