

Council Briefing Agenda

Date: 8 July, 2021

Time: 10:30 am

Location: Council Chamber
Forum North, Rust Avenue
Whangarei

Elected Members: Her Worship the Mayor Sheryl Mai
(Chairperson)

Cr Gavin Benney
Cr Vince Cocurullo
Cr Nicholas Connop
Cr Ken Couper
Cr Tricia Cutforth
Cr Shelley Deeming
Cr Jayne Golightly
Cr Phil Halse
Cr Greg Innes
Cr Greg Martin
Cr Anna Murphy
Cr Carol Peters
Cr Simon Reid

For any queries regarding this meeting please contact
the Whangarei District Council on (09) 430-4200.

1. Apologies

2. Reports

2.1. Trade Waste Bylaw (Statement of Proposal) 1

2.2. Nitrates and Drinking Water 87

3. Closure of Meeting

Statement of Proposal – Review of Trade Waste Bylaw

Meeting: Council Briefing
Date of meeting: 8 July 2021
Reporting officer: Simon Charles (Manager Waste and Drainage)
Vita Strohush (Strategic Planner – Bylaws Strategy)

1 Purpose

To update Elected Members about progress on the review of the Trade Waste Bylaw and to present the draft Statement of Proposal that will be part of the consultation process as required by the Local Government Act 2002.

2 Discussion

2.1 Introduction

Council's Trade Waste Bylaw applies to the discharge of trade waste into Council's public wastewater network. Trade waste means waste discharged from trade premises to Council's sewerage system in the course of any trade or industrial process. This includes discharges from businesses such as restaurants and any other premises discharging non-domestic wastewater, as well as tankered waste. The Bylaw provides for the protection of the public sewer, protection of the environment and public health and for recovery of the costs associated with disposing of trade waste.

Council assessed that the Bylaw has performed well since its last review in 2012, Trade Waste Bylaw 2012 is attachment 1. The proposed minor changes to the Bylaw are explained in the attached draft Statement of Proposal, attachment 2. A 'Statement of Proposal' (SOP) is a legal requirement when Council is proposing to make or amend a bylaw. This report sets out the changes Council is proposing to make and the reasons for it – a summary of these proposals changes is included below:

- the Physical and Chemical Characteristic Schedules to the Bylaw are to be removed as they are primarily technical items that do not need to form part of the Bylaw
- amendment to clause 6.4.3. of the Bylaw allowing Council to set by resolution a preferred waste tracking system
- improvements in drafting and wording of the bylaw and reorganization of the definitions table
- applying the revised Council logo's and colour formatting

A copy of the proposed amended Bylaw is attached, attachment 3, with a copy of the changes marked up so you can compare them against the current bylaw, see attachment 4.

Other considerations included a discussion around Te mana o te wai and the discharge of mortuary wastewater into the public wastewater system; details of which are included in the SOP (attachment 2). Further information relating to this discussion has been included as attachment 5, Mortuary discharges – Three council bylaw forum report.

3 Attachments

1. Trade Waste Bylaw 2012
2. Draft Statement of Proposal – Trade Waste Bylaw
3. Trade Waste Bylaw 2021 – Track changes removed. Will be updated on new WDC Logo for adoption.
4. Proposed Amended Trade Waste Bylaw 2021 – With track changes
5. Mortuary discharges - Three council bylaw forum report

Trade Waste Bylaw

June 2012

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Access point	is a place where access may be made to a Private Drain for inspection (including sampling or measurement), cleaning or maintenance with the location of an Access Point to be in accordance with the New Zealand Building Code.
Analyst	means a testing laboratory approved in writing by a Council officer on behalf of Council.
Approval or approved	means approval or approved in writing Council either by resolution of Council or by a Council officer.
Bio solids	means sewage sludge derived from a sewage treatment plant that has been treated and/or stabilized to the extent that it is able to be safely and beneficially applied to land and does not include products derived solely from industrial wastewater treatment plants. The term Bio solid/Bio solids is used generally through this document to include products containing Bio solids (e.g. compost).
Characteristic	means any of the physical or chemical characteristics of a trade waste and may include the level of a characteristic.
Cleaner production	means the implementation on trade premises, of effective operations, methods and processes appropriate to the goal of reducing or eliminating the quantity and toxicity of wastes. This is required to minimise and manage trade wastes by: <ul style="list-style-type: none"> • using energy and resources efficiently, avoiding or reducing the amount of wastes produced • producing environmentally sound products and services; and • achieving less waste, fewer costs and higher profits.
Condensing water or cooling water	means any water used in any trade, industry or commercial process or operation in such a manner that it does not take up matter into solution or suspension.
consent and	means consent in writing given by Council and signed by a Council officer.
consent to discharge	authorising a Person to discharge trade wastes to the sewerage system.
consent holder	means the person occupying trade premises who has obtained a consent to discharge or direct the manner or discharge of trade wastes from those premises to Council's sewerage system, and includes any person who does any act on behalf or with the express or implied permission of the consent holder (whether for reward or not) and any licensee of the consent holder.
Contaminant	includes any substance (including gases, odorous compounds, liquids, solids and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy or heat: <p>When discharged into water, changes or is likely to change the physical, chemical or biological condition of water; or</p> <p>When discharged onto or into land or into air, changes or is likely to change the physical, chemical or biological condition of the land or air onto or into which it is discharged or as described or contained in the Resource Management Act 1991.</p>
Contingency management procedures	means those procedures developed and used to avoid, remedy, or mitigate the actual and/or potential adverse effects of these activities on the environment, from an unexpected or unscheduled event resulting in discharge, or potential discharge of contaminants of concern into the sewerage system.
Council and the Council	means Whangarei District Council.
Council officer	means:

	<p>any officer for the time being appointed by Council to carry out or exercise the duties, offices, or powers of a Council officer referred to in or granted by this Bylaw, his deputy or assistant and in acting as provided by this Bylaw shall act as agent for Council; and</p> <p>any officer appointed by Council as an enforcement officer under S177 of the Local Government Act 2002 as an enforcement officer with powers of entry as prescribed by Sections 171 – 174.</p>
District	means the District administered by Council as established under LGA 2002.

1 Introduction

This Bylaw regulates the discharge of trade wastes to a sewerage system operated by Whangarei District Council (Council).

1.2 Commencement and application

This Bylaw comes into force on 1 July 2012.

1.3 Revocation

The following Bylaw is revoked by this Bylaw: Whangarei District Council Trade Waste Bylaw 2008.

1.4 Scope of Bylaw

The Bylaw provides for the:

- a acceptance of long-term, intermittent or temporary discharge of trade wastes to the sewerage system
- b establishment of four grades of trade wastes: Permitted, Controlled, Conditional and Prohibited
- c evaluation of individual trade wastes discharges to be against specified criteria
- d correct storage of materials to protect the sewerage system and stormwater systems from spillage
- e installation of flow meters, samplers or other devices to measure flow and quality of the trade waste discharge
- f pre-treatment of waste before it is accepted for discharge to the sewerage system
- g sampling and monitoring of trade wastes discharges to ensure compliance with this Bylaw
- h Council to accept or refuse a trade wastes discharge
- i charges to be set to cover the cost of conveying, treating and disposing of, or reusing, trade waste and the associated costs of administration and monitoring
- j administrative mechanisms for the operation of the Bylaw
- k establishment of waste minimisation and management programmes (including sludges) for trade waste producers.

1.5 Compliance with other Acts

Nothing in this Bylaw shall derogate from any of the provisions of the Health Act 1956, the Health and Safety in Employment Act 1992, the Resource Management Act 1991, the Building Act 2004, the Hazardous Substances and New Organisms Act 1996 and their regulations or any other relevant statutory or regulatory requirements. In the event of any inconsistency between legislation the more stringent requirement applies.

Trade premises and other users to which the Bylaw Applies.

This Bylaw shall apply to all Trade premises within the Whangarei District where trade wastes are discharged, or sought, or likely to be discharged to the sewerage system operated by Whangarei District Council or its agents. This Bylaw shall also apply to Tankered Wastes collected for the purpose of discharge to a sewerage system operated by Whangarei District Council or its agents.

Pursuant to S196 of the Local Government Act 2002 (LGA) Council may refuse to accept any type of trade waste which is not in accordance with this Bylaw.

2 Interpretation

Unless inconsistent with the text, any term that is not defined in this section takes its common meaning from the Concise Oxford English Dictionary (eleventh edition).

For the purpose of this Bylaw, unless inconsistent with the context, the following definitions shall apply:

Domestic wastewater and domestic sewage	means either wastewater discharged from premises, used solely for residential activities, or wastes of the same character discharged from other premises, but does not include any solids, liquids or gases that may not be lawfully discharge into sewage drains controlled by this Bylaw. Wastewater or sewage is used interchangeably throughout this document.
Hazardous wastes	means hazardous substances as defined by the Hazardous Substances and New Organisms Act 1996.
Infringement offence	means an offence which falls within the jurisdiction of subpart 3 of Part 9 of LGA.
LGA	means Local Government Act – the key legislation (law) that defines what Council's responsibilities are to the community and how they must be fulfilled and reported on.
Long Term Council Community Plan (LTCCP) or Long Term Plan (LTP)	means a Long Term Plan adopted under S93 of the LGA.
Management plan	means the plan for management of operations on any premises from which trade wastes come, and may include provision for Cleaner Production, waste minimisation, discharge, contingency management procedures, and any relevant industry codes of practice.
Mass limit	means the total mass of any characteristic that may be discharged to the sewerage system over any stated period from any single point of discharge or collectively from several points of discharge.
Maximum concentration	means the instantaneous peak concentration that may be discharged at any instant in time.
Occupier	in relation to trade premises means the person occupying the premises connected to the sewerage system; and includes any agent, manager, foreman, or other person acting or apparently acting in the general management or control of trade premises.
Person	includes a corporation sole and also a body of persons whether incorporated or unincorporated.
Point of discharge	the boundary between the public sewer and private drain but for the purposes of monitoring, sampling and testing, shall be designated in the trade wastes consent.
Pre-treatment	means any processing of trade waste designed to reduce or vary any characteristic in waste before discharge to the sewerage system in order to comply with a trade waste consent.
Premises	means either: a property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or land held in public ownership (e.g. reserve) for a particular purpose; or

	individual units in buildings, which are separately leased or separately occupied.
Prohibited trade wastes	means a trade waste that has prohibited characteristics as defined in Schedule 1B and does not meet the conditions of Schedule 1A.
Private drain	means that section of drain between the premises and the point of connection to Council sewerage system.
Schedule of rates and charges	means the list of items, terms and prices for services associated with the discharge of trade waste as approved by Council.
Sewage	means domestic wastewater and may include trade wastes.
Sewage sludge	means the material settled out and removed from Sewage during the treatment process.
Sewer	means the public pipework drainage system that conveys sewage.
Sewerage system	means the physical components of collection, treatment and disposal of sewage and trade wastes, including all sewers, pumping stations, storage tanks, sewage treatment plants, outfalls, and other related structures operated by Council and used for the reception, treatment and disposal of trade wastes
Shall	means must, is, or are obligated to
Significant industry	is a term to indicate the relative size of a given industry compared to the capacity of the sewerage system (including the sewage treatment plant) forming part of that sewerage system, which services that industry. Industry size relates to the volume and/or loads discharging into the sewerage system. Loads can be the conventional loadings of BOD5 and suspended solids or some other particular contaminant (e.g. boron, chromium), which may have an effect on the sizing of the sewerage system, the on-going system operation and/or the quality of the treated effluent that is discharged.
Stormwater	means surface water run-off resulting from precipitation.
Tanker waste	is water or other liquid, including waste matter in solution or suspension, which is conveyed by vehicle for disposal, excluding domestic sewage discharged directly from house buses, caravans, buses and similar vehicles.
Temporary discharge	means any discharge of an intermittent or short duration. Such discharges include the short-term discharge of an unusual waste from premises subject to an existing consent.
Trade premises	means: any premises used or intended to be used for any industrial or trade purpose any premises used or intended to be used for the storage, transfer, treatment, or disposal of waste materials or for other waste management purposes, or used for composting organic materials any other premises from which a Contaminant is discharged in connection with any industrial or trade process any other premises discharging other than Domestic Sewage.
Trade wastes and trade waste	means any liquid with or without matter in suspension or solution therein, which is or may be discharged from trade premises to Council's sewerage system in the course of any trade or industrial process or operation in the course of any activity or operation of a like nature; and may include Condensing or Cooling waters or Domestic sewage.
Wastewater treatment	means any arrangement of devices and structures used for treating sewage, and/or

plant	trade wastes prior to discharge to the environment.
Working day	<p>means any day of the week other than:</p> <ul style="list-style-type: none"> a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Labour Day a day in the period commencing with 25 December in a year and ending with the second day of January in the following year.

3 Applications to discharge trade wastes

3.1 Control of discharges

3.1.1 No person shall:

- a discharge, or allow to be discharged, any trade wastes to a sewerage system except in accordance with the provisions of this Bylaw
- b discharge, or allow to be discharged a prohibited trade waste into the sewerage system
- c add or permit the addition of condensing water or cooling water to any trade wastes which discharge into the sewerage system unless specific approval is given in a consent
- d add or permit the addition of stormwater to any trade waste, which discharges into the sewerage system unless specific approval is given in a consent.

3.1.2 In the event of failure to comply with 3.1.1(a)–(d) Council may physically prevent the discharge to the sewerage system if a reasonable alternative action cannot be established with the discharging party or parties.

3.1.3 Any Person discharging to a sewerage system shall also comply with the requirements of the Hazardous Substances and New Organisms Act 1996 (HSNO) and the Resource Management Act 1991 (RMA).

3.2 In the storage, transport, handling and use of hazardous or harmful materials

- a All persons on trade premises shall take all reasonable steps to prevent the accidental entry of any of the materials listed in 3.2(c) of this Bylaw from entry into the sewerage system as a result of leakage, spillage or other mishap.
- b No person shall store, transport, handle or use, or cause to be stored, transported, handled or used any hazardous substance as defined by HSNO or any of the materials listed in 3.2(c) in a manner that may cause the material to enter a sewerage system and cause harmful effects.
- c Materials referred to in 3.2 (a) and (b) are products or wastes which:
 - i contain corrosive, toxic, eco-toxic, oxidising, radioactive, flammable or explosive materials; or
 - ii are likely to generate toxic, eco-toxic, flammable, explosive, oxidising or corrosive materials in quantities likely to be hazardous when mixed with the wastewater stream
 - iii are likely to be deleterious to the health and safety of Council staff, approved contractors and the public or be harmful to the sewerage system.

4 Trade waste discharges and consents

4.1 Classification of trade waste discharges

4.1.1 Trade wastes discharges shall be classified as one of the following types:

- a Permitted (consent required if decided by Council)
Is a trade waste that has been approved by and is acceptable to Council as long as it has the physical and chemical Characteristics which comply (without pre-treatment) with the requirements of Council standard as defined in Schedule 1A of this Bylaw (Schedule 1A). No consent is required for a permitted trade waste discharge but Council has a right of access to inspect any discharge to determine whether a discharge is a permitted trade waste.

- b Controlled (consent required)
Is a trade waste that requires pre-treatment in order to ensure the discharge meets the conditions of Schedule 1A.
 - c Conditional (consent required)
Is a trade waste that has conditions placed upon the consent holder by Council.
 - d Prohibited (Not consentable)
Is a trade waste that has prohibited Characteristics as defined in Schedule 1B of this Bylaw ('Schedule 1B') and does not meet the conditions of Schedule 1A. This waste is not acceptable for discharge in Council system except if specifically approved by Council as a Conditional trade waste.
- 4.1.2** Council is not obligated to accept any trade wastes. No application for consent shall be approved where the trade wastes discharge would contain, or is likely to contain, characteristics, which are prohibited.
- 4.1.3** No person shall discharge, or cause to be discharged, any trade wastes to a sewerage system except in accordance with the provisions of this Bylaw.

4.2 Application for trade waste consent

- 4.2.1** Every person who does, proposes to, or is likely to:
- a discharge into the sewerage system any trade waste, other than Permitted trade waste
 - b vary the characteristics of a consent to discharge that has previously been granted
 - c vary the conditions of consent to discharge that has previously been granted
 - d significantly change the method or means of pre-treatment for discharge under an existing consent;
 - e shall, if required by Council, complete an application in the prescribed form(s) (available from Council's trade wastes Officer) for the consent of Council, to discharge that trade waste, or to the proposed variation(s).
- 4.2.2** Council reserves the right to deal with the owner as well as the occupier of any trade premises.
- 4.2.3** Nothing in this Bylaw shall be deemed to prevent Council from dealing separately with trade wastes arising from different departments or from different industrial processes carried out in the same trade premises and from treating the application received from the occupier concerned as if separate application had been made in respect of any such different trade wastes.
- 4.2.4** The Applicant shall ensure that the application and every other document conveying required information is properly executed and any act done for, or on behalf of, the eventual consent holder (whether for reward or not) in making any such application shall be deemed to be an act of the consent holder.
- 4.2.5** Council may require an application to be supported by an independent report/statement completed by a suitably experienced and external auditor to verify any or all information supplied by the applicant, and this may include a management plan.
- 4.2.6** Every application shall be accompanied by a trade wastes application fee in accordance with Council's Schedule of Rates and Charges.

4.3 Processing of an application

Council shall acknowledge the application in writing within 10 Working Days of the receipt of application.

4.4 Information and analysis

Upon receipt of any application for a trade waste consent to discharge from any premises or renewal, or alteration of an existing consent or discharge, Council may:

- a require the applicant to submit any additional information which it considers necessary to reach an informed decision
- b require the applicant to submit a Management Plan to the satisfaction of Council
- c whenever appropriate have the discharge investigated and analysed as provided for in clauses 6.1 and 6.3 of this Bylaw.

