

Existing effluent storage



There are new rules in the proposed Southland Water and Land Plan that cover the ongoing use and maintenance of existing effluent storage facilities. These facilities include ponds, tanks or structures such as weeping walls and sludge beds, and ancillary structures such as sumps.



In most cases, you may be able to continue to use your existing effluent storage without consent. This is if the effects are the same or similar in character, intensity and scale, and you were carrying out this activity before the notification of the plan (4 April 2018)¹. If you do not meet the permitted activity criteria then you will need to lodge a consent application with us within six months of the plan being made operative (all appeals resolved).

In general, to be permitted and to carry on using your existing effluent storage without needing consent, it must have been constructed with resource consent or you will need to provide us with the following (on request):

- For structures that are synthetically or concrete lined, that have a leak detection system that is checked monthly and is not leaking:
 - certification from a suitably qualified person within the last ten years, that the pond meets the drop test criteria in Appendix P; or
- For all clay lined ponds or all other structures without a leak detection system:
 - certification from a suitably qualified person from the last three years that the structure has no cracks, holes or defects that would allow effluent to leak.
 - the pond, where relevant, meets the drop test criteria in Appendix P

Even though it's a permitted activity, we could request the certification at any time.

Take a look at the flow chart to see if you require a resource consent for the use and maintenance of your effluent storage facility. If you're still not sure, give our consents team a call.

For details on the rules for either reconstruction of existing or the construction of new agricultural effluent storage facilities see our separate factsheet. You may require resource consent before you begin any work.

¹ Section 20A of the RMA may apply, giving you a limited time for existing use rights. Please see our advice on s20A or contact our consents team.

Consent applications

The information that you'll need to supply in an application will depend on the type of agricultural effluent storage facility (or facilities) you have on your farm.

Ponds

If your pond is not a permitted activity as shown on the flowchart, you will need to apply for consent. Your application needs to include:

- Photos of the pond
- A description of the pond including its age, dimensions, plans, lining material and comments on its condition
- A description of why the pond requires consent
- An assessment of effects that includes: a discussion of risks to water quality (including groundwater quality); the potential for collapse or leaking, and distance to nearest waterways/ abstraction points

- An assessment against policies in the proposed Southland Water and Land Plan, including Policy 17(2) which is specific to effluent systems.

Tanks, bladders and weeping walls

Existing tanks, bladders, weeping walls and sludge beds generally do not have leak detection systems installed and are not able to be pond drop tested. These structures may not require consent as pond drop tests are not intended to be undertaken on weeping walls or sludge beds.

If you are applying to replace your effluent discharge consent, you will also need to show that the use of your tank, bladder or weeping wall is permitted by providing the certification from a suitably qualified person from within the last 3 years.

Definitions

Agricultural effluent – effluent that is derived from livestock farming.

Common questions and answers

Q: What are the requirements for a leak detection system?

A: A leak detection system is used to see if your pond is leaking through the use of a viewing port or an outlet pipe. IPENZ Practice Note 21 has more information about types of leak detection systems. Normal operating parameters require that no visible leakage is allowed.

Q: Why are we concerned about the ongoing use and maintenance of effluent storage facilities?

A: The integrity of effluent storage can degrade over time and with improper management. As these facilities hold large volumes of effluent and their failure is a risk to water quality it is important that their use and maintenance is managed.

Q: What methodology should be used to test my effluent pond?

A: The Council requires that the pond drop test is completed according to Appendix P of the proposed Southland Water and Land Plan. Requirements for

the test include:

- The pond must be at least 75% full;
- The pond must have been de-sludged within the 12 months prior to the test; and
- There must be no sludge or crust on the surface of the pond.

Q: What is counted as an agricultural effluent storage facility?

