South East Dairy Effluent Guidelines

Legal requirements and constraints

Guideline No 21.

Dairy farmers have a legal responsibility to manage their dairy effluent so that is does not pollute the soil, groundwater or surface water. Failure to comply with this could lead to prosecution under the Environment Protection (Water Quality) Policy, 2003 or the Environment Protection Act 1993

The following guideline reviews sections of the Environment Protection Act,1993; The Environment Protection (Water Quality) Policy 2003 and the Dairy Authority Code of Practice which are relevant to dairy producers in the South East.

In the South East there are many land uses and management practices which have the potential to cause groundwater pollution. Most of the major effluent producers are licensed under the Environment Protection Act, 1993, which ensures that wastes are managed in order to minimise any pollution problems.

Dairies have previously been exempt from licensing under the Act because of the problems of trying to deal with so many individual operations. There are other powers under the Act to control pollution from dairies, but these will only be used if alternative courses of action have not worked. Through the implementation of the South East Dairy Effluent Guidelines and subsequent Codes of Practice, all dairies will have satisfactory effluent disposal systems, which will not pollute groundwater.

Dairy farmers have a legal responsibility to manage all dairy shed effluent so that it does not pollute the soil, groundwater or surface water. Anyone failing to comply may face prosecution under the Act.

Environment Protection Act, 1993
The Objects of the Act include (in part):

Part 2 Objects of Act

10. (1) The objects of this Act are:
(a) to promote the following principles ("principles of ecologically sustainable development"):
- (i) that the use, development and protection of the environment should be managed in a way and at a rate, that will enable people and communities to provide for their economic, social and physical well-being and for their health and safety while -
  - (A) sustaining the potential of natural and physical resources to meet the reasonable foreseeable needs of future generations; and
  - (B) safeguarding the life-supporting capacity of air, water, land and ecosystems; and
  - (C) avoiding, remedying or mitigating any adverse effects of activities on the environment
- (ii) that proper weight should be given to both long and short-term economic, environmental, social and equity considerations in deciding all matters relating to environmental protection, restoration and enhancement

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10.1.b. To ensure that all reasonable and practicable measures are taken to protect, restore and enhance the quality of the environment having regard to the principles of ecologically sustainable development and -

(i) to prevent, reduce, minimise and, where practicable, eliminate harm to the environment –

(B) by regulating, in an integrated, systematic and cost-effective manner - activities, products, substances and services that, through pollution or production of waste, cause environmental harm; and - the generation, storage, transportation, treatment and disposal of waste; and

(ii) to coordinate activities, policies and programs necessary to prevent, reduce, minimise or eliminate environmental harm and ensure effective environmental protection, restoration and enhancement

(v) to require persons engaged in polluting activities to progressively make environmental improvements (including reduction of pollution and waste at source) as such improvements become practicable through technological and economic developments

(vii) to provide for monitoring and reporting on environmental quality on a regular basis to ensure compliance with statutory requirements and the maintenance of a record of trends in environmental quality

(ix) to promote -

(A) industry and community education and involvement in decisions about the protection, restoration and enhancement of the environment.

Part 1, Section 4

Responsibility for pollution

4. For the purposes of this Act, the occupier or person in charge of a place or vehicle at or from which a pollutant escapes or is discharged, emitted or deposited will be taken to have polluted the environment with the pollutant (but without affecting the liability of any other person in respect of the escape, discharge, emission of depositing of the pollutant).

General Environmental Duty

25.(I) A person must not undertake an activity that pollutes, or might pollute, the environment unless the person takes all reasonable and practicable measures to prevent or minimise any resulting environmental harm.

6.2 *Penalties*

Penalties under the Environment Protection Act are many and varied, ranging from a warning notice to clean up activities which are causing or have the potential to cause environmental nuisance or harm, to $120,000 fines and terms of imprisonment.

On-the-spot fines may also apply if you have ignored or failed to act on clean up notices, warnings about improving pollution-causing activities, or environment protection orders.

Environment Protection (Water Quality) Policy 2003

The Environment Protection (Water Quality) Policy 2003 is one of a number of legislative tools provided for by the Environment Protection Act 1993.