4.5 Consideration of an application by Council

Within 20 Working Days of receipt of an application complying with this Bylaw and/or all requirements under 4.4, whichever is the later, Council shall, after considering the matters in 4.6 action one of the following in writing:

- a grant the application as a permitted trade waste and inform the applicant of the decision by issuing the appropriate notice
- b grant the application as a controlled or a conditional trade waste discharge consent and inform the applicant of the decision and the conditions imposed on the discharge by issuing the appropriate notice of consent to the discharge; or
- c decline the application and notify the applicant of the decision giving a statement for the reasons for refusal.

4.6 Consideration criteria

In considering any application for a consent and in imposing any conditions in a consent Council shall take the quality, volume and rate of discharge of the trade waste into consideration in relation to the:

- a health and safety of Council staff, authorised agents, independent analysts and the public
- b the quality, volume and rate of discharge of the trade waste from such premises or tanker
- c the limits and/or maximum values for characteristics of trade wastes as specified in Schedules 1A and 1B
- d the extent to which the trade waste may react with other trade waste(s) or Domestic Wastewater to produce an undesirable effect, e.g. settlement of solids, production of odours, acceleration corrosion and deterioration of the Sewerage System, etc
- e the flows and velocities in the sewer or sewers in relation to the material or construction of the sewer or sewers
- f the capacity of the sewers in any wastewater catchment area and the capacity of any wastewater treatment works serving the catchment in which the trade waste is produced
- g the nature of Council's wastewater treatment processes and the degree to which the trade waste is capable of being treated in the relevant wastewater treatment works
- h the timing and balancing of flows into the sewerage system
- i existence of any statutory requirements relating to the conveyance, treatment or discharge of raw or treated wastewater to receiving waters, the disposal of sewage sludges, beneficial use of Bio solids and any discharge to air (including the necessity for compliance with any resource consent, discharge permit or receiving water quality guidelines)
- j the effect of the trade waste Discharge on the ultimate receiving environment
- k the conditions on resource consents for the sewerage system and the residuals from it
- l the possibility of unscheduled, unexpected or accidental events and the degree of risk these could cause to humans, the sewerage system and the environment
- m consideration for other existing or future discharges
- n amenability of the trade waste to pre-treatment
- o existing pre-treatment works on the premises and the potential for their future use
- p cleaner production techniques and waste minimisation practices
- q requirements and limitations related to sewage sludge disposal and reuse
- r control of stormwater
- s management plan
- t tankered waste being discharged at approved locations
- u any other matter that Council considers relevant.

4.7 Conditions of trade waste consent

Any consent to discharge may be granted or renewed subject to such conditions that Council may impose including but not limited to:

- a the particular sewerage system or sewers to which the discharge shall be made
- b the maximum daily volume of the discharge, the maximum rate of discharge and the duration of maximum discharge
- c the maximum limit or permissible range of any specified characteristics of the discharge, including concentration limits and/or mass limits determined in accordance with clause 4.8 of this Bylaw
- d the period or periods of the day during which the discharge, or a particular concentration, or volume of discharge may be made
- e the characteristics of the trade waste at the point of discharge
- f the provision, maintenance and operation by, or for the consent holder (at their expense) of screens, grease traps, oil traps, silt traps, other partial or preliminary pre-treatment processes, equipment or storage facilities designed to regulate the quality, quantity and rate of discharge or other characteristic prior to the point of discharge
- g the provision and maintenance of inspection chambers, manholes or other apparatus or devices to provide reasonable access to private sewers for flow measurement, sampling and inspection at the consent holders expense
- h the provision and maintenance of a sampling, analysis and testing programme and flow measurement requirements, at the consent holders expense
- i the method or methods to be used for measuring flow rates and/or volume and taking samples of the discharge for use in determining the amount of any trade waste charges applicable to that discharge
- j the provision and maintenance of such services, (whether electricity, water or compressed air or otherwise), which may be required in order to operate meters and similar devices at the consent holder expense
- k at times specified, the provision in a Council approved format by the consent holder to Council of all flow and/or volume records and results of analyses
- l the provision and implementation by the consent holder of a discharge management plan
- m risk assessment of damage to the environment due to an accidental discharge of contaminant
- n waste minimisation and management
- o cleaner production techniques
- p consent holder's use of third parties for treatment, carriage, discharge and disposal of by-products of pre-treatment of trade wastes
- q requirement to provide a bond or insurance in favour of Council where failure to comply with the consent could result in damage to Council's sewerage system, its treatment plants, or could result in Council being in breach of any statutory obligation
- r the meeting of any other conditions reasonably necessary to achieve or ensure compliance with this Bylaw and any other legislation.

4.8 Duration

4.8.1 Permitted Discharges shall remain in force indefinitely until either:

- a cancellation under clauses 3.1.2 or 4.10 of this Bylaw
- b the quantity and nature of the discharge changes significantly
- c if in the opinion of Council the discharge changes or it is likely to change to such an extent that it becomes a Conditional or Prohibited trade waste
- d Council changes the trade waste management procedures by implementation of changed trade waste Bylaw conditions or any amendment to, or replacement of, the trade waste Bylaw
- e the conditions on resource consents for the sewerage system and the residual from it change.

In all cases, after appropriate consultation, the Person shall apply within 10 Working Days of this change occurring for a conditional consent in accordance with clause 4.2 of this Bylaw. This application shall be approved prior to the occurrence of any new discharge.

4.8.2 Subject to clauses 4.10 and 7.1 of this Bylaw Controlled and Conditional consents under this Bylaw shall expire at the end of a term fixed by Council subject to the following:

- a controlled and conditional consents may be given for a term not exceeding five years to a consent holder who at the time of application satisfies Council that:
 - i the nature of the trade activity, or the process design and/or management of the premises are such that the consent holder has demonstrated ability to meet the conditions of the consent during its term; and/or
 - ii cleaner production techniques are successfully being utilised, or that a responsible investment in cleaner production equipment or techniques is being made; and/or
 - iii significant investment in pre-treatment facilities has been made, such that a longer period of certainty for the amortizing of this investment is considered reasonable; and/or
 - iv the reissuing of consent cannot be unreasonably withheld
- b in all other cases the term of a Controlled or a Conditional trade waste consent should not exceed two years
- c in all cases where either the consent holder or the owner of the premises changes, or there is a change of use, a new application for a Controlled or a Conditional trade waste consent shall be made. It shall be the responsibility of the consent holder to lodge the new application
- d the conditions on resource consents for the sewerage system and the residuals from it change.

4.8.3 Notwithstanding clause 4.8.2 Council retains the right to review the conditions at an earlier time. The reasons for such an earlier review could include but are not limited to:

- a the level of consent holder compliance, including any accidents including spills or process mishaps
- b matters pertaining to Council resource consents for the sewerage system
- c matters pertaining to Council environmental policies and outcomes
- d new control and treatment technologies and processes
- e any of the matters outlined in Section 5 of this Bylaw
- f matters pertaining to Council's legal obligations.

4.9 Technical review and variation

4.9.1 Council at any time may require a person undertaking a permitted discharge to apply for consent in accordance with clause 4.8.1 of this Bylaw.

4.9.2 If Council is having problems with excess organic material from trade premises including but not limited to excess oil and grease from food premises, then the offending industry may be required to apply for a conditional consent such that the conditions imposed shall result in a discharge compliant with the requirements of Council standard as defined in Schedule 1A.

4.9.3 Council may at any time during the term of a consent, by written notice to the consent holder, vary any condition within the consent to address such issues as a change in the:

- a nature of the discharge
- b wastewater system
- c circumstances that cause the condition(s) to become inappropriate or unnecessary
- d resource consent limits imposed on the discharges or the use of liquids or solids from Council's wastewater treatment plant
- e legal requirements imposed on Council.

4.9.4 The consent holder may seek to vary any condition of a consent at any time during the term of a consent by written application to Council, as provided for in clause 4.7 of this Bylaw.

4.10 Suspension or cancellation of the right to discharge

4.10.1 Council may suspend or cancel any consent or right to discharge at any time by giving 15 Working Days written-notice to the consent holder, if the consent holder fails to:

- a comply with any condition of the consent
- b maintain effective control over the discharge
- c limit the volume, nature, or composition of trade waste being discharged in accordance with the requirements of the consent
- d take any action which in the opinion of Council, threatens the safety of, or threatens to cause damage to any part of the sewerage system or the wastewater treatment plant or threatens the environment or the health or safety of any person
- e pay any charges due under this Bylaw
- f if any other circumstances arise which, in the opinion of Council, render it necessary in the public interest to cancel the right to discharge.
- g If any process changes require more than 15 Working Days, reasonable time may be given to comply with the consent conditions.

4.10.2 Council may cancel any consent or right to discharge immediately by giving written notice to the consent holder, if the:

- a discharge contains any prohibited substance
- b Council is lawfully directed to withdraw or otherwise terminate the consent summarily
- c consent holder discharges any trade waste unlawfully which Council determines may endanger the health or safety of any person, damage any part of the wastewater system or cause serious environmental effects as a result of the discharge
- d discharge is not effectively controlled in accordance with the requirements of a consent
- e continuance of discharge may, in the opinion of Council, result in a breach of resource consent held by Council
- f Council's opinion is that the continuance of the discharge puts at risk the ability of Council to comply with conditions of a resource consent and/or requires additional treatment measures or costs to seek to avoid a breach of any such resource consent.

4.10.3 Council may suspend or cancel any consent or right to discharge, by giving 15 Working Days notice to the consent holder for circumstances other than those in sections 4.10.1 (a)-(f) where it is in the public interest to do so.

5 Trade waste approval criteria

5.1 Pre-treatment

Council may approve a Controlled or Conditional trade waste consent subject to the provision of appropriate pre-treatment systems to enable the Person discharging to comply with this Bylaw, with any such pre-treatment system(s) to be provided, operated and maintained by the Person discharging at their expense. Service contracts for all such devices should be retained at all times that the system(s) operate(s) in accordance with manufacturers specifications. Any waste removed is to be disposed of in an appropriate and responsible manner and/or at appropriate facilities.

Refuse or garbage grinders and macerators shall not be used to dispose of solid waste from trade premises to the sewerage system unless approved by Council.

5.2 Dilution

The consent holder shall not, unless approved by Council add or permit the addition of any potable, condensing, cooling water or stormwater to any trade waste stream in order to vary the level of any characteristics of the waste.

5.3 Food premises

Food premises are required under this Bylaw and the Building Act 2004 to provide a means of reducing the amounts of fats, oils and greases (FOGs) discharged to the sewer, most commonly by use of a grease trap. Any grease trap shall meet the standards set out in G13, Section 4 of the New Zealand Building Code and approved documents published by the Building Authority. Trade waste consent conditions may include frequency of grease trap maintenance where ineffective operation is evident.

5.4 Mass limits

A conditional trade waste consent may impose controls on a trade waste discharge by specifying mass limits for any characteristic.

Mass limits may be imposed for any characteristic. Any characteristic of a discharge with a mass limit imposed shall also have its maximum concentration not limited to the value scheduled unless approved otherwise.

When setting mass limit allocations for a particular characteristic Council shall consider:

- a the operational requirements of and risk to the sewerage system, and risks to occupational health and safety, public health, and the ultimate receiving environment
- b whether or not the levels proposed pose a threat to the planned or actual beneficial reuse of bio solids or sewage sludge
- c conditions in the sewerage system near the trade waste point of discharge and elsewhere in the sewerage system
- d the extent to which the available industrial capacity was used in the last financial period and is expected to be used in the forthcoming period
- e whether or not the applicant uses cleaner production techniques within a period satisfactory to Council
- f whether or not there is any net benefit to be gained by the increase of one characteristic concurrently with the decrease of another to justify any increased application for industrial capacity
- g any requirements of Council to reduce any contaminant discharge of the sewerage system
- h how great a proportion the mass flow of a characteristic of the discharge shall be of the total mass flow of that characteristic in the sewerage system
- i the total mass of the characteristic allowable in the sewerage system, and the proportion (if any) to be reserved for future allocations
- j whether or not there is an interaction with other characteristics, which increases or decreases the effect of either characteristic on the sewer reticulation, treatment process, or receiving water or land.

6 Sampling, analysis and monitoring

6.1 Flow metering

6.1.1 Flow metering shall be required by Council:

- a on discharges when there is not a reasonable relationship between a metered water supply to the premises, and the discharge of trade waste
- b when Council shall not approve a method of flow estimation
- c when the discharge represents a significant proportion of the total flow/load received by Council.

- 6.1.2** The consent holder is responsible for the supply, installation, calibration, reading and maintenance of any meter required by Council for the measurement of the rate or quantity of discharge of trade waste. These devices are subject to the approval of Council, but shall remain the property of the consent holder.
- 6.1.3** Records of flow and/or volume shall be available for viewing at any time by Council, and shall be submitted to Council at prescribed intervals by the consent holder in a format approved by Council.
- 6.1.4** Meters shall be located in a position approved by Council, which provides the required degree of accuracy and shall be readily accessible for reading and maintenance. The meters shall be located in the correct position according to the manufacturer's installation instructions.
- 6.1.5** The consent holder shall arrange for in situ calibration of the flow metering equipment and instrumentation by a Person and method Approved by Council upon installation and at least once a year thereafter to ensure its performance. The meter accuracy shall be $\pm 10\%$ but with no greater a deviation from the previous meter calibration of $\pm 5\%$. A copy of independent certification of each calibration result shall be submitted to Council.
- 6.1.6** Should any meter installed for the specific purpose of measuring a trade waste discharge, after being calibrated, be found to have an error greater than that specified in Clause 6.1.5 of this Bylaw as a repeatable measurement, Council may make an adjustment to the fee calculation in accordance with the results shown by such tests back-dated for a period at the discretion of Council but not exceeding 12 months, and the consent holder shall pay or be credited a greater or lesser amount according to such adjustment.

6.2 Estimating discharge

- 6.2.1** Where no meter or similar apparatus is warranted, Council may require that a percentage of the water supplied to the premises (or other such basis as seems reasonable) be used for estimating the rate or quantity of flow for the purposes of charging. If this cannot be achieved then Council has the right to require installation of a Council Approved flow measurement at the consent holder's expense.
- 6.2.2** Should any meter be out of repair or cease to register, or be removed, Council shall estimate the discharge for the period since the previous reading of such meter, (based on the average of the previous 12 months) charged to the Person discharging and the Person discharging shall pay according to such estimate. Provided that when by reason of a large variation of discharge due to seasonal or other causes, the average of the previous 12 months would be an unreasonable estimate of the discharge, then Council may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the Person discharging shall pay according to such an estimate.
- 6.2.3** Where in the opinion of Council, a meter has been tampered with, Council (without prejudice to the other remedies available) may declare the reading void and estimate the discharge as provided above in Clauses 6.2.1 or 6.2.2.

6.3 Sampling and analysis

- 6.3.1** As determined by Council sampling, analysis and monitoring may be undertaken to determine if:
- a a discharge complies with the provisions of this Bylaw
 - b a discharge is to be classified as a permitted, controlled, conditional, or prohibited, under Clause 4.1.1 of this Bylaw
 - c a discharge complies with the provisions of Schedule 1A as a permitted or controlled Discharge and any consent to discharge; and
 - d trade waste charges are applicable to that discharge.
- 6.3.2** The sampling, preservation, transportation and analysis of the sample shall be undertaken by a Council officer, or the Person discharging in accordance with accepted standard methods, or by a method specifically approved by Council. The Person discharging shall be responsible for all reasonable costs. Where a dispute arises as to the validity of the methods or procedures used for sampling or analysis, the dispute may be submitted to a mutually agreed independent arbitrator.
- 6.3.3** All Council officers, or any appointed Analyst may enter any premises believed to be discharging trade waste at any time in order to determine any characteristics of any actual or potential discharge by:
- a taking readings and measurements

- b carrying out an inspection; and/or taking samples for testing of any solid, liquid or gaseous material or any combination or mixture of such materials being discharged.

Authorisation for entry to premises is given under LGA and entry shall be in compliance with the Health and Safety policies of that particular site.

6.4 Monitoring

6.4.1 Monitoring for compliance

Council is entitled to monitor and audit any trade waste discharge for compliance. Whether for a Permitted, Controlled or a Conditional trade waste consent discharge monitoring may be carried out as follows:

- a Council or its authorised agent shall take the sample with appropriate preservation, and arrange for this sample to be analysed in an approved laboratory by agreed/approved analytical methods
- b the sampling procedure shall be appropriate to the trade waste and the analytical method to be used
- c Council shall audit the sampling and analysis carried out by a self-monitoring trade waste Person discharging. Analysis shall be performed by an approved laboratory. Inter-laboratory checks are to be part of this process
- d Council shall audit the sampling and analysis carried out by an Analyst. Analysis shall be performed by an Approved laboratory. Inter-laboratory checks are to be part of this process; and
- e Council shall audit the trade waste consent conditions including any Management Plans.

At the discretion of Council all costs of monitoring shall be met by the consent holder either through direct payment to the laboratory or to Council in accordance with Council's charging policy.

6.4.2 Sampling methodology

Normally a single grab or composite sample is sufficient. If required, the grab or composite sample can be split equally into three as follows:

- a one portion of the sample goes to the trade waste Person discharging for appropriate analysis and/or storage
- b a second portion of the sample shall be analysed at a laboratory approved by Council
- c a third portion of the sample is retained by Council for 20 Working Days, for additional analysis if required.

Due consideration shall be applied to any changes that could occur in retained trade waste samples and provisions to mitigate against changes shall be adopted where practicable.

In all cases the samples shall be handled in an appropriate manner such that the characteristics being tested for are, as far as reasonably possible, preserved properly.

All samples shall be preserved, handled, transported and delivered to an Approved laboratory according to approved standards.

6.4.3 Tankered Waste

Tankered waste shall not be discharged into Council's sewerage system by any person discharging or consent holder not compliant with the Ministry for the Environment's Liquid and Hazardous Wastes Code of Practice.

Tankered waste may only be discharged by an operator holding a trade waste consent, and into Council's sewerage system at approved locations.