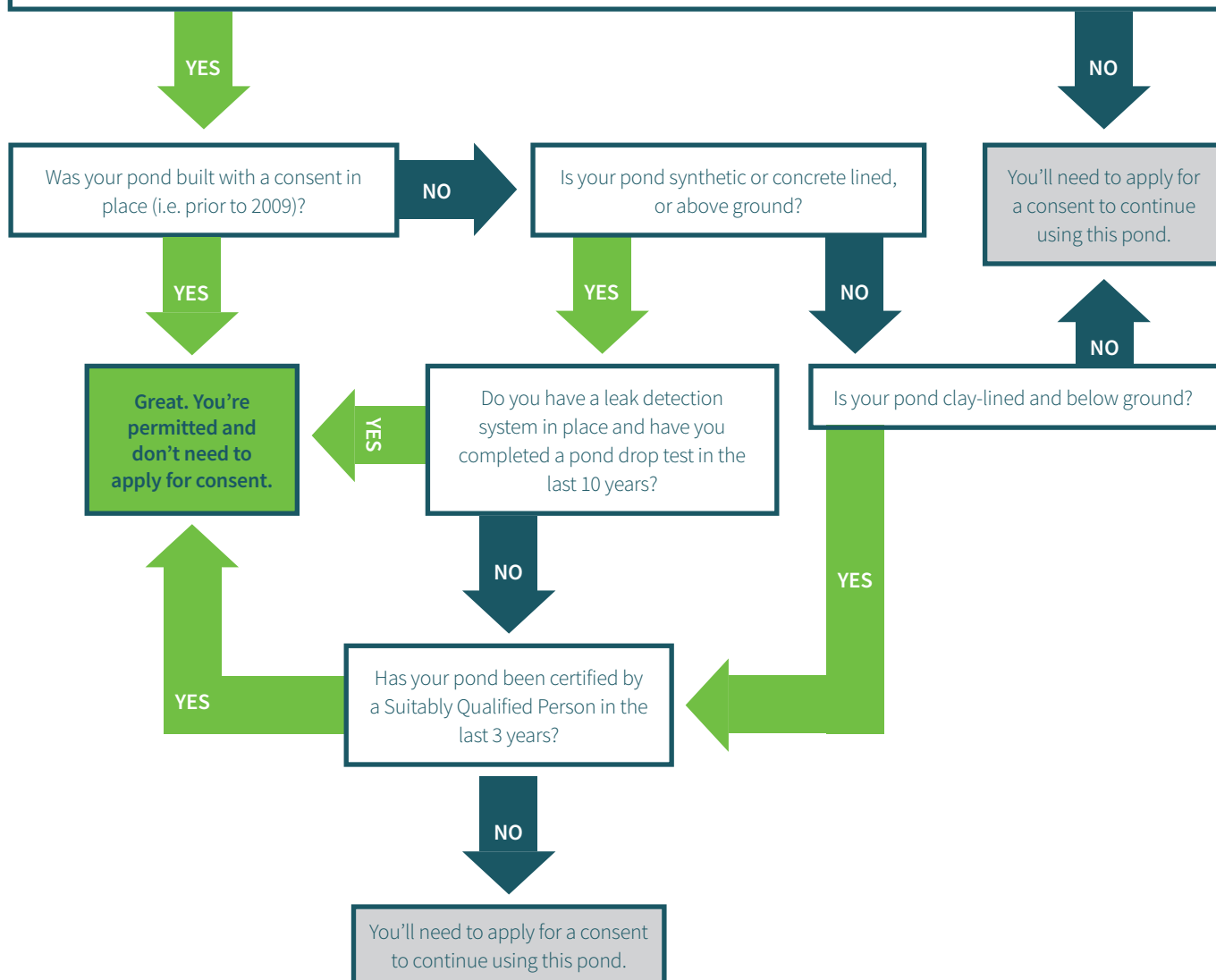
A: A pond, tank, or structure used for the containment, storage, or treatment of agricultural effluent. This includes effluent storage ponds, tanks, bladders, and weeping walls/sludge beds. However, pond drop tests are only required for effluent ponds.

Q: How do I know if my pond was constructed lawfully?

A: Either the pond was constructed with consent from 2009 onwards, or was constructed without a consent up until 2009.

Do you have an existing effluent pond that was built before 4 April 2018, and:

- It has a leak detection system installed; or
- It has been pond drop tested
 - In the last 10 years for synthetically lined ponds
 - In the last 3 years for clay lined ponds?



The information provided is based on on Rule 32A, B and D in the decisions version of the proposed *Southland Water and Land Plan*, April 2018.

*If you're thinking about making a change to your farming activity, it's important to remember what the proposed *Southland Water and Land Plan* is striving towards. Don't forget to address the objectives and policies*

alongside the relevant rules when you are making an application for resource consent. The objectives and policies are the key drivers of the rules and need to be considered carefully.

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