The Environment Protection (Water Quality) Policy 2003 (EPA 2003) imposes general obligations for all activities which produce wastes to avoid the discharge of wastes into any waters, or onto land from which it is reasonably likely to enter any waters. Dairy effluent must be managed in such a way that it remains on the farm and it does not contaminate surface water or groundwater resources.

This means that the effluent must be managed so that its nutrients can be utilised on the farm.

The Environment Protection (Water Quality) Policy 2003 also sets out specific obligations and requirements that must be complied with as mandatory provisions and may be enforced. A wastewater management system is mandatory for all dairies. The system must be operating effectively at all times that the premises is being used as a milking shed.

Restrictions apply to pond location. More details on these restrictions are available in the Environment Protection (Water Quality) Policy 2003 (a copy is included with these guidelines). Those which are relevant to the location of dairy effluent ponds are summarised in ***South East Dairy Effluent Guideline No. 4 : Choosing An Effluent management System.***

Limitations also apply to spreading dairy effluent and solids. These are also summarised in ***South East Dairy Effluent Guideline No. 4 : Choosing An Effluent management System.***

Dairy Authority of South Australia

The following are sections from the Dairy Authority of South Australia's Code of Practice. In order to ensure that your milk is hygienic and will be picked up, you must meet the requirements of the Code of Practice. By following the Guidelines for the disposal of dairy shed effluent in the South East, you will be fulfilling the following sections of the Code of Practice.

2 Milking Premises

2.1 Location of Milking Premises

2.1.1 Shall be located on a site –

a) approved by the appropriate authorities

Approval for a site and for building plans shall be sought from the local council and other relevant environmental authorities eg Environmental Protection Agency, SA Water Corporation. These are only examples and are not meant to be exclusive. This is equally important when either renovating an existing dairy or constructing a new dairy and especially in relation to effluent disposal requirements.

b) where there is least likelihood of airborne contamination or strong odours affecting milk quality

Where possible, site the dairy away from dusty roads, intensive animal industries, bulk feed storage (especially brewers grain) and effluent disposal ponds. Consideration shall be given to prevailing winds.

c) where unrestricted all-weather access is available and the tanker collection area is free of mud and manure at all times

Vehicular access to the dairy shall be maintained in good repair and adhere to milk company and Road Traffic Act requirements (refer to company field staff or transport officer for advice).

2.2 Milking Shed and Yards

2.2.1 Shall be maintained in good repair and kept clean. Milking shed walls shall be constructed with a smooth and impervious finish. Floors shall be impervious and free draining.

2.2.2 The milking area shall not be used for any purpose other than milking.

2.2.3 Holding yards shall be of adequate capacity, easily cleaned, and designed to drain all effluent to a suitable point for disposal. All dairy wastes shall be disposed of and such disposal shall be in accordance with the requirements of the relevant authority.

An adequate supply of water is required for the washing of milking shed floors and walls and holding yards.

The Environmental Protection Authority has guidelines for effluent disposal in relation to location of the dairy premises. Specific regional waste management guidelines have been published jointly with industry.

Containing all effluent within the holding yard will necessitate a kerb around the yard perimeter.

Local Government

Under Schedule 21 of the Development Regulations, dairies are classed as activities of "Environmental Significance". This classification carries a compulsory referral to the Environment Protection Agency (EPA). If the dairy's effluent management system is in line with the Code of Practice for Milking Shed Effluent 2003, the EPA will approve the plans and return them to the local council. Provided that the plans then meet local council's building requirements, the plans should be approved.

The Code of Practice for Milking Shed Effluent 2003 applies to the management of liquid, semi and solid wastes from the milking of cows, sheep or goats, in new and existing dairies. The principle purpose of the code is to ensure that:

- The operator of a milking shed complies with the mandatory provisions of the Water Quality Policy.
- Milking shed wastewater and associated sludges do not pollute the environment unless all reasonable and practical measures have been taken to prevent or minimise any resulting environmental harm.

Although Local Government does not have requirements for effluent management, it has a duty to inform the EPA of proposed dairying activities. This will apply if you are constructing a new dairy or rebuilding an old dairy.