Council may accept tankered waste for discharge at an Approved location. Tankered waste shall:

- a be transported by a Registered Offensive Trade license holder licensed to discharge domestic septic tank or industrial wastes
- b have material safety data sheets (MSDS) available to Council detailing the contents of a waste
- c be pre-tested to determine their character if the contents of the waste are not known. Specialist advice on pre-treatment or acceptance may be required. The cost of all analyses and advice shall be borne by the Registered Offensive Trade license holder

- d not be picked up and transported to the disposal site until appropriate arrangements and method for disposal have been determined by Council
- e in order to prevent cross-contamination between tanker loads, the tanker shall be thoroughly washed prior to collected a load for disposal into the sewerage system
- f have 24 hours notice given for the disposal of wastes other than those sourced from domestic septic tanks.

Any person illegally disposing of, or causing to be disposed, tankered waste either by incorrect disclosure of contents (characteristics and/or amount) or dumping into Council's sewerage system at other than the prescribed location shall be in breach of the Bylaw.

6.4.4 Disinfected/super chlorinated water

Any water used during the repair and construction of water mains shall be dechlorinated prior to the discharge into the sewerage system. Application for a Temporary Discharge consent shall be made. Such water shall not be disposed of to stormwater or adjacent watercourses without appropriate approvals.

7 Bylaw administration

7.1 Review of decisions

If any Person is dissatisfied with any decision by a Council officer made under this Bylaw, that Person may, by notice delivered to the Chief Executive Officer of Council not later than 20 Working Days after the decision by Council officer is served upon that Person, request the Chief Executive Officer to review any such decision and such a decision shall be final. Nothing in this clause shall affect any right of appeal under the LGA.

7.2 Accidents and non-compliance

The Person discharging shall inform Council immediately on discovery of any accident including spills or process mishaps, which may cause a breach of this Bylaw.

In the event of any accident occurring on premises for which there is a consent then Council may review the consent under Clause 4.9 of this Bylaw or may require the consent holder, within 20 working days of the date such requirement is notified to the consent holder in writing, to review the contingency management procedures and re-submit for approval the management plan with Council.

In the event of an accident occurring on the premises of a Permitted trade waste discharge, Council may require the Person discharging to apply for a Conditional trade waste consent.

7.3 Charges and payments

7.3.1 Charges

Council may recover fees and charges in accordance with the LGA and in accordance with Council's Schedule of Rates and Charges.

7.3.2 Invoicing

All charges determined in accordance with Clause 7.3.1 of this Bylaw shall be invoiced in accordance with Council's standard commercial practice. The invoice shall provide each Person discharging with a copy of the information and calculations used to determine the extent of any charges and fees due, in regard to a discharge.

7.3.3 Cease to discharge

The Person discharging is deemed to be continuing the discharge of trade waste and shall be liable for all charges, until notice of Disconnection is given by the consent(s) holder.

7.3.4 Failure to pay

All fees and charges payable under this Bylaw shall be recoverable as a debt. If the Person discharging fails to pay any fees and charges under this Bylaw Council may cancel the right to discharge in accordance with Clause 4.10 of this Bylaw.

7.3.5 Recovery of costs

In all cases Council may recover costs associated with damage to Council sewerage system and/or breach of this Bylaw in accordance with Sections 175 and 176 of the LGA 02.

7.3.6 Council officers

All Council officers, or other Persons authorised under S174 or S177 or paragraph 32 of Schedule 7 of the LGA shall possess and produce on request warrants of authority and evidence of identity.

Any Council officer may at any reasonable time enter any premises believed to be discharging trade wastes to determine any characteristic of any discharge by:

- a taking readings and measurements
- b taking samples of any solids, liquids or gaseous material or any combination or mixtures of such materials being discharged
- c observing accidental occurrences and clean up
- d carrying out any inspection and/or assessment of the premises.

The extent and level of delegation to Council officers shall be in accordance with Council's Register of Statutory Delegations and Warrants.

Authorisation for entry to premises is given under the LGA and entry shall be in compliance with the health and safety policies of that particular site.

7.4 Transfer or termination of rights and responsibilities

7.4.1 A trade waste consent to discharge shall be issued in the name of the consent holder. The consent holder shall not, unless written approval is obtained from Council:

- a transfer to any other party the rights and responsibilities provided for under this Bylaw, and under the consent
- b allow a point of discharge to serve another premises, or the private drain to that point to extend by pipe or any other means to serve another premises
- c in particular and not in limitation of the above, allow trade waste from any other party to be discharged at their point of discharge.

7.4.2 Renewal of a trade waste consent on change of ownership of premises shall not be unreasonably withheld if the characteristics of the trade waste remain unchanged.

7.4.3 The Person discharging shall give 2 working days notice in writing to Council of their requirement for disconnection of the discharge connection and/or termination of the discharge consent, except where demolition or relaying of the discharge drain is required, in which case the notice shall be within 7 Working Days. The Person discharging shall notify Council of the new address details for final invoicing.

On permanent disconnection and/or termination the Person discharging may at Council's discretion be liable for trade waste charges to the end of the current charging period.

7.4.4 When a Person discharging ceases to occupy premises from which trade wastes are discharged into the Sewerage System any consent granted shall terminate but without relieving the Person discharging from any obligations existing at the date of termination.

7.5 Service of documents

7.5.1 Delivery or post

Any notice or other document required to be given, served or delivered under this Bylaw to the Person discharging may (in addition to any other method permitted by law) be given or served or delivered by being:

- a sent by pre-paid ordinary mail, courier, or facsimile, or email to the consent holders at the consent holders last known place of residence or business
- b sent by pre-paid ordinary mail, courier, or facsimile, or email to the Person discharging at any address for service specified in consent to discharge
- c where the Person discharging is a body corporate, sent by pre-paid ordinary mail, courier, or facsimile, or email to, or left at its registered office

- d personally served on the Person discharging.

7.5.2 Service

If any notice or other document is:

- a sent by post it shall be deemed received on the first day (excluding weekends and public holidays) after posting;
- b sent by facsimile or email and the sender's facsimile or email machine produces a transmission report indicating that the facsimile or email was sent to the addressee, the report shall be prima facie evidence that the facsimile or email was received by the addressee in a legible form at the time indicated on that report
- c sent by courier and the courier obtains a receipt or records delivery on a courier run sheet, the receipt or record of delivery on a courier run sheet shall be prima facie evidence that the communication was received by the addressee at the time indicated on the receipt or courier run sheet, or left at a conspicuous place at the trade premises or is handed to a designated Person(s) nominated by the consent holder then that shall be deemed to be service on, or delivery to the consent holder at that time.

7.5.3 Signature

Any notice or document to be given, served or delivered shall be signed by a Council officer.

7.6 Offences

Every Person discharging, or Owner or Occupier of Trade premises who:

- a fails to comply with or acts in contravention of any provision of this Bylaw
- b breaches the conditions of any consent to discharge granted pursuant to this Bylaw
- c fails to comply with a notice served under this Bylaw
- d commits an offence under S239 of the LGA, and is liable to prosecution or the issue of an Infringement notice under S245 of the LGA.

In all cases Council may recover costs associated with damage to Council Sewerage System and/or breach of this Bylaw in accordance with S175 and S176 of the LGA.

7.7 Transitional provisions

7.7.1 Applications

Any application for a consent to discharge trade waste made under Whangarei District Council 1991 trade waste Bylaw for which a consent has not yet been granted at the time of this new Bylaw coming into force, shall be deemed to be an application made under Clause 4.2 of this Bylaw.

7.7.2 Existing trade waste consents

Every existing trade waste consent granted under any previous Bylaw shall continue in force as if it were consent under this Bylaw until it reaches its expiry date provided that no consent shall run beyond 5 years from the date of this Bylaw coming into effect.

Schedule 1A – Permitted discharge characteristics

1A.1 Physical characteristics

1A.1.1

The nature and levels of the Characteristics of any trade waste discharged to the sewerage system shall comply at all times with the following requirements, except where the nature and levels of such characteristics are varied by Council as part of an approval to discharge trade waste.

1A.1.2

Council shall take into consideration the combined effects of trade waste discharges and may make any modifications to the following acceptable characteristics for individual discharges Council believes are appropriate.

1A.2 Physical characteristics

1A.2.1 Flow

- a the 24 hour flow volume shall be less than 2 m³
- b the maximum instantaneous flow rate shall be less than 2.0L/s.

1A.2.2 Temperature

The temperature shall not exceed 40°C.

1A.2.3 Solids

- a non-faecal gross solids shall have a maximum dimension which shall not exceed 15mm
- b the suspended solids content of any trade wastes shall have a maximum concentration, which shall not exceed 2000g/m³. For Significant Industry this may be reduced to 600g/m³
- c the settleable solids content of any trade waste shall not exceed 50mL/L
- d the total dissolved solids concentration in any trade waste shall be subject to the Approval of Council having regard to the volume of waste to be discharged, and the suitability of the drainage system and the treatment plant to accept such waste
- e fibrous, woven, or sheet film or any other materials which may adversely interfere with the free flow of wastewater in the drainage system or treatment plant shall not be present.

1A.2.4 Oil and grease

- a there shall be no free or floating layer
- b a trade waste with mineral oil, fat or grease unavoidably emulsified, which in the opinion of Council is not biodegradable shall not exceed 200g/m³ as petroleum ether extractable matter when the emulsion is stable at a temperature of 15°C and when the emulsion is in contact with and diluted by a factor of 10 by raw sewage, throughout the range of pH 6.0 to pH 10.0
- c a trade waste with oil, fat or grease unavoidably emulsified, which in the opinion of Council is biodegradable shall not exceed 500g/m³ when the emulsion is stable at a temperature of 15°C and when the emulsion is in contact with and diluted by a factor of 10 by raw sewage throughout the range of pH 4.5 to pH 10.0
- d emulsified oil, fat or grease shall not exceed 100g/m³ as petroleum ether extractable matter when the emulsion is unstable at a temperature of 15°C and when the emulsion is in contact with and diluted by a factor of 10 by raw sewage throughout the range of pH 4.5 to pH 10.0.

1A.2.5 Solvents and other organic liquids

There shall be no free layer (whether floating or settled) of solvents or organic liquids.

1A.2.6 Emulsions of paint, latex, adhesive, rubber, plastic or similar material

- a where such emulsions are not treatable these may be discharged into the sewer subject to the total suspended solids not exceeding 1000g/m³ or the concentration agreed with Council
- b Council may determine that the need exists for pre-treatment of such emulsions if they consider that the trade waste containing the emulsions unreasonably interferes with the operation of Council treatment plant
- c such emulsions of both treatable and non-treatable types, shall be discharged to the sewer only at a concentration and pH range that prevents coagulation and blockage at the mixing zone in the sewer.

1A.2.7 Radioactivity

Radioactivity levels shall not exceed National Radiation Laboratory Guidelines.

1A.2.8 Colour

No waste shall have colour or colouring substance that causes the discharge to be coloured to the extent that it impairs wastewater treatment processes or compromises the treated wastewater discharge consent.

1A.3 Chemical characteristics

1A.3.1 pH Value

The pH shall be between 6.0 and 10.0 at all times.

1A.3.6 Organic strength

The Biochemical Oxygen Demand (BOD₅) of any waste shall not exceed 600g/m³.

The Chemical Oxygen Demand (COD) of any waste shall not exceed 2000g/m³.

1A.3.3 Maximum concentrations

The maximum concentrations permissible for the chemical characteristics of an acceptable discharge are set out in Table 1A.3.1, Table 1A.3.2 and Table 1A.3.3.

Table 1A.3.1 – General chemical characteristics	
Characteristic	Maximum concentration (g/m³)
MBAS (Methylene blue active substances)	500
Ammonia (measured as N)	
- free ammonia	50
- ammonium salts	200
Kjeldahl Nitrogen	150
Total phosphorus (as P)	50
Sulphate (measured as SO ₄)	500
Sulphite (measured as SO ₂)	15
Sulphide – as H ₂ S on acidification	5
Chlorine (measured as Cl ₂)	
- free chlorine	3
- hypochlorite	30
Dissolved aluminium	100
Dissolved iron	100
Boron (as B)	25
Bromine (as Br ₂)	5
Fluoride (as F)	30
Cyanide – weak acid dissociable (as CN)	5
Table 1A.3.2 – Heavy metals	
Metal	Maximum concentration (g/m³)
Antimony	10
Arsenic	5
Barium	10
Beryllium	0.005
Cadmium	0.5
Chromium	5
Cobalt	10
Copper	10
Lead	10
Manganese	20

Mercury	0.05
Molybdenum	10
Nickel	10
Selenium	10
Silver	2
Thallium	10
Tin	20
Zinc	10

Table 1A.3.3 – Organic compounds and pesticides	
Compound	Maximum concentration (g/m³)
Formaldehyde (HCHO)	50
Phenolic compounds (as phenols) excluding chlorinated phenols	50
Chlorinated phenols	0.02
Petroleum hydrocarbons	30
Halogenated aliphatic compounds	1
Monocyclic aromatic hydrocarbons	5
Polycyclic (or polynuclear) aromatic hydrocarbons (PAHs)	0.05
Halogenated aromatic hydrocarbons (HAHs)	0.002
Polychlorinated biphenyls (PCBs)	0.002 each
Polybrominated biphenyls (PBBs)	0.002 each
Pesticides (general) includes: insecticides, herbicides, fungicides and excludes organophosphate, organochlorine and any pesticides not registered for use in New Zealand)	0.2 in total
Organophosphate pesticides	0.1

Schedule 1B – Prohibited discharge characteristics

This schedule defines prohibited trade wastes.

Prohibited characteristics

OB.1.1

Any discharge has prohibited characteristics if it has any solid liquid or gaseous matters or any combination or mixture of such matters which by themselves or in combination with another material shall immediately or in the course of time:

- a interfere with the free flow of sewage in the sewerage system
- b damage any part of the sewerage system
- c in any way, directly or indirectly, cause the quality of the treated sewage or residual Bio-solids and other solids from any sewage treatment plant in the catchment to which the waste was discharged to breach the conditions of a consent issues under the Resource Management Act, or water right, permit or other governing legislation
- d prejudice the occupational health and safety risks faced by sewerage workers
- e after treatment be toxic to fish, animals or plant life in the receiving waters
- f cause malodorous gases or substances to form which are of a nature or sufficient quantity to create a public nuisance
- g have a colour or colouring substance that causes the discharge from any sewage treatment plant to receiving waters to be coloured.

OB.1.2

A discharge has prohibited Characteristics if it has any characteristic which exceeds the concentration or other limits specified in Schedule 1A unless specifically approved for that particular consent.

OB.1.3

A discharge has prohibited characteristics if it has any amount of:

- a harmful solids, including dry solid wastes and materials which combine with water to form a cemented mass
- b liquid, solid or gas which could be flammable or explosive in the wastes, including oil, fuel, solvents (except as allowed for in Schedule 1A), calcium carbide, and any other material which is capable of giving rise to fire or explosion hazards either spontaneously or in combination with sewage
- c asbestos
- d tin (as tributyl and other organotin compounds)
- e any organochlorine pesticides
- f genetic wastes, as follows: all wastes that contain or are likely to contain material from a genetically modified organism that is not in accordance with an approval under the Hazardous Substances and New Organisms Act. The material concerned may be from premises where the genetic modification of any organism is conducted or where a genetically modified organism is processed
- g any health care waste prohibited for discharge to a sewerage system by NZS 4304 or any pathological or histological wastes
- h radioactivity levels in excess of the National Radiation Laboratory Guidelines.

Schedule 1C – Trade waste charges

Fees and charges are set by Council resolution. This may be done by the annual planning process, fee setting or similar transparent public process in accordance with the LGA.

In the following table Whangarei District Council states what categories they shall charge, or may charge under the tenure of this Bylaw.

Administrative charges		
Category		Description
A1	Connection Fee	payable on application for connection to discharge.
A2	Compliance Monitoring	the cost of sampling and analysis for trade waste discharges.
A3	Disconnection Fee	payable on an application for disconnection of a ceased trade waste discharge.
A4	Trade waste Application Fee	payable on an application for trade waste discharge.
A5	Trade waste consent Renewal Fee	payable on an application for renewal of an existing trade waste consent.
A6	Re-inspection Fee	payable for each re-inspection visit by Council where a notice served under this Bylaw has not been complied with by the trade waste Person discharging.
A7	Special rates for loan charges	additional rates for servicing loans raised for the purposes of constructing or improving the sewerage system.
A8	Temporary Discharge Fee	payable prior to receipt of Temporary Discharge.
A9	Annual trade waste Charges	an annual management fee for a trade waste discharge to cover Council's costs associated with: administration general compliance monitoring general inspection of trade waste premises use of the sewerage system this charge may vary depending on the trade waste sector and category of the discharge.
A10	Rebates for Trade premises within the District	reduction in fees is provided for in Section 150(2). Section 150(4) of the LGA which states that the fees prescribed by Council shall not provide for Council to recover more than the reasonable cost incurred by Council for the matter which the fee is charged. In no event shall the resultant charge be less than Council's sewerage charge for the equivalent period.
A11	New or Additional Trade Premises	pay the annual fees and a pro rata proportion of the various trade waste charges relative to flows and loads.
B1	Volume	payment based on the volume discharged $\$/m^3$.
B2	Flow rate	payment based on the flow rate discharged $\$/L/s$.
B3	Suspended Solids	payment based on the mass of suspended solids $\$/kg$.
B4	Organic loading	payment based on the Biochemical Oxygen Demand or Chemical Oxygen Demand $\$/kg$.
B5	Nitrogen	payment based on the defined form(s) of nitrogen $\$/kg$.
B6	Phosphorus	payment based on the defined form(s) of phosphorus $\$/kg$.
B7	Metals	payment based on the defined form(s) of metal(s) $\$/kg$.
B8	Transmissivity	a charge based on the inhibiting nature of the trade waste to UV light used by Whangarei District Council's disinfection process.
B9	Screenable Solids	payment based on the mass of screenable solids $\$/kg$.
B10	Toxicity charge	payment based on the defined form(s) of the toxic substance(s) $\$/kg$ and/or $\$/m^3$.
B11	Incentive Rebate	a rebate for discharging materials beneficial to Council's Sewerage System $\$/kg$ and/or $\$/m^3$.
B12	Depreciation	operating cost related to capital and normally spread across the volume and mass charges.
B13	Capital	apportioned upfront or term commitment capital cost of specific infrastructure required to accommodate a conditional consent.
Tankered waste charges		
C1	Tankered Wastes	set as a fee(s) per tanker load, or as a fee(s) per cubic metre, dependent on trade waste category.

Statement of Proposal – review of the Trade Waste Bylaw

1. Introduction

Council's Trade Waste Bylaw applies to the discharge of trade waste into Council's public wastewater network. Trade waste means waste discharged from trade premises to Council's sewerage system in the course of any trade or industrial process. This includes discharges from businesses such as restaurants and any other premises discharging non-domestic wastewater, as well as tankered waste. The Bylaw provides for the protection of the public sewer, protection of the environment and public health and for recovery of the costs associated with disposing of trade waste.

Council assessed that the Bylaw has performed well since its last review in 2012. The proposed minor changes to the Bylaw are explained in this Statement of Proposal. A 'Statement of Proposal' (SOP) is a legal requirement when Council is proposing to make or amend a bylaw. This document sets out the changes Council is proposing to make and the reasons for it. A copy of the proposed amended Bylaw is also provided, with the changes marked up so you can compare them against the current bylaw.

Before making a final decision on the proposed amended Bylaw, Council wants to hear your views. To assist you in providing feedback on the Bylaw we have also prepared a shorter document called a Summary of Information, which explains the key matters in the proposal. This is available from our Council offices or online.

2. Timeline for considering the proposed amended Bylaw

- Submissions period: 1 July – 31 August 2021
- Hearing: dd/mm/yyyy
- Council deliberates on submissions and makes decisions on any changes to the draft Bylaw and/or proposed amendments: September 2021
- Council adopts the final amendments to the Bylaw: October 2021

3. Reason for the proposal

Council must review Bylaws from time to time to ensure they are fit for purpose and continue to achieve desired outcomes. Council's Trade Waste Bylaw was first made in 2008 and reviewed in 2012. The Bylaw is due for its next review by 2022.

At its meeting on 8 April 2021, Council reviewed the Bylaw. Council considered there are no significant issues with the performance and application of the Bylaw and only minor amendments are required. Following review, Council is required to consult with the community on proposed amendments to the Bylaw. This Statement of Proposal is part of the consultation process as required by the Local Government Act 2002.

4. Summary of proposed changes

The following changes are proposed in the amended Trade Waste Bylaw:

- the Physical and Chemical Characteristic Schedules to the Bylaw are to be removed as they are primarily technical items that do not need to form part of the Bylaw
- amendment to clause 6.4.3. of the Bylaw allowing Council to set by resolution a preferred waste tracking system
- improvements in drafting and wording of the bylaw and reorganization of the definitions table

The amended text of clause 6.4.3. of the Bylaw is shown in tracked changes below. Full tracked changes to the Bylaw are provided in the attached proposed amended Bylaw.

6.4.3 Tankered Waste

Tankered waste shall not be discharged into Council's sewerage system by any person discharging or consent holder not compliant with the ~~Ministry for the Environment's~~ WasteMINZ Liquid and Hazardous Wastes Code of Practice (or any subsequent Code of Practice that amends or replaces it).

Council may by resolution select a preferred waste tracking system different from the one specified in the WasteMINZ Liquid and Hazardous Wastes Code of Practice (or any subsequent Code of Practice that amends or replaces it).

Tankered waste may only be discharged by an operator holding a trade waste consent, and into Council's sewerage system at approved locations.

Council may accept tankered waste for discharge at an Approved location.

Tankered waste shall:

- be transported by a Registered Offensive Trade license holder licensed to discharge domestic septic tank or industrial wastes*
- have material safety data sheets (MSDS) available to Council detailing the contents of a waste*
- be pre-tested to determine their character if the contents of the waste are not known. Specialist advice on pre-treatment or acceptance may be required. The cost of all analyses and advice shall be borne by the Registered Offensive Trade license holder*
- not be picked up and transported to the disposal site until appropriate arrangements and method for disposal have been determined by Council*
- in order to prevent cross-contamination between tanker loads, the tanker shall be thoroughly washed prior to ~~collected~~ collecting a load for disposal into the sewerage system*
- have 24 hours notice given for the disposal of wastes other than those sourced from domestic septic tanks.*

Any person illegally disposing of, or causing to be disposed, tankered waste either by incorrect disclosure of contents (characteristics and/or amount) or dumping into Council's sewerage system at other than the prescribed location shall be in breach of the Bylaw.

The existing consents issued under the current Bylaw are intended to be continued. Fees and charges will continue to be set outside of the Bylaw.

The classification of trade waste discharges is proposed to remain unchanged. The Bylaw provides for the following types of trade waste discharges:

Permitted (consent required if decided by Council)

Is a trade waste that has the physical and chemical characteristics which comply without pre-treatment with the requirements of Council standards. No consent is required for a permitted trade waste discharge, but Council has a right of access to inspect any discharge to determine whether a discharge is a permitted trade waste.

Controlled (consent required)

Is a trade waste that requires pre-treatment in order to ensure the discharge meets the requirements of Council standards.

Conditional (consent required)

Is a trade waste that has conditions placed upon the consent holder by Council standards.

Prohibited (not consentable)

Is a trade waste that has prohibited characteristics as defined by Council standards. This waste is not acceptable for discharge into Council's system except if specifically approved by Council as a Conditional trade waste.

Other considerations:

Te mana o te wai and the discharge of mortuary wastewater into the public wastewater system.

Council is aware of work being done by Northland Regional Council (NRC) stemming from the recent practice at Gisborne District Council which made mortuary wastewater discharges a prohibited discharge in their updated Trade Waste Bylaw.

Discharge of human waste, especially to waterways, is a controversial topic and is of interest to Māori.

We consider that these cultural issues are wider than trade waste and relate to wastewater management more broadly. Currently our mortuary wastewater discharges are not included in our management of Trade Waste but are included in the public wastewater conveyance and treatment process i.e. transported via sewers to the Whangarei Waste Water Treatment Plant, treated and then passed through wetlands before ultimately being discharged into the Hatea River.

Wetlands provide the link between human waste and Papatūānuku that is culturally significant to Māori.

Given that Council has a broader scope bylaw in relation to Wastewater that might better regulate this issue, Council has opted to continue with the Trade Waste Bylaw review in isolation at this time.

5. How to give us your feedback

There are several ways you can tell us what you think. You can submit in writing, or online, and you can talk to Councillors at the formal hearing. Go to our public consultations page at www.wdc.govt.nz for more information.

Written submissions

You can provide us with a written submission via email or online, or you can fill in the submission form attached to this document.

- Email us: mailroom@wdc.govt.nz with 'camping in public places' in the subject line
- Submit online: www.wdc.govt.nz
- Post the paper form to Council, Private Bag 9023, Whangārei 0148, or deliver to one of our customer service centres at Forum North or Takutai Place, Ruakākā.

Hearing

A formal hearing meeting will be held after the submissions period closes. This is an option if you are happy to address the full Council and answer any questions Councillors may have in Council Chambers.

The Hearing will be held on **dd/mm/yyyy** in Council Chambers at Forum North.

We will advise a time for you to attend closer to the date.

Information on the hearings process and what to expect if you want to attend the hearing can be found on our website in the public consultations section.

What will happen with your feedback

All feedback received will be summarised and reported back to Council to support their deliberations on the proposal. The Elected Members will receive copies of all written submissions and summaries of what people said during the hearings.

6. Legal considerations

The LGA prescribes a procedure for bylaw reviews. Council must determine whether a bylaw —

1. is the most appropriate way of addressing the perceived problem;
2. is the most appropriate form of bylaw; and
3. gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Council has undertaken the review of the current Trade Waste Bylaw by reference to these matters.

6.1. Is a bylaw the appropriate means to deal with the problem?

Council assessed the practicable options for addressing the perceived problem, being the rules around the provision of wastewater disposal and treatment service for non-residential waste. The following options were reviewed:

- **Establish a policy.** A policy does not offer enforcement options, which poses a risk of serious incident and/or pollution of the natural environment.
- **Introduce District Plan rules.** Resource Management Act procedures are not suitable for trade waste circumstances and do not offer enforcement options suitable for this purpose.
- **Regulate through the Bylaw.** A bylaw provides clear communication of requirements, an enforcement mechanism and timely and appropriate response to complaints.

Council determined, under section 155(1) of the Local Government Act (LGA) 2002, that a Bylaw under the LGA continues to be the most appropriate way of managing discharges of trade waste into the wastewater drainage system. This is consistent with the approach taken by other councils of a similar size. The Bylaw provides for the protection of the public wastewater drainage and public health and safety. Setting requirements through a Bylaw provides greater incentive to reduce unnecessary strain on community wastewater treatment systems.

6.2. Is the bylaw in the appropriate form?

Council's Trade Waste Bylaw is based on the New Zealand Standard model bylaw which is used as the best practice basis for most Local Government Trade Wastes Bylaws.

The proposed amended Bylaw is considered appropriate because the Bylaw:

- a) sets specified criteria for all trade premises to manage discharges to an acceptable standard;
- b) provides a basis for enforcement;
- c) provides for recovery of the costs associated with disposing of trade waste
- d) provides for waste minimisation and management programmes for waste producers
- e) is based on New Zealand Standard NZS 9201: Part 23 Model Trade Waste Bylaws. Adherence to the Standard enables standardization of Trade Waste Bylaws across Northland.

The proposed amended Bylaw has improved readability and clearer definitions. Technical details, including physical and chemical limits for trade waste discharges, are removed from the Bylaw and transferred into the Trade Waste Policy. When technical limits change at the national level, Council would be able at any time to reflect these changes in the Trade Waste Policy outside of the 10-year Bylaw review cycle.

Under the proposed amended Bylaw Council will have the ability, by resolution, to select a preferred waste tracking system different from the one specified in the Ministry for the Environment's Liquid and Hazardous Wastes Code of Practice (WasteTrack currently). This proposed change builds flexibility into the Bylaw for the next 10 years, given the WasteTrack system is no longer funded by the Ministry for the Environment.

6.3. Is the bylaw consistent with the New Zealand Bill of Rights Act 1990?

The Bill of Rights protects the human rights and fundamental freedoms of all people in New Zealand. It is considered that the draft bylaw does not give rise to any implications under the Bill of Rights. The restrictions set in the Bylaw are reasonable and necessary for the protection of the environment and the public wastewater system.

Trade Waste Bylaw

June 2021

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1 Introduction

This Bylaw regulates the discharge of trade wastes to a sewerage system operated by Whangarei District Council (Council).

1.2 Commencement and application

This Bylaw comes into force on 1 July 2021.

1.3 Revocation

The following Bylaw is revoked by this Bylaw: Whangarei District Council Trade Waste Bylaw 2012.

1.4 Scope of Bylaw

The Bylaw provides for the:

- a acceptance of long-term, intermittent or temporary discharge of trade wastes to the sewerage system
- b establishment of four grades of trade wastes: Permitted, Controlled, Conditional and Prohibited such being defined in clause 4.1.1 of this bylaw
- c evaluation of individual trade wastes discharges to be against specified criteria
- d correct storage of materials to protect the sewerage system and stormwater systems from spillage
- e installation of flow meters, samplers or other devices to measure flow and quality of the trade waste discharge
- f pre-treatment of waste before it is accepted for discharge to the sewerage system
- g sampling and monitoring of trade wastes discharges to ensure compliance with this Bylaw
- h Council to accept or refuse a trade wastes discharge
- i charges to be set to cover the cost of conveying, treating and disposing of, or reusing, trade waste and the associated costs of administration and monitoring
- j administrative mechanisms for the operation of the Bylaw
- k establishment of waste minimisation and management programmes (including sludges) for trade waste producers.

1.5 Compliance with other Acts

Nothing in this Bylaw shall derogate from any of the provisions of the Health Act 1956, the Health and Safety at Work Act 2015, the Resource Management Act 1991, the Building Act 2004, the Hazardous Substances and New Organisms Act 1996 and their regulations or any other relevant statutory or regulatory requirements. In the event of any inconsistency between legislation the more stringent requirement applies.

This Bylaw shall apply to all Trade premises within the Whangarei District where trade wastes are discharged, or sought, or likely to be discharged to the sewerage system operated by Whangarei District Council or its agents. This Bylaw shall also apply to Tankered Wastes collected for the purpose of discharge to a sewerage system operated by Whangarei District Council or its agents.

Pursuant to S196 of the Local Government Act 2002 (LGA) Council may refuse to accept any type of trade waste which is not in accordance with this Bylaw.

2 Interpretation

Unless inconsistent with the text, any term that is not defined in this section takes its common meaning from the Concise Oxford English Dictionary (eleventh edition).

For the purpose of this Bylaw, unless inconsistent with the context, the following definitions shall apply:

Analyst	means a testing laboratory approved in writing by a Council officer on behalf of Council.
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Approval or approved	means approval or approved in writing Council either by resolution of Council or by a Council officer.
Approved site	means a site approved for the safe disposal of trade waste.
Bio solids	means sewage sludge derived from a sewage treatment plant that has been treated and/or stabilized to the extent that it is able to be safely and beneficially applied to land and does not include products derived solely from industrial wastewater treatment plants. The term Bio solid/Bio solids is used generally through this document to include products containing Bio solids (e.g. compost).
Characteristic	means any of the physical or chemical characteristics of a trade waste and may include the level of a characteristic including characteristics listed in the Trade Waste Policy
Chief Executive	means the Chief Executive of Whangarei District Council
Cleaner production	means the implementation on trade premises, of effective operations, methods and processes appropriate to the goal of reducing or eliminating the quantity and toxicity of wastes. This is required to minimise and manage trade wastes by: <ul style="list-style-type: none"> • using energy and resources efficiently, avoiding or reducing the amount of wastes produced • producing environmentally sound products and services; and • achieving less waste, fewer costs and higher profits.
Condensing water or cooling water	means any water used in any trade, industry or commercial process or operation in such a manner that it does not take up matter into solution or suspension.
consent	means consent in writing given by Council and signed by a Council officer.
consent to discharge	authorising a Person to discharge trade waste to the sewerage system.
consent holder	means the person occupying trade premises who has obtained a consent to discharge or direct the manner or discharge of trade waste from those premises to Council's sewerage system, and includes any person who does any act on behalf or with the express or implied permission of the consent holder (whether for reward or not) and any licensee of the consent holder.
Contaminant	includes any substance (including gases, odorous compounds, liquids, solids and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy or heat: <ol style="list-style-type: none"> a) When discharged into water, changes or is likely to change the physical, chemical or biological condition of water; or

	<p>b) When discharged onto or into land or into air, changes or is likely to change the physical, chemical or biological condition of the land or air onto or into which it is discharged or as described or contained in the Resource Management Act 1991.</p>
Contingency management procedures	means those procedures developed and used to avoid, remedy, or mitigate the actual and/or potential adverse effects of these activities on the environment, from an unexpected or unscheduled event resulting in discharge, or potential discharge of contaminants of concern into the sewerage system.
Council and the Council	means Whangarei District Council, or any person delegated or authorised to act on their behalf.
Council officer	<p>means:</p> <p>any officer for the time being appointed by Council to carry out or exercise the duties, offices, or powers of a Council officer referred to in or granted by this Bylaw, his deputy or assistant and in acting as provided by this Bylaw shall act as agent for Council; and</p> <p>any officer appointed by Council as an enforcement officer under S177 of the Local Government Act 2002 as an enforcement officer with powers of entry as prescribed by Sections 171 – 174.</p>
Disconnect or disconnection	means the physical cutting or sealing of a private sewer from the public sewerage system.
District	means the District administered by Council as established under LGA 2002.
Domestic wastewater and domestic sewage	means either wastewater discharged from premises, used solely for residential activities, or wastes of the same character discharged from other premises, but does not include any solids, liquids or gases that may not be lawfully discharge into sewage drains controlled by this Bylaw. Wastewater or sewage is used interchangeably throughout this document.
Drain	Means that section of private pipe, owned and maintained by the occupier, between the occupier's premises and the point of discharge through which wastewater is conveyed from the premises to the public sewerage system.
Grease trap	Means any device approved by the council that allows kitchen and/or food production wastewater to cool, and the grease and solids to separate from the wastewater.
Hazardous material	<p>means</p> <p>a) any raw materials(s), product(s) or waste(s) containing corrosive, toxic, biocidal, ecotoxic (with or without bioaccumulation), radioactive, flammable or explosive materials; or</p> <p>b) any material which when mixed with the wastewater stream, is likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous to the health and safety of any person or harmful to the sewerage system; or</p> <p>c) any material containing any hazardous substance as defined by the Hazardous Substances and New Organisms Act 1996; or</p>

	<p>d) any material which meets the definition for infectious substances included in the Land transport Rule; Dangerous Goods 2005 and NZ Standard 5433:2012 – Transport of Dangerous Goods on Land; or</p> <p>e) any material which meets the definition for radioactive material included in section 96 of the Radiation Safety Act 2016.</p>
Infringement offence	means an offence as specified by this bylaw under s 243 and s 259 of the LGA.
LGA	means Local Government Act 2002 – the key legislation (law) that defines what Council's responsibilities are to the community and how they must be fulfilled and reported on.
Long Term Council Community Plan (LTCCP) or Long Term Plan (LTP)	means a Long-term plan adopted under S93 of the LGA.
Management plan	means the plan for management of operations on any premises from which trade waste comes, and may include provision for Cleaner Production, waste minimisation, discharge, contingency management procedures, and any relevant industry codes of practice.
Mass limit	means the total mass of any characteristic that may be discharged to the sewerage system over any stated period from any single point of discharge or collectively from several points of discharge.
Maximum concentration	means the instantaneous peak concentration that may be discharged at any instant in time.
Occupier	in relation to trade premises means the person occupying the premises connected to the sewerage system; and includes any agent, manager, foreman, or other person acting or apparently acting in the general management or control of trade premises and includes the owner of the premises if the premises are unoccupied.
Person	means a person, occupier or body of persons whether incorporated or unincorporated and includes the Crown and any successor of a person.
Point of discharge	means the boundary between the public sewer and private drain but for the purposes of monitoring, sampling and testing, may be an alternative designated point as specified in the trade waste consent.
Pre-treatment	means any processing of trade waste designed to reduce or vary any characteristic in waste before discharge to the sewerage system in order to comply with a trade waste consent.
Premises	<p>means either:</p> <ul style="list-style-type: none"> a) a property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued; or b) a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or c) land held in public ownership (e.g. reserve) for a particular purpose; or d) individual units in buildings, which are separately leased or separately occupied.
Prohibited trade wastes	means a trade waste that has prohibited characteristics as defined in Schedule 1A and does not meet the conditions listed in the Trade Waste Policy.

private drain	means that section of drain between the premises and the point of connection to the public wastewater system.
Schedule of Fees and Charges	Means councils current Schedule of Fees and Charges
Schedule of rates and charges	means the list of items, terms and prices for services associated with the discharge of trade waste as approved by Council.
Sewage sludge	means the material settled out and removed from wastewater during the treatment process.
Sewer	means the public pipework drainage system that conveys sewage.
sewerage system	means all pipes, pumping stations, storage tanks, wastewater treatment plants, outfalls and other related structures owned by or under the control of the council, used for the receiving, transporting, treating or disposing of wastewater.
Shall	means must, is, or are obligated to.
Significant industry	is a term to indicate the relative size of a given industry compared to the capacity of the public wastewater system, which services that industry. Industry size relates to the volume and/or loads discharging into the sewerage system. Loads can be the conventional loadings of chemical oxygen demand and suspended solids or some other particular contaminant (e.g. boron, chromium), which may have an effect on the sizing of the wastewater system, the on-going system operation and/or the quality of the treated effluent that is discharged.
Stormwater	means surface water run-off resulting from precipitation.
Stormwater system	means all pipes, pumping stations, storage tanks, outfalls and other related structures owned by or under the control of the council, used for the receiving, transporting, treating or disposing of stormwater.
tankered waste	means any type of wastewater which is conveyed by vehicle from any premises for disposal at an approved site.
Temporary discharge	means any discharge of an intermittent or short duration. Such discharges include the short-term discharge of an unusual waste from premises subject to an existing consent.
Trade premises	means: <ul style="list-style-type: none"> a) any premises used or intended to be used for any business, industrial or trade purpose; or b) any premises used or intended to be used for the storage, transfer, treatment, or disposal of waste materials or for other waste management purposes, or used for composting organic materials; or c) any other premises from which a contaminant is discharged in connection with any industrial or trade process; or d) any other premises discharging other than domestic sewage and includes any land or premises wholly or mainly used for agricultural or horticultural purposes; or e) a tanker truck or any other vehicle capable of receiving, storing, transporting or discharging trade waste.

Trade waste	means any liquid with or without matter in suspension or solution, that is, or may be discharged, from trade premises to Council's sewerage system in the course of any business, trade or industrial process or operation in the course of any activity or operation of a like nature.
Trade waste consent	means a consent of the type as described in clause 3 of this bylaw.
Trade Waste Policy	Means a Trade Waste Policy made under clauses 7.8 and 7.9 of this bylaw and adopted by council
Wastewater treatment plant	means any arrangement of devices and structures used for treating sewage, and/or trade waste prior to discharge to the environment.
Working day	means any day of the week other than: a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Labour Day a day in the period commencing with 25 th day of December in a year and ending with the 2nd day of January in the following year.

3 Applications to discharge trade waste

3.1 Control of discharges

3.1.1 No person shall:

- a) discharge, or allow to be discharged, any trade waste to a sewerage system except in accordance with the provisions of this Bylaw; or
- b) discharge, or allow to be discharged a prohibited trade waste as defined in clause 4.1.1b into the sewerage system; or
- c) add or permit the addition of condensing water or cooling water to any trade waste which discharge into the sewerage system unless specific approval is given in a consent; or
- d) add or permit the addition of stormwater to any trade waste, which discharges into the sewerage system unless specific approval is given in a consent.

3.1.2 In the event of failure to comply with 3.1.1(a)–(d), Council may physically prevent the discharge to the sewerage system if a reasonable alternative action cannot be established with the discharging party or parties.

3.1.3 Any Person discharging to the sewerage system shall also comply with the requirements of the Hazardous Substances and New Organisms Act 1996 (HSNO) and the Resource Management Act 1991 (RMA).

3.2 In the storage, transport, handling and use of hazardous or harmful materials

- a All persons on trade premises shall take all reasonable steps to prevent the accidental entry of any of the materials listed in 3.2(c) of this Bylaw from entry into the sewerage system as a result of leakage, spillage or other mishap.
- b No person shall store, transport, handle or use, or cause to be stored, transported, handled or used any hazardous substance as defined by HSNO or any of the materials listed in 3.2(c) in a manner that may cause the material to enter a sewerage system and cause harmful effects.
- c Materials referred to in 3.2 (a) and (b) are products or wastes which:
 - i contain corrosive, toxic, eco-toxic, oxidising, radioactive, flammable or explosive materials; or
 - ii are likely to generate toxic, eco-toxic, flammable, explosive, oxidising or corrosive materials in quantities likely to be hazardous when mixed with the wastewater stream
 - iii are likely to be deleterious to the health and safety of Council staff, approved contractors and the public or be harmful to the sewerage system.

4 Trade waste discharges and consents

4.1 Classification of trade waste discharges

4.1.1 Trade waste discharges shall be classified as one of the following types:

- a Permitted (consent required if decided by Council)
Is a trade waste that has been approved by and is acceptable to Council as long as it has the physical and chemical Characteristics which comply (without pre-treatment) with the requirements of Council standard as defined in the Trade Waste Policy. No consent is required for a permitted trade waste discharge but Council has a right of access to inspect any discharge to determine whether a discharge is a permitted trade waste.
 - b Controlled (consent required)
Is a trade waste that requires pre-treatment in order to ensure the discharge meets the conditions of the Trade Waste Policy.
 - c Conditional (consent required)
Is a trade waste that has conditions placed upon the consent holder by Council.
 - d Prohibited (Not consentable)
Is a trade waste that has prohibited Characteristics as defined in Schedule 1A of this Bylaw and does not meet the conditions listed in the Trade Waste Policy. This waste is not acceptable for discharge in Council system except if specifically approved by Council as a Conditional trade waste.
- 4.1.2 Council is not obligated to accept any trade waste. No application for consent shall be approved where the trade wastes discharge would contain, or is likely to contain, characteristics, which are prohibited.
- 4.1.3 No person shall discharge, or cause to be discharged, any trade wastes to a sewerage system except in accordance with the provisions of this Bylaw.

4.2 Application for trade waste consent

4.2.1 Every person who does, proposes to, or is likely to:

- a) discharge into the sewerage system any trade waste (either continuously, intermittently or temporarily); or
 - b) vary the characteristics of a consent to discharge that has previously been granted; or
 - c) vary the conditions of consent to discharge that has previously been granted; or
 - d) significantly change the method or means of pre-treatment for discharge under an existing consent,
- shall, if required by Council, complete an application in the prescribed form(s) for the consent of Council, to discharge that trade waste, or to the proposed variation(s).

4.2.2 Council reserves the right to deal with the owner as well as the occupier of any trade premises.

4.2.3 Nothing in this Bylaw shall be deemed to prevent Council from dealing separately with trade waste arising from different departments or from different industrial processes carried out in the same trade premises and from treating the application received from the occupier concerned as if separate application had been made in respect of any such different trade waste.

4.2.4 The Applicant shall ensure that the application and every other document conveying required information is properly executed and any act done for, or on behalf of, the eventual consent holder (whether for reward or not) in making any such application shall be deemed to be an act of the consent holder.

4.2.5 Council may require an application to be supported by an independent report/statement completed by a suitably experienced and external auditor to verify any or all information supplied by the applicant, and this may include a management plan.

4.2.6 Every application shall be accompanied by a trade waste application fee in accordance with Council's Schedule of Fees and Charges.

4.3 Processing of an application

Council shall acknowledge the application in writing within 10 Working Days of the receipt of application.

4.4 Information and analysis

Upon receipt of any application for a trade waste consent to discharge from any premises or renewal, or alteration of an existing consent to discharge, or to discharge tankered waste into Council's sewerage system, Council may:

- a) require the applicant to submit any additional information which it considers necessary to reach an informed decision;
- b) require the applicant to submit a Management Plan to the satisfaction of Council;
- c) whenever appropriate, have the discharge investigated and analysed as provided for in clauses 6.1 and 6.3 of this Bylaw.

4.5 Consideration of an application

Within 20 Working Days (or extended as necessary by Council) of receipt of an application complying with this Bylaw and/or all requirements under 4.4, whichever is the later, Council shall, after considering the matters in 4.6 action one of the following in writing:

- a) grant the application as a permitted trade waste and inform the applicant of the decision by issuing the appropriate notice; or
- b) grant the application as a controlled or a conditional trade waste discharge consent and inform the applicant of the decision and the conditions imposed on the discharge by issuing the appropriate notice of consent to the discharge; or
- c) decline the application and notify the applicant of the decision giving a statement for the reasons for refusal.

4.6 Consideration criteria

In considering any application for a trade waste consent or tankered waste into the sewerage system and in imposing any conditions in a consent, Council shall take the quality, volume and rate of discharge of the trade waste into consideration in relation to the:

- a) health and safety of Council staff, authorised agents, independent analysts and the public;
- b) the quality, volume and rate of discharge of the trade waste from such premises or tanker;
- c) the limits and/or maximum values for characteristics of trade waste as specified in Schedules 1A and the Trade Waste Policy;
- d) the extent to which the trade waste may react with other trade waste(s) or Domestic Wastewater to produce an undesirable effect, e.g. settlement of solids, production of odours, accelerated corrosion and deterioration of the sewerage System;
- e) the flows and velocities in the sewer or sewers in relation to the material or construction of the sewer or sewers;
- f) the capacity of the sewers in any wastewater catchment area and the capacity of any wastewater treatment works serving the catchment in which the trade waste is produced;
- g) the nature of Council's wastewater treatment processes and the degree to which the trade waste is capable of being treated in the relevant wastewater treatment plant;
- h) the timing and balancing of flows into the sewerage system;
- i) existence of any statutory requirements relating to the conveyance, treatment or discharge of raw or treated wastewater to receiving waters, the disposal of sewage sludges, beneficial use of Bio solids and any discharge to air (including the necessity for compliance with any resource consent, discharge permit or receiving water quality guidelines);
- j) the effect of the trade waste discharge on the ultimate receiving environment;
- k) the conditions on resource consents for the sewerage system and the residuals from it;
- l) the possibility of unscheduled, unexpected or accidental events and the degree of risk these could cause to humans, the sewerage system and the environment;
- m) consideration for other existing or future discharges;
- n) amenability of the trade waste to pre-treatment;

- o) existing pre-treatment works on the premises and the potential for their future use;
- p) cleaner production techniques and waste minimisation practices;
- q) requirements and limitations related to sewage sludge disposal and reuse;
- r) control of stormwater;
- s) management plan;
- t) tankered waste being discharged at approved locations;
- u) any other matter that Council considers relevant.

4.7 Conditions of trade waste consent

Any consent to discharge may be granted or renewed subject to such conditions that Council may impose including but not limited to:

- a) the particular sewerage system or sewers to which the discharge shall be made;
- b) the maximum daily volume of the discharge, the maximum rate of discharge and the duration of maximum discharge;
- c) the maximum limit or permissible range of any specified characteristics of the discharge, including concentration limits and/or mass limits determined in accordance with clause 4.8 of this Bylaw;
- d) the period or periods of the day during which the discharge, or a particular concentration, or volume of discharge may be made;
- e) the characteristics of the trade waste at the point of discharge;
- f) the provision, maintenance and operation by, or for the consent holder (at their expense) of screens, grease traps, oil traps, silt traps, other partial or preliminary pre-treatment processes, equipment or storage facilities designed to regulate the quality, quantity and rate of discharge or other characteristic prior to the point of discharge;
- g) the provision and maintenance of inspection chambers, manholes or other apparatus or devices to provide reasonable access to private sewers for flow measurement, sampling and inspection at the consent holders expense;
- h) the provision and maintenance of a sampling, analysis and testing programme and flow measurement requirements, at the consent holder's expense;
- i) the method or methods to be used for measuring flow rates and/or volume and taking samples of the discharge for use in determining the amount of any trade waste charges applicable to that discharge;
- j) the provision and maintenance of such services, (whether electricity, water or compressed air or otherwise), which may be required in order to operate meters and similar devices at the consent holder expense;
- k) at times specified, the provision in a Council approved format by the consent holder to Council of all flow and/or volume records and results of analyses;
- l) the provision and implementation by the consent holder of a discharge management plan;
- m) risk assessment of damage to the environment due to an accidental discharge of a contaminant;
- n) waste minimisation and management;
- o) cleaner production techniques;
- p) consent holder's use of third parties for treatment, carriage, discharge and disposal of by-products of pre-treatment of trade waste;
- q) requirement to provide a bond or insurance in favour of Council where failure to comply with the consent could result in damage to Council's sewerage system, its treatment plants, or could result in Council being in breach of any statutory obligation;
- r) the meeting of any other conditions reasonably necessary to achieve or ensure compliance with this Bylaw and any other legislation.

4.8 Duration

4.8.1 Permitted Discharges shall remain in force indefinitely until either:

- a) cancellation under clauses 3.1.2 or 4.10 of this Bylaw;
- b) the quantity and nature of the discharge changes significantly;
- c) if in the opinion of Council the discharge changes or it is likely to change to such an extent that it becomes a Controlled, Conditional or Prohibited trade waste as such are defined in clause 4.1.1 of this bylaw;
- d) Council changes the trade waste management procedures by implementation of changed trade waste Bylaw conditions or any amendment to, or replacement of, the trade waste Bylaw; or
- e) the conditions on resource consents for the sewerage system and the residuals from it change.

In all cases, after appropriate consultation, the Person shall make application within 10 Working Days of this change occurring, for a Controlled or Conditional consent in accordance with clause 4.2 of this Bylaw. No new discharge shall occur until such time as the application has been approved.

4.8.2 Subject to clauses 4.10 and 7.1 of this Bylaw, controlled and conditional consents under this Bylaw shall expire at the end of a term fixed by Council subject to the following:

- a) controlled and conditional consents may be given for a term not exceeding five years to a consent holder who at the time of application satisfies Council that:
 - i the nature of the trade activity, or the process design and/or management of the premises are such that the consent holder has demonstrated ability to meet the conditions of the consent during its term; and/or
 - ii cleaner production techniques are successfully being utilised, or that a responsible investment in cleaner production equipment or techniques is being made; and/or
 - iii significant investment in pre-treatment facilities has been made, such that a longer period of certainty for the amortizing of this investment is considered reasonable; and/or
 - iv the reissuing of consent cannot be unreasonably withheld.
- b) in all other cases the term of a controlled or a conditional trade waste consent should not exceed two years;
- c) in all cases where either the consent holder or the owner of the premises changes, or there is a change of use, a new application for a controlled or a conditional trade waste consent shall be made. It shall be the responsibility of the consent holder to lodge the new application; and
- d) the conditions on resource consents for the sewerage system and the residuals from it change.

4.8.3 Notwithstanding clause 4.8.2 Council retains the right to review the conditions at an earlier time. The reasons for such an earlier review could include but are not limited to:

- a) the level of consent holder compliance, including any accidents including spills or process mishaps.
- b) matters pertaining to Council resource consents for the sewerage system.
- c) matters pertaining to Council environmental policies and outcomes.
- d) new control and treatment technologies and processes.
- e) any of the matters outlined in Section 5 of this Bylaw.
- f) matters pertaining to Council's legal obligations.

4.9 Technical review and variation

4.9.1 Council at any time may require a person undertaking a permitted discharge to apply for consent in accordance with clause 4.8.1 of this Bylaw.

4.9.2 If Council is having problems with excess organic material from trade premises including but not limited to excess oil and grease from food premises, then the offending industry may be required to

apply for a conditional consent such that the conditions imposed shall result in a discharge compliant with the requirements of Council standard as defined in Schedule 1A and the Trade Waste Bylaw.

4.9.3 Council may at any time during the term of a consent, by written notice to the consent holder, vary any condition within the consent to address such issues as a change in the:

- a) nature of the discharge;
- b) sewerage system;
- c) circumstances that cause the condition(s) to become inappropriate or unnecessary;
- d) resource consent limits imposed on the discharges or the use of liquids or solids from Council's wastewater treatment plant;
- e) legal requirements imposed on Council.

4.9.4 The consent holder may seek to vary any condition of a consent at any time during the term of a consent by written application to Council, as provided for in clause 4.7 of this Bylaw.

4.10 Suspension or cancellation of the right to discharge

4.10.1 Council may suspend or cancel any consent or right to discharge at any time by giving 15 Working Days written-notice to the consent holder, if the consent holder fails to:

- a) comply with any condition of the consent;
- b) maintain effective control over the discharge;
- c) limit the volume, nature, or composition of trade waste being discharged in accordance with the requirements of the consent;
- d) take any action which in the opinion of Council, threatens the safety of, or threatens to cause damage to any part of the sewerage system or the wastewater treatment plant or threatens the environment or the health or safety of any person;
- e) pay any charges due under this Bylaw;
- f) if any other circumstances arise which, in the opinion of Council, render it necessary in the public interest to cancel the right to discharge;
- g) If any process changes require more than 15 Working Days, reasonable time may be given to comply with the consent conditions.

4.10.2 Council may cancel any consent or right to discharge immediately by giving written notice to the consent holder, if the:

- a) discharge contains any prohibited substance;
- b) Council is lawfully directed to withdraw or otherwise terminate the consent summarily;
- c) consent holder discharges any trade waste unlawfully which Council determines may endanger the health or safety of any person, damage any part of the sewerage system or cause serious environmental effects as a result of the discharge;
- d) discharge is not effectively controlled in accordance with the requirements of a consent;
- e) continuance of discharge may, in the opinion of Council, result in a breach of resource consent held by Council;
- f) Council's opinion is that the continuance of the discharge puts at risk the ability of Council to comply with conditions of a resource consent and/or requires additional treatment measures or costs to seek to avoid a breach of any such resource consent.

4.10.3 Council may suspend or cancel any consent or right to discharge, by giving 15 Working Days notice to the consent holder for circumstances other than those in sections 4.10.1 (a)-(f) where it is in the public interest to do so.

5 Trade waste approval criteria

5.1 Pre-treatment

Council may approve a Controlled or Conditional trade waste consent subject to the provision of appropriate pre-treatment systems to enable the Person discharging to comply with this Bylaw, with any such pre-

treatment system(s) to be provided, operated and maintained by the Person discharging at their expense. Service contracts for all such devices should be retained at all times that the system(s) operate(s) in accordance with manufacturers specifications. Any waste removed is to be disposed of in an appropriate and responsible manner and/or at appropriate facilities.

Refuse or garbage grinders and macerators shall not be used to dispose of solid waste from trade premises to the sewerage system unless approved by Council.

5.2 Dilution

The consent holder shall not, unless approved by Council add or permit the addition of any potable, condensing, cooling water or stormwater to any trade waste stream in order to vary the level of any characteristics of the waste.

5.3 Food premises

Food premises are required under this Bylaw and the Building Act 2004 to provide a means of reducing the amounts of fats, oils and greases (FOGs) discharged to the sewer, most commonly by use of a grease trap. Any grease trap shall meet the standards set out in G13, Section 4 of the New Zealand Building Code and approved documents published by the Building Authority. Trade waste consent conditions may include frequency of grease trap maintenance where ineffective operation is evident.

5.4 Mass limits

A conditional trade waste consent may impose controls on a trade waste discharge by specifying mass limits for any characteristic.

Mass limits may be imposed for any characteristic. Any characteristic of a discharge with a mass limit imposed shall also have its maximum concentration limited to the value scheduled unless approved otherwise.

When setting mass limit allocations for a particular characteristic Council shall consider:

- a) the operational requirements of and risk to the sewerage system, and risks to occupational health and safety, public health, and the ultimate receiving environment;
- b) whether or not the levels proposed pose a threat to the planned or actual beneficial reuse of bio solids or sewage sludge;
- c) conditions in the sewerage system near the trade waste point of discharge and elsewhere in the sewerage system;
- d) the extent to which the available industrial capacity was used in the last financial period and is expected to be used in the forthcoming period;
- e) whether or not the applicant uses cleaner production techniques within a period satisfactory to Council;
- f) whether or not there is any net benefit to be gained by the increase of one characteristic concurrently with the decrease of another to justify any increased application for industrial capacity;
- g) any requirements of Council to reduce any contaminant discharge of the sewerage system;
- h) how great a proportion the mass flow of a characteristic of the discharge shall be of the total mass flow of that characteristic in the sewerage system;
- i) the total mass of the characteristic allowable in the sewerage system, and the proportion (if any) to be reserved for future allocations; and
- j) whether or not there is an interaction with other characteristics, which increases or decreases the effect of either characteristic on the sewer reticulation, treatment process, or receiving water or land.

6 Sampling, analysis and monitoring

6.1 Flow metering

6.1.1 Flow metering may be required by Council:

- a) on discharges when there is not a reasonable relationship between a metered water supply to the premises, and the discharge of trade waste;

- b) when Council will not approve a method of flow estimation; or
 - c) when the discharge represents a significant proportion of the total flow/load received by Council.
- 6.1.2** The consent holder is responsible for the supply, installation, calibration, reading and maintenance of any meter required by Council for the measurement of the rate or quantity of discharge of trade waste. These devices are subject to the approval of Council, but shall remain the property of the consent holder.
- 6.1.3** Records of flow and/or volume shall be available for viewing at any time by Council, and shall be submitted to Council at prescribed intervals by the consent holder in a format approved by Council.
- 6.1.4** Meters shall be located in a position approved by Council, which provides the required degree of accuracy and shall be readily accessible for reading and maintenance. The meters shall be located in the correct position according to the manufacturer's installation instructions.
- 6.1.5** The consent holder shall arrange for in situ calibration of the flow metering equipment and instrumentation by a Person and method Approved by Council upon installation and at least once a year thereafter to ensure its performance. The meter accuracy shall be $\pm 10\%$ but with no greater a deviation from the previous meter calibration of $\pm 5\%$. A copy of independent certification of each calibration result shall be submitted to Council.
- 6.1.6** Should any meter installed for the specific purpose of measuring a trade waste discharge, after being calibrated, be found to have an error greater than that specified in Clause 6.1.5 of this Bylaw as a repeatable measurement, Council may make an adjustment to the fee calculation in accordance with the results shown by such tests back-dated for a period at the discretion of Council but not exceeding 12 months, and the consent holder shall pay or be credited a greater or lesser amount according to such adjustment.

6.2 Estimating discharge

- 6.2.1** Where no meter or similar apparatus is warranted, Council may require that a percentage of the water supplied to the premises (or other such basis as seems reasonable) be used for estimating the rate or quantity of flow for the purposes of charging. If this cannot be achieved then Council has the right to require installation of a Council Approved flow measurement at the consent holder's expense.
- 6.2.2** Should any meter be out of repair or cease to register, or be removed, Council shall estimate the discharge for the period since the previous reading of such meter, (based on the average of the previous 12 months) charged to the Person discharging and the Person discharging shall pay according to such estimate. Provided that when by reason of a large variation of discharge due to seasonal or other causes, the average of the previous 12 months would be an unreasonable estimate of the discharge, then Council may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the Person discharging shall pay according to such an estimate.
- 6.2.3** Where in the opinion of Council, a meter has been tampered with, Council (without prejudice to the other remedies available) may declare the reading void and estimate the discharge as provided above in Clauses 6.2.1 or 6.2.2.

6.3 Sampling and analysis

- 6.3.1** As determined by Council sampling, analysis and monitoring may be undertaken to determine if:
- a) a discharge complies with the provisions of this Bylaw;
 - b) a discharge is to be classified as a permitted, controlled, conditional, or prohibited, under Clause 4.1.1 of this Bylaw;
 - c) a discharge complies with the provisions of the Trade Waste Policy as a permitted or controlled discharge and any consent to discharge; and
 - d) trade waste charges are applicable to that discharge.
- 6.3.2** The sampling, preservation, transportation and analysis of the sample shall be undertaken by a Council officer, or the Person discharging in accordance with accepted standard methods, or by a method specifically approved by Council. The Person discharging shall be responsible for all

reasonable costs. Where a dispute arises as to the validity of the methods or procedures used for sampling or analysis, the dispute may be submitted to a mutually agreed independent arbitrator.

6.3.3 All Council officers, or any appointed Analyst may enter any premises believed to be discharging trade waste at any time in order to determine any characteristics of any actual or potential discharge by:

- a) taking readings and measurements;
- b) carrying out an inspection; and/or taking samples for testing,

of any solid, liquid or gaseous material or any combination or mixture of such materials being discharged.

Authorisation for entry to premises is given under the LGA and entry shall be in compliance with the Health and Safety policies of that particular site.

6.4 Monitoring

6.4.1 Monitoring for compliance

Council is entitled to monitor and audit any trade waste discharge for compliance. Whether for a Permitted, a Controlled or a Conditional trade waste consent discharge monitoring may be carried out as follows:

- a) Council or its authorised agent shall take the sample with appropriate preservation, and arrange for this sample to be analysed in an approved laboratory by agreed/approved analytical methods;
- b) the sampling procedure shall be appropriate to the trade waste and the analytical method to be used;
- c) Council shall audit the sampling and analysis carried out by a self-monitoring trade waste Person discharging. Analysis shall be performed by an approved laboratory. Inter-laboratory checks are to be part of this process;
- d) Council shall audit the sampling and analysis carried out by an Analyst. Analysis shall be performed by an Approved laboratory. Inter-laboratory checks are to be part of this process; and
- e) Council shall audit the trade waste consent conditions including any Management Plans.

At the discretion of Council all costs of monitoring shall be met by the consent holder either through direct payment to the laboratory or to Council in accordance with Council's charging policy.

6.4.2 Sampling methodology

Normally a single grab or composite sample is sufficient. If required, the grab or composite sample can be split equally into three as follows:

- a) one portion of the sample goes to the trade waste Person discharging for appropriate analysis and/or storage;
- b) a second portion of the sample shall be analysed at a laboratory approved by Council;
- c) a third portion of the sample is retained by Council for 20 Working Days, for additional analysis if required.

Due consideration shall be applied to any changes that could occur in retained trade waste samples and provisions to mitigate against changes shall be adopted where practicable.

In all cases the samples shall be handled in an appropriate manner such that the characteristics being tested for are, as far as reasonably possible, preserved properly.

All samples shall be preserved, handled, transported and delivered to an Approved laboratory according to approved standards.

6.4.3 Tankered Waste

Tankered waste shall not be discharged into Council's sewerage system by any person discharging or consent holder not compliant with the WasteMINZ Liquid and Hazardous Wastes Code of Practice 2nd edition dated 2012 which is available on WasteMINZ website www.wasteminz.org.nz

Council may by resolution select a preferred waste tracking system different from the one specified in the WasteMINZ Liquid and Hazardous Wastes Code of Practice (or any subsequent Code of Practice that amends or replaces it).

Tankered waste may only be discharged by an operator holding a trade waste consent, and into Council's sewerage system at approved locations.

Council may accept tankered waste for discharge at an Approved location. Tankered waste shall:

- a) be transported by a Registered Offensive Trade license holder licensed to discharge domestic septic tank or industrial wastes;
- b) have material safety data sheets (MSDS) available to Council detailing the contents of a waste;
- c) be pre-tested to determine their character if the contents of the waste are not known. Specialist advice on pre-treatment or acceptance may be required. The cost of all analyses and advice shall be borne by the Registered Offensive Trade license holder;
- d) not be picked up and transported to the disposal site until appropriate arrangements and method for disposal have been determined by Council;
- e) in order to prevent cross-contamination between tanker loads, the tanker shall be thoroughly washed prior to collecting a load for disposal into the sewerage system;
- f) have 24 hours notice given for the disposal of wastes other than those sourced from domestic septic tanks.

Any person illegally disposing of, or causing to be disposed, tankered waste either by incorrect disclosure of contents (characteristics and/or amount) or dumping into Council's sewerage system at other than the prescribed location shall be in breach of the Bylaw.

6.4.4 Disinfected/super chlorinated water

Any water used during the repair and construction of water mains shall be dechlorinated prior to the discharge into the sewerage system. Application for a Temporary Discharge consent shall be made. Such water shall not be disposed of to stormwater or adjacent watercourses without appropriate approvals.

7 Bylaw administration

7.1 Review of decisions

If any Person is dissatisfied with any decision by a Council officer made under this Bylaw, that Person may, by notice delivered to the Chief Executive of Council not later than 20 Working Days after the decision by a Council officer is served upon that Person, request the Chief Executive to review any such decision and such a decision shall be final. Nothing in this clause shall affect any right of appeal under the LGA.

7.2 Accidents and non-compliance

The Person discharging shall inform Council immediately on discovery of any accident including spills or process mishaps, which may cause a breach of this Bylaw.

In the event of any accident occurring on premises for which there is a trade waste consent then Council may review the consent under Clause 4.9 of this Bylaw or may require the consent holder, within 20 working days of the date such requirement is notified to the consent holder in writing, to review the contingency management procedures and re-submit for approval the management plan with Council.

In the event of an accident occurring on the premises of a Permitted trade waste discharge, Council may require the Person discharging to apply for a Controlled or Conditional trade waste consent.

7.3 Charges and payments

7.3.1 Charges

Council may recover fees and charges in accordance with the LGA and in accordance with Council's Schedule of Fees and Charges.

7.3.2 Invoicing

All charges determined in accordance with Clause 7.3.1 of this Bylaw shall be invoiced in accordance with Council's standard commercial practice. The invoice shall provide each Person discharging with a copy of the information and calculations used to determine the extent of any charges and fees due, in regard to a discharge.

7.3.3 Cease to discharge

The Person discharging is deemed to be continuing the discharge of trade waste and shall be liable for all charges, until notice of disconnection is given by the consent(s) holder.

7.3.4 Failure to pay

All fees and charges payable under this Bylaw shall be recoverable as a debt. If the Person discharging fails to pay any fees and charges under this Bylaw Council may cancel the right to discharge in accordance with Clause 4.10 of this Bylaw.

7.3.5 Recovery of costs

In all cases Council may recover costs associated with damage to Council sewerage system and/or breach of this Bylaw in accordance with Sections 175 and 176 of the LGA.

7.3.6 Council officers

All Council officers, or other Persons authorised under S174 or S177 or paragraph 32 of Schedule 7 of the LGA shall possess and produce on request warrants of authority and evidence of identity.

Any Council officer may at any reasonable time enter any premises believed to be discharging trade waste to determine any characteristic of any discharge by:

- a) taking readings and measurements;
- b) taking samples of any solids, liquids or gaseous material or any combination or mixtures of such materials being discharged;
- c) observing accidental occurrences and clean up;
- d) carrying out any inspection and/or assessment of the premises.

The extent and level of delegation to Council officers shall be in accordance with Council's Register of Statutory Delegations and Warrants.

Authorisation for entry to premises is given under the LGA and entry shall be in compliance with the health and safety policies of that particular site.

7.4 Transfer or termination of rights and responsibilities

7.4.1 A trade waste consent to discharge shall be issued in the name of the consent holder. The consent holder shall not, unless written approval is obtained from Council:

- a) transfer to any other party the rights and responsibilities provided for under this Bylaw, and under the consent;
- b) allow a point of discharge to serve another premises, or the private drain to that point to extend by pipe or any other means to serve another premises; or
- c) in particular and not in limitation of the above, allow trade waste from any other party to be discharged at their point of discharge.

7.4.2 Renewal of a trade waste consent on change of ownership of premises shall not be unreasonably withheld if the characteristics of the trade waste remain unchanged.

7.4.3 The Person discharging shall give 2 working days notice in writing to Council of their requirement for disconnection of the discharge connection and/or termination of the discharge consent, except where demolition or relaying of the discharge drain is required, in which case the notice shall be within 7 Working Days. The Person discharging shall notify Council of the new address details for final invoicing.

On permanent disconnection and/or termination the Person discharging may at Council's discretion be liable for trade waste charges to the end of the current charging period.

7.4.4 When a Person discharging ceases to occupy premises from which trade waste are discharged into the sewerage system any consent granted shall terminate but without relieving the Person discharging from any obligations existing at the date of termination.

7.5 Service of documents

7.5.1 Delivery or post

Any notice or other document required to be given, served or delivered under this Bylaw to a Person discharging may (in addition to any other method permitted by law) be given or served or delivered by being:

- a) sent by pre-paid ordinary mail, courier, or facsimile, or email to the consent holders at the consent holders last known place of residence or business;
- b) sent by pre-paid ordinary mail, courier, or facsimile, or email to the Person discharging at any address for service specified in the consent to discharge;
- c) where the Person discharging is a body corporate, sent by pre-paid ordinary mail, courier, or facsimile, or email to, or left at its registered office; or
- d) personally served on the Person discharging.

7.5.2 Service

If any notice or other document is:

- a) sent by post it shall be deemed received on the first day (excluding weekends and public holidays) after posting;
- b) sent by facsimile or email and the sender's facsimile or email machine produces a transmission report indicating that the facsimile or email was sent to the addressee, the report shall be prima facie evidence that the facsimile or email was received by the addressee in a legible form at the time indicated on that report;
- c) sent by courier and the courier obtains a receipt or records delivery on a courier run sheet, the receipt or record of delivery on a courier run sheet shall be prima facie evidence that the communication was received by the addressee at the time indicated on the receipt or courier run sheet, or left at a conspicuous place at the trade premises or is handed to a designated Person(s) nominated by the consent holder then that shall be deemed to be service on, or delivery to the consent holder at that time.

7.5.3 Signature

Any notice or document to be given, served or delivered shall be signed by a Council officer.

7.6 Offences

Every Person discharging, or Owner or Occupier of Trade premises who:

- a) fails to comply with or acts in contravention of any provision of this Bylaw;
- b) breaches the conditions of any consent to discharge granted pursuant to this Bylaw;
- c) fails to comply with a notice served under this Bylaw; or
- d) commits an offence under S239 of the LGA, and is liable to prosecution or the issue of an Infringement notice under S245 of the LGA.

In all cases Council may recover costs associated with damage to Council Sewerage System and/or breach of this Bylaw in accordance with S175 and S176 of the LGA.

7.7 Transitional provisions

7.7.1 Applications

Any application for a consent to discharge trade waste made under Whangarei District Council 2012 trade waste Bylaw for which a consent has not yet been granted at the time of this new Bylaw coming into force, shall be deemed to be an application made under Clause 4.2 of this Bylaw.

7.7.2 Existing trade waste consents

Every existing trade waste consent granted under any previous Bylaw shall continue in force as if it were consent under this Bylaw until it reaches its expiry date provided that no consent shall run beyond 5 years from the date of this Bylaw coming into effect.

7.8 Trade waste policies

- 1) Council may make policies about the discharge of trade waste into the public sewerage system.
- 2) Any policies made under subclause 1) –
 - a) may specify limits on the flow rate and volume of trade waste discharges from trade premises;
 - b) may specify limits on the substances and other permitted characteristics of trade waste discharges from any trade premise;
 - c) must be made in accordance with clause 7.9;
 - d) may be amended, replaced or revoked in accordance with clause 7.9 with all necessary modifications; and
 - e) will be publicly available.

7.9 Procedure for making trade waste policies

- 1) Council must before making a policy under clause 7.8 –
 - a) be satisfied that the policy is appropriate to give effect to the purpose of the Bylaw;
 - b) have regard to the effectiveness, efficiency and reasonableness of the policy; and
 - c) have regard to the general decision-making requirements under Subpart 1 of Part 6 of the Local Government Act 2002.

Related Information

Subpart 1 of Part 6 of the Local Government Act 2002 refers to the need to define the problem, identify and assess reasonably practicable options and to consider the views of persons affected by the decision to the extent council in its discretion considers proportionate to the significance of the matters affected by the decision.

Schedule 1A – Prohibited discharge characteristics

This schedule defines prohibited trade waste.

Prohibited characteristics

OB.1.1

Any discharge has prohibited characteristics if it has any solid liquid or gaseous matters or any combination or mixture of such matters which by themselves or in combination with another material shall immediately or in the course of time:

- a interfere with the free flow of sewage in the sewerage system;
- b damage any part of the sewerage system;
- c in any way, directly or indirectly, cause the quality of the treated sewage or residual Bio-solids and other solids from any sewage treatment plant in the catchment to which the waste was discharged to breach the conditions of a consent issues under the Resource Management Act, or water right, permit or other governing legislation;
- d prejudice the occupational health and safety risks faced by sewerage workers;
- e after treatment be toxic to fish, animals or plant life in the receiving waters;
- f cause malodorous gases or substances to form which are of a nature or sufficient quantity to create a public nuisance; or
- g have a colour or colouring substance that causes the discharge from any sewage treatment plant to receiving waters to be coloured.

OB.1.2

A discharge has prohibited Characteristics if it has any characteristic which exceeds the concentration or other limits specified in Schedule 1A unless specifically approved for that particular consent.

OB.1.3

A discharge has prohibited characteristics if it has any amount of:

- a harmful solids, including dry solid wastes and materials which combine with water to form a cemented mass;
- b liquid, solid or gas which could be flammable or explosive in the wastes, including oil, fuel, solvents (except as allowed for in Schedule 1A), calcium carbide, and any other material which is capable of giving rise to fire or explosion hazards either spontaneously or in combination with sewage;
- c asbestos;
- d tin (as tributyl and other organotin compounds);
- e any organochlorine pesticides;
- f genetic wastes, as follows: all wastes that contain or are likely to contain material from a genetically modified organism that is not in accordance with an approval under the Hazardous Substances and New Organisms Act. The material concerned may be from premises where the genetic modification of any organism is conducted or where a genetically modified organism is processed;
- g any health care waste prohibited for discharge to a sewerage system by NZS 4304 or any pathological or histological wastes; or
- h radioactivity levels in excess of the National Radiation Laboratory Guidelines.

Schedule 1B – Trade waste charges

Fees and charges are set by Council resolution. This may be done by the annual planning process, fee setting or similar transparent public process in accordance with the LGA.

In the following table Whangarei District Council states what categories they shall charge, or may charge under the tenure of this Bylaw.

Administrative charges		
Category		Description
A1	Connection Fee	payable on application for connection to discharge.
A2	Compliance Monitoring	the cost of sampling and analysis for trade waste discharges.
A3	Disconnection Fee	payable on an application for disconnection of a ceased trade waste discharge.
A4	Trade waste Application Fee	payable on an application for trade waste discharge.
A5	Trade waste consent Renewal Fee	payable on an application for renewal of an existing trade waste consent.
A6	Re-inspection Fee	payable for each re-inspection visit by Council where a notice served under this Bylaw has not been complied with by the trade waste Person discharging.
A7	Special rates for loan charges	additional rates for servicing loans raised for the purposes of constructing or improving the sewerage system.
A8	Temporary Discharge Fee	payable prior to receipt of Temporary Discharge.
A9	Annual trade waste Charges	an annual management fee for a trade waste discharge to cover Council's costs associated with: administration general compliance monitoring general inspection of trade waste premises use of the sewerage system this charge may vary depending on the trade waste sector and category of the discharge.
A10	Rebates for Trade premises within the District	reduction in fees is provided for in Section 150(2). Section 150(4) of the LGA which states that the fees prescribed by Council shall not provide for Council to recover more than the reasonable cost incurred by Council for the matter which the fee is charged. In no event shall the resultant charge be less than Council's sewerage charge for the equivalent period.
A11	New or Additional Trade Premises	pay the annual fees and a pro rata proportion of the various trade waste charges relative to flows and loads.
B1	Volume	payment based on the volume discharged $\$/m^3$.
B2	Flow rate	payment based on the flow rate discharged $\$/L/s$.
B3	Suspended Solids	payment based on the mass of suspended solids $\$/kg$.
B4	Organic loading	payment based on the Biochemical Oxygen Demand or Chemical Oxygen Demand $\$/kg$.
B5	Nitrogen	payment based on the defined form(s) of nitrogen $\$/kg$.
B6	Phosphorus	payment based on the defined form(s) of phosphorus $\$/kg$.
B7	Metals	payment based on the defined form(s) of metal(s) $\$/kg$.
B8	Transmissivity	a charge based on the inhibiting nature of the trade waste to UV light used by Whangarei District Council's disinfection process.
B9	Screenable Solids	payment based on the mass of screenable solids $\$/kg$.
B10	Toxicity charge	payment based on the defined form(s) of the toxic substance(s) $\$/kg$ and/or $\$/m^3$.
B11	Incentive Rebate	a rebate for discharging materials beneficial to Council's sewerage system $\$/kg$ and/or $\$/m^3$.
B12	Depreciation	operating cost related to capital and normally spread across the volume and mass charges.
B13	Capital	apportioned upfront or term commitment capital cost of specific infrastructure required to accommodate a conditional consent.
Tankered waste charges		
C1	Tankered Wastes	set as a fee(s) per tanker load, or as a fee(s) per cubic metre, dependent on trade waste category.

DRAFT



Trade Waste Bylaw

June 20~~11~~¹²



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Access point	is a place where access may be made to a Private Drain for inspection (including sampling or measurement), cleaning or maintenance with the location of an Access Point to be in accordance with the New Zealand Building Code.
Analyst	means a testing laboratory approved in writing by a Council officer on behalf of Council.
Approval or approved	means approval or approved in writing Council either by resolution of Council or by a Council officer.
Bio solids	means sewage sludge derived from a sewage treatment plant that has been treated and/or stabilized to the extent that it is able to be safely and beneficially applied to land and does not include products derived solely from industrial wastewater treatment plants. The term Bio solid/Bio solids is used generally through this document to include products containing Bio solids (e.g. compost).
Characteristic	means any of the physical or chemical characteristics of a trade waste and may include the level of a characteristic.
Cleaner production	means the implementation on trade premises, of effective operations, methods and processes appropriate to the goal of reducing or eliminating the quantity and toxicity of wastes. This is required to minimise and manage trade wastes by: <ul style="list-style-type: none"> • using energy and resources efficiently, avoiding or reducing the amount of wastes produced • producing environmentally sound products and services; and • achieving less waste, fewer costs and higher profits.
Condensing water or cooling water	means any water used in any trade, industry or commercial process or operation in such a manner that it does not take up matter into solution or suspension.
consent and	means consent in writing given by Council and signed by a Council officer.
consent to discharge	authorising a Person to discharge trade wastes to the sewerage system.
consent holder	means the person occupying trade premises who has obtained a consent to discharge or direct the manner or discharge of trade wastes from those premises to Council's sewerage system, and includes any person who does any act on behalf or with the express or implied permission of the consent holder (whether for reward or not) and any licensee of the consent holder.
Contaminant	includes any substance (including gases, odorous compounds, liquids, solids and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy or heat: <ul style="list-style-type: none"> — When discharged into water, changes or is likely to change the physical, chemical or biological condition of water; or — When discharged onto or into land or into air, changes or is likely to change the physical, chemical or biological condition of the land or air onto or into which it is discharged or as described or contained in the Resource Management Act 1991.
Contingency management procedures	means those procedures developed and used to avoid, remedy, or mitigate the actual and/or potential adverse effects of these activities on the environment, from an unexpected or unscheduled event resulting in discharge, or potential discharge of contaminants of concern into the sewerage system.
Council and the Council	means Whangarei District Council.

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Council officer	means: any officer for the time being appointed by Council to carry out or exercise the duties, offices, or powers of a Council officer referred to in or granted by this Bylaw, his deputy or assistant and in acting as provided by this Bylaw shall act as agent for Council; and any officer appointed by Council as an enforcement officer under S177 of the Local Government Act 2002 as an enforcement officer with powers of entry as prescribed by Sections 171—174.
District	means the District administered by Council as established under LGA 2002.

1 Introduction

This Bylaw regulates the discharge of trade wastes to a sewerage system operated by Whangarei District Council (Council).

1.2 Commencement and application

This Bylaw comes into force on 1 July ~~2012~~2021.

1.3 Revocation

The following Bylaw is revoked by this Bylaw: Whangarei District Council Trade Waste Bylaw 201~~2~~08.

1.4 Scope of Bylaw

The Bylaw provides for the:

- a acceptance of long-term, intermittent or temporary discharge of trade wastes to the sewerage system
- b establishment of four grades of trade wastes: Permitted, Controlled, Conditional and Prohibited such being defined in clause 4.1.1 of this bylaw
- c evaluation of individual trade wastes discharges to be against specified criteria
- d correct storage of materials to protect the sewerage system and stormwater systems from spillage
- e installation of flow meters, samplers or other devices to measure flow and quality of the trade waste discharge
- f pre-treatment of waste before it is accepted for discharge to the sewerage system
- g sampling and monitoring of trade wastes discharges to ensure compliance with this Bylaw
- h Council to accept or refuse a trade wastes discharge
- i charges to be set to cover the cost of conveying, treating and disposing of, or reusing, trade waste and the associated costs of administration and monitoring
- j administrative mechanisms for the operation of the Bylaw
- k establishment of waste minimisation and management programmes (including sludges) for trade waste producers.

1.5 Compliance with other Acts

Nothing in this Bylaw shall derogate from any of the provisions of the Health Act 1956, the Health and Safety ~~in Employment Act 1992~~ at Work Act 2015, the Resource Management Act 1991, the Building Act 2004, the Hazardous Substances and New Organisms Act 1996 and their regulations or any other relevant statutory or regulatory requirements. In the event of any inconsistency between legislation the more stringent requirement applies.

~~Trade premises and other users to which the Bylaw Applies~~

This Bylaw shall apply to all Trade premises within the Whangarei District where trade wastes are discharged, or sought, or likely to be discharged to the sewerage system operated by Whangarei District Council or its agents. This Bylaw shall also apply to Tankered Wastes collected for the purpose of discharge to a sewerage system operated by Whangarei District Council or its agents.

Pursuant to S196 of the Local Government Act 2002 (LGA) Council may refuse to accept any type of trade waste which is not in accordance with this Bylaw.



2 Interpretation

Unless inconsistent with the text, any term that is not defined in this section takes its common meaning from the Concise Oxford English Dictionary (eleventh edition).

For the purpose of this Bylaw, unless inconsistent with the context, the following definitions shall apply:

<u>Analyst</u>	<u>means a testing laboratory approved in writing by a Council officer on behalf of Council.</u>
<u>Approval or approved</u>	<u>means approval or approved in writing Council either by resolution of Council or by a Council officer.</u>
<u>Approved site</u>	<u>means a site approved for the safe disposal of trade waste.</u>
<u>Bio solids</u>	<u>means sewage sludge derived from a sewage treatment plant that has been treated and/or stabilized to the extent that it is able to be safely and beneficially applied to land and does not include products derived solely from industrial wastewater treatment plants. The term Bio solid/Bio solids is used generally through this document to include products containing Bio solids (e.g. compost).</u>
<u>Characteristic</u>	<u>means any of the physical or chemical characteristics of a trade waste and may include the level of a characteristic including characteristics listed in the Trade Waste Policy</u>
<u>Chief Executive</u>	<u>means the Chief Executive of Whangarei District Council</u>
<u>Cleaner production</u>	<u>means the implementation on trade premises, of effective operations, methods and processes appropriate to the goal of reducing or eliminating the quantity and toxicity of wastes. This is required to minimise and manage trade wastes by:</u> <ul style="list-style-type: none"> <u>• using energy and resources efficiently, avoiding or reducing the amount of wastes produced</u> <u>• producing environmentally sound products and services; and</u> <u>• achieving less waste, fewer costs and higher profits.</u>
<u>Condensing water or cooling water</u>	<u>means any water used in any trade, industry or commercial process or operation in such a manner that it does not take up matter into solution or suspension.</u>
<u>consent</u>	<u>means consent in writing given by Council and signed by a Council officer.</u>
<u>consent to discharge</u>	<u>authorising a Person to discharge trade waste to the sewerage system.</u>



<u>consent holder</u>	<u>means the person occupying trade premises who has obtained a consent to discharge or direct the manner or discharge of trade waste from those premises to Council's sewerage system, and includes any person who does any act on behalf or with the express or implied permission of the consent holder (whether for reward or not) and any licensee of the consent holder.</u>
<u>Contaminant</u>	<u>includes any substance (including gases, odorous compounds, liquids, solids and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy or heat:</u> a) <u>When discharged into water, changes or is likely to change the physical, chemical or biological condition of water; or</u> b) <u>When discharged onto or into land or into air, changes or is likely to change the physical, chemical or biological condition of the land or air onto or into which it is discharged</u> <u>or as described or contained in the Resource Management Act 1991.</u>
<u>Contingency management procedures</u>	<u>means those procedures developed and used to avoid, remedy, or mitigate the actual and/or potential adverse effects of these activities on the environment from an unexpected or unscheduled event resulting in discharge, or potential discharge of contaminants of concern into the sewerage system.</u>
<u>Council and the Council</u>	<u>means Whangarei District Council, or any person delegated or authorised to act on their behalf.</u>
<u>Council officer</u>	<u>means:</u> <u>any officer for the time being appointed by Council to carry out or exercise the duties, offices, or powers of a Council officer referred to in or granted by this Bylaw, his deputy or assistant and in acting as provided by this Bylaw shall act as agent for Council; and</u> <u>any officer appointed by Council as an enforcement officer under S177 of the Local Government Act 2002 as an enforcement officer with powers of entry as prescribed by Sections 171 – 174.</u>
<u>Disconnect or disconnection</u>	<u>means the physical cutting or sealing of a private sewer from the public sewerage system.</u>
<u>District</u>	<u>means the District administered by Council as established under LGA 2002.</u>
<u>Domestic wastewater and domestic sewage</u>	<u>means either wastewater discharged from premises, used solely for residential activities, or wastes of the same character discharged from other premises, but does not include any solids, liquids or gases that may not be lawfully discharge into sewage drains controlled by this Bylaw. Wastewater or sewage is used interchangeably throughout this document.</u>
<u>Drain</u>	<u>Means that section of private pipe, owned and maintained by the occupier, between the occupier's premises and the point of discharge through which wastewater is conveyed from the premises to the public sewerage system.</u>
<u>Grease trap</u>	<u>Means any device approved by the council that allows kitchen and/or food production wastewater to cool, and the grease and solids to separate from the wastewater.</u>
<u>Hazardous material wastes</u>	<u>means</u>

	<p><u>a) any raw materials(s), product(s) or waste(s) containing corrosive, toxic, biocidal, ecotoxic (with or without bioaccumulation), radioactive, flammable or explosive materials; or</u></p> <p><u>b) any material which when mixed with the wastewater stream, is likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous to the health and safety of any person or harmful to the sewerage system; or</u></p> <p><u>c) any material containing any hazardous substances as defined by the Hazardous Substances and New Organisms Act 1996; or</u></p> <p><u>d) any material which meets the definition for infectious substances included in the Land transport Rule: Dangerous Goods 2005 and NZ Standard 5433:2012 – Transport of Dangerous Goods on Land; or</u></p> <p><u>e) any material which meets the definition for radioactive material included in section 96 of the Radiation Safety Act 2016.</u></p>
Infringement offence	means an offence which falls within the jurisdiction of subpart 3 of Part 9 as specified by this bylaw under s 243 and s 259 of the LGA.
LGA	means Local Government Act 2002 – the key legislation (law) that defines what Council's responsibilities are to the community and how they must be fulfilled and reported on.
Long Term Council Community Plan (LTCCP) or Long Term Plan (LTP)	means a Long- t -Term p Plan adopted under S93 of the LGA.
Management plan	means the plan for management of operations on any premises from which trade waste s comes, and may include provision for Cleaner Production, waste minimisation, discharge, contingency management procedures, and any relevant industry codes of practice.
Mass limit	means the total mass of any characteristic that may be discharged to the sewerage system over any stated period from any single point of discharge or collectively from several points of discharge.
Maximum concentration	means the instantaneous peak concentration that may be discharged at any instant in time.
Occupier	in relation to trade premises means the person occupying the premises connected to the sewerage system; and includes any agent, manager, foreman, or other person acting or apparently acting in the general management or control of trade premises <u>and includes the owner of the premises if the premises are unoccupied.</u>
Person	includes a corporation sole and also a means a person, occupier or body of persons whether incorporated or unincorporated <u>and includes the Crown and any successor of a person.</u>
Point of discharge	means the boundary between the public sewer and private drain but for the purposes of monitoring, sampling and testing, may <u>shall</u> be <u>an alternative</u> designated <u>point as specified</u> in the trade waste consent.
Pre-treatment	means any processing of trade waste designed to reduce or vary any characteristic in waste before discharge to the sewerage system in order to comply with a trade waste consent.
Premises	means either:

	<p>a) a property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued; <u>or</u></p> <p>b) a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or</p> <p>c) land held in public ownership (e.g. reserve) for a particular purpose; or</p> <p>d) individual units in buildings, which are separately leased or separately occupied.</p>
Prohibited trade wastes	means a trade waste that has prohibited characteristics as defined in Schedule 1 AB and does not meet the conditions <u>listed in the Trade Waste Policy of Schedule 4A.</u>
Private drain	means that section of drain between the premises and the point of connection to <u>the public Council sewerage wastewater</u> system.
Schedule of Fees and Charges	<u>Means councils current Schedule of Fees and Charges</u>
Schedule of rates and charges	means the list of items, terms and prices for services associated with the discharge of trade waste as approved by Council.
Sewage	means domestic wastewater and may include trade wastes.
Sewage sludge	means the material settled out and removed from <u>Sewage wastewater</u> during the treatment process.
Sewer	means the public pipework drainage system that conveys sewage.
Sewerage system sewerage system	means the physical components of collection, treatment and disposal of sewage and trade wastes, including all sewers, pumping stations, storage tanks, sewage treatment plants, outfalls, and other related structures operated by Council and used for the reception, treatment and disposal of trade wastes. means all pipes, pumping stations, storage tanks, wastewater treatment plants, outfalls and other related structures owned by or under the control of the council, used for the receiving, transporting, treating or disposing of wastewater.
Shall	means must, is, or are obligated to.
Significant industry	is a term to indicate the relative size of a given industry compared to the capacity of the sewerage system (including the sewage treatment plant) forming part of that sewerage system public wastewater system, which services that industry. Industry size relates to the volume and/or loads discharging into the sewerage sewerage system. Loads can be the conventional loadings of BOD5-chemical oxygen demand and suspended solids or some other particular contaminant (e.g. boron, chromium), which may have an effect on the sizing of the sewerage wastewater system, the on-going system operation and/or the quality of the treated effluent that is discharged.
Stormwater	means surface water run-off resulting from precipitation.
Stormwater system	<u>means all pipes, pumping stations, storage tanks, outfalls and other related structures owned by or under the control of the council, used for the receiving, transporting, treating or disposing of stormwater.</u>
Tanker waste	is water or other liquid, including waste matter in solution or suspension, which is conveyed by vehicle for disposal, excluding domestic sewage discharged directly from house buses, caravans, buses and similar vehicles. means any type of wastewater which is conveyed by vehicle from any premises for disposal at an approved site.



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Temporary discharge	means any discharge of an intermittent or short duration. Such discharges include the short-term discharge of an unusual waste from premises subject to an existing consent.
Trade premises	means: a) any premises used or intended to be used for any business, industrial or trade purpose; b) any premises used or intended to be used for the storage, transfer, treatment, or disposal of waste materials or for other waste management purposes, or used for composting organic materials; c) any other premises from which a contaminant is discharged in connection with any industrial or trade process; d) any other premises discharging other than domestic sewage and includes any land or premises wholly or mainly used for agricultural or horticultural purposes; e) a tanker truck or any other vehicle capable of receiving, storing, transporting or discharging trade waste.
Trade waste and trade waste	means any liquid with or without matter in suspension or solution, therein, which that is, is or may be discharged, from trade premises to Council's sewerage sewerage system in the course of any business, trade or industrial process or operation in the course of any activity or operation of a like nature, and may include Condensing or Cooling waters or Domestic sewage.
Trade waste consent	means a consent of the type as described in clause 3 of this bylaw.
Trade Waste Policy	Means a Trade Waste Policy made under clauses 7.8 and 7.9 of this bylaw and adopted by council
Wastewater treatment plant	means any arrangement of devices and structures used for treating sewage, and/or trade wastes prior to discharge to the environment.
Working day	means any day of the week other than: a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Labour Day a day in the period commencing with 25 th day of December in a year and ending with the second 2 nd day of January in the following year.

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3 Applications to discharge trade wastes

3.1 Control of discharges

3.1.1 No person shall:

- discharge, or allow to be discharged, any trade wastes to a sewerage system except in accordance with the provisions of this Bylaw; or
- discharge, or allow to be discharged a prohibited trade waste as defined in clause 4.1.1b into the sewerage system; or
- add or permit the addition of condensing water or cooling water to any trade wastes which discharge into the sewerage system unless specific approval is given in a consent; or
- add or permit the addition of stormwater to any trade waste, which discharges into the sewerage system unless specific approval is given in a consent.



3.1.2 In the event of failure to comply with 3.1.1(a)–(d), Council may physically prevent the discharge to the sewerage system if a reasonable alternative action cannot be established with the discharging party or parties.

3.1.3 Any Person discharging to ~~a the~~ sewerage system shall also comply with the requirements of the Hazardous Substances and New Organisms Act 1996 (HSNO) and the Resource Management Act 1991 (RMA).

3.2 In the storage, transport, handling and use of hazardous or harmful materials

- a** All persons on trade premises shall take all reasonable steps to prevent the accidental entry of any of the materials listed in 3.2(c) of this Bylaw from entry into the sewerage system as a result of leakage, spillage or other mishap.
- b** No person shall store, transport, handle or use, or cause to be stored, transported, handled or used any hazardous substance as defined by HSNO or any of the materials listed in 3.2(c) in a manner that may cause the material to enter a sewerage system and cause harmful effects.
- c** Materials referred to in 3.2 (a) and (b) are products or wastes which:
 - i** contain corrosive, toxic, eco-toxic, oxidising, radioactive, flammable or explosive materials; or
 - ii** are likely to generate toxic, eco-toxic, flammable, explosive, oxidising or corrosive materials in quantities likely to be hazardous when mixed with the wastewater stream
 - iii** are likely to be deleterious to the health and safety of Council staff, approved contractors and the public or be harmful to the sewerage system.

4 Trade waste discharges and consents

4.1 Classification of trade waste discharges

4.1.1 Trade waste discharges shall be classified as one of the following types:

- a** Permitted (consent required if decided by Council)
Is a trade waste that has been approved by and is acceptable to Council as long as it has the physical and chemical Characteristics which comply (without pre-treatment) with the requirements of Council standard as defined in ~~Schedule 1A of this Bylaw (Schedule 1A) the Trade Waste Policy~~. No consent is required for a permitted trade waste discharge but Council has a right of access to inspect any discharge to determine whether a discharge is a permitted trade waste.
- b** Controlled (consent required)
Is a trade waste that requires pre-treatment in order to ensure the discharge meets the conditions of ~~Schedule 1A the Trade Waste Policy~~.
- c** Conditional (consent required)
Is a trade waste that has conditions placed upon the consent holder by Council.
- d** Prohibited (Not consentable)
Is a trade waste that has prohibited Characteristics as defined in Schedule 1 ~~AB~~ of this Bylaw (~~Schedule 1B~~) and does not meet the conditions of ~~Schedule 1A listed in the Trade Waste Policy~~. This waste is not acceptable for discharge in Council system except if specifically approved by Council as a Conditional trade waste.

4.1.2 Council is not obligated to accept any trade waste. No application for consent shall be approved where the trade waste discharge would contain, or is likely to contain, characteristics, which are prohibited.

4.1.3 No person shall discharge, or cause to be discharged, any trade waste to a sewerage system except in accordance with the provisions of this Bylaw.

4.2 Application for trade waste consent

4.2.1 Every person who does, proposes to, or is likely to:

- a)** discharge into the sewerage system any trade waste, ~~other than Permitted trade waste (either continuously, intermittently or temporarily); or~~
- b)** vary the characteristics of a consent to discharge that has previously been granted; ~~or~~
- c)** vary the conditions of consent to discharge that has previously been granted; ~~or~~



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- d) significantly change the method or means of pre-treatment for discharge under an existing consent;
- e) shall, if required by Council, complete an application in the prescribed form(s) ~~(available from Council's trade wastes Officer)~~ for the consent of Council, to discharge that trade waste, or to the proposed variation(s).

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4.2.2 Council reserves the right to deal with the owner as well as the occupier of any trade premises.

4.2.3 Nothing in this Bylaw shall be deemed to prevent Council from dealing separately with trade wastes arising from different departments or from different industrial processes carried out in the same trade premises and from treating the application received from the occupier concerned as if separate application had been made in respect of any such different trade wastes.

4.2.4 The Applicant shall ensure that the application and every other document conveying required information is properly executed and any act done for, or on behalf of, the eventual consent holder (whether for reward or not) in making any such application shall be deemed to be an act of the consent holder.

4.2.5 Council may require an application to be supported by an independent report/statement completed by a suitably experienced and external auditor to verify any or all information supplied by the applicant, and this may include a management plan.

4.2.6 Every application shall be accompanied by a trade wastes application fee in accordance with Council's Schedule of ~~Rates Fees~~ and Charges.

4.3 Processing of an application

Council shall acknowledge the application in writing within 10 Working Days of the receipt of application.

4.4 Information and analysis

Upon receipt of any application for a trade waste consent to discharge from any premises or renewal, or alteration of an existing consent ~~to or~~ discharge, or to discharge tankered waste into Council's sewerage system, Council may:

- require the applicant to submit any additional information which it considers necessary to reach an informed decision;
- require the applicant to submit a Management Plan to the satisfaction of Council;
- whenever appropriate, have the discharge investigated and analysed as provided for in clauses 6.1 and 6.3 of this Bylaw.

4.5 Consideration of an application ~~by Council~~

Within 20 Working Days ~~(or extended as necessary by Council)~~ of receipt of an application complying with this Bylaw and/or all requirements under 4.4, whichever is the later, Council shall, after considering the matters in 4.6 action one of the following in writing:

- grant the application as a permitted trade waste and inform the applicant of the decision by issuing the appropriate notice; or
- grant the application as a controlled or a conditional trade waste discharge consent and inform the applicant of the decision and the conditions imposed on the discharge by issuing the appropriate notice of consent to the discharge; or
- decline the application and notify the applicant of the decision giving a statement for the reasons for refusal.

4.6 Consideration criteria

In considering any application for a trade waste consent or tankered waste into the sewerage system and in imposing any conditions in a consent, Council shall take the quality, volume and rate of discharge of the trade waste into consideration in relation to the:

- health and safety of Council staff, authorised agents, independent analysts and the public;
- the quality, volume and rate of discharge of the trade waste from such premises or tanker;

- c) the limits and/or maximum values for characteristics of trade waste as specified in Schedules 1A and ~~4B~~ the Trade Waste Policy;
- d) the extent to which the trade waste may react with other trade waste(s) or Domestic Wastewater to produce an undesirable effect, e.g. settlement of solids, production of odours, accelerated ~~edion~~ corrosion and deterioration of the ~~s~~ Sewerage System; ~~etc~~
- e) the flows and velocities in the sewer or sewers in relation to the material or construction of the sewer or sewers;
- f) the capacity of the sewers in any wastewater catchment area and the capacity of any wastewater treatment works serving the catchment in which the trade waste is produced;
- g) the nature of Council's wastewater treatment processes and the degree to which the trade waste is capable of being treated in the relevant wastewater treatment ~~works~~ plant;
- h) the timing and balancing of flows into the sewerage system;
- i) existence of any statutory requirements relating to the conveyance, treatment or discharge of raw or treated wastewater to receiving waters, the disposal of sewage sludges, beneficial use of Bio solids and any discharge to air (including the necessity for compliance with any resource consent, discharge permit or receiving water quality guidelines);
- j) the effect of the trade waste ~~d~~ Discharge on the ultimate receiving environment;
- k) the conditions on resource consents for the sewerage system and the residuals from it;
- l) the possibility of unscheduled, unexpected or accidental events and the degree of risk these could cause to humans, the sewerage system and the environment;
- m) consideration for other existing or future discharges;
- n) amenability of the trade waste to pre-treatment;
- o) existing pre-treatment works on the premises and the potential for their future use;
- p) cleaner production techniques and waste minimisation practices;
- q) requirements and limitations related to sewage sludge disposal and reuse;
- r) control of stormwater;
- s) management plan;
- t) tankered waste being discharged at approved locations;
- u) any other matter that Council considers relevant.

4.7 Conditions of trade waste consent

Any consent to discharge may be granted or renewed subject to such conditions that Council may impose including but not limited to:

- a) the particular sewerage system or sewers to which the discharge shall be made;
- b) the maximum daily volume of the discharge, the maximum rate of discharge and the duration of maximum discharge;
- c) the maximum limit or permissible range of any specified characteristics of the discharge, including concentration limits and/or mass limits determined in accordance with clause 4.8 of this Bylaw;
- d) the period or periods of the day during which the discharge, or a particular concentration, or volume of discharge may be made;
- e) the characteristics of the trade waste at the point of discharge;
- f) the provision, maintenance and operation by, or for the consent holder (at their expense) of screens, grease traps, oil traps, silt traps, other partial or preliminary pre-treatment processes, equipment or storage facilities designed to regulate the quality, quantity and rate of discharge or other characteristic prior to the point of discharge;
- g) the provision and maintenance of inspection chambers, manholes or other apparatus or devices to provide reasonable access to private sewers for flow measurement, sampling and inspection at the consent holders expense;

- h) the provision and maintenance of a sampling, analysis and testing programme and flow measurement requirements, at the consent holder's expense;
- i) the method or methods to be used for measuring flow rates and/or volume and taking samples of the discharge for use in determining the amount of any trade waste charges applicable to that discharge;
- j) the provision and maintenance of such services, (whether electricity, water or compressed air or otherwise), which may be required in order to operate meters and similar devices at the consent holder expense;
- k) at times specified, the provision in a Council approved format by the consent holder to Council of all flow and/or volume records and results of analyses;
- l) the provision and implementation by the consent holder of a discharge management plan;
- m) risk assessment of damage to the environment due to an accidental discharge of a contaminant;
- n) waste minimisation and management;
- o) cleaner production techniques;
- p) consent holder's use of third parties for treatment, carriage, discharge and disposal of by-products of pre-treatment of trade waste;
- q) requirement to provide a bond or insurance in favour of Council where failure to comply with the consent could result in damage to Council's sewerage system, its treatment plants, or could result in Council being in breach of any statutory obligation;
- r) the meeting of any other conditions reasonably necessary to achieve or ensure compliance with this Bylaw and any other legislation.

4.8 Duration

4.8.1 Permitted Discharges shall remain in force indefinitely until either:

- a) cancellation under clauses 3.1.2 or 4.10 of this Bylaw;
- b) the quantity and nature of the discharge changes significantly;
- c) if in the opinion of Council the discharge changes or it is likely to change to such an extent that it becomes a Controlled, Conditional or Prohibited trade waste as such are defined in clause 4.1.1 of this bylaw;
- d) Council changes the trade waste management procedures by implementation of changed trade waste Bylaw conditions or any amendment to, or replacement of, the trade waste Bylaw; or
- e) the conditions on resource consents for the sewerage system and the residuals from it change.

In all cases, after appropriate consultation, the Person shall apply-make application within 10 Working Days of this change occurring, for a Controlled or C conditional consent in accordance with clause 4.2 of this Bylaw. This application shall be approved prior to the occurrence of any new discharge. No new discharge shall occur until such time as the application has been approved.

4.8.2 Subject to clauses 4.10 and 7.1 of this Bylaw, C Controlled and C Conditional consents under this Bylaw shall expire at the end of a term fixed by Council subject to the following:

a) a controlled and conditional consents may be given for a term not exceeding five years to a consent holder who at the time of application satisfies Council that:

- i) the nature of the trade activity, or the process design and/or management of the premises are such that the consent holder has demonstrated ability to meet the conditions of the consent during its term; and/or
- ii) cleaner production techniques are successfully being utilised, or that a responsible investment in cleaner production equipment or techniques is being made; and/or
- iii) significant investment in pre-treatment facilities has been made, such that a longer period of certainty for the amortizing of this investment is considered reasonable; and/or
- iv) the reissuing of consent cannot be unreasonably withheld.

b) b in all other cases the term of a C Controlled or a C Conditional trade waste consent should not exceed two years.

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~~c) e~~ in all cases where either the consent holder or the owner of the premises changes, or there is a change of use, a new application for a ~~c~~Controlled or a ~~c~~Conditional trade waste consent shall be made. It shall be the responsibility of the consent holder to lodge the new application; ~~and~~

~~d) d~~ the conditions on resource consents for the sewerage system and the residuals from it change.

4.8.3 Notwithstanding clause 4.8.2 Council retains the right to review the conditions at an earlier time. The reasons for such an earlier review could include but are not limited to:

- a) the level of consent holder compliance, including any accidents including spills or process mishaps;
- b) matters pertaining to Council resource consents for the sewerage system;
- c) matters pertaining to Council environmental policies and outcomes;
- d) new control and treatment technologies and processes;
- e) any of the matters outlined in Section 5 of this Bylaw;
- f) matters pertaining to Council's legal obligations.

4.9 Technical review and variation

4.9.1 Council at any time may require a person undertaking a permitted discharge to apply for consent in accordance with clause 4.8.1 of this Bylaw.

4.9.2 If Council is having problems with excess organic material from trade premises including but not limited to excess oil and grease from food premises, then the offending industry may be required to apply for a conditional consent such that the conditions imposed shall result in a discharge compliant with the requirements of Council standard as defined in Schedule 1A ~~and the Trade Waste Bylaw~~.

4.9.3 Council may at any time during the term of a consent, by written notice to the consent holder, vary any condition within the consent to address such issues as a change in the:

- a) nature of the discharge;
- b) ~~wastewater-sewerage~~ system;
- c) circumstances that cause the condition(s) to become inappropriate or unnecessary;
- d) resource consent limits imposed on the discharges or the use of liquids or solids from Council's wastewater treatment plant;
- e) legal requirements imposed on Council.

4.9.4 The consent holder may seek to vary any condition of a consent at any time during the term of a consent by written application to Council, as provided for in clause 4.7 of this Bylaw.

4.10 Suspension or cancellation of the right to discharge

4.10.1 Council may suspend or cancel any consent or right to discharge at any time by giving 15 Working Days written notice to the consent holder, if the consent holder fails to:

- a) comply with any condition of the consent;
- b) maintain effective control over the discharge;
- c) limit the volume, nature, or composition of trade waste being discharged in accordance with the requirements of the consent;
- d) take any action which in the opinion of Council, threatens the safety of, or threatens to cause damage to any part of the sewerage system or the wastewater treatment plant or threatens the environment or the health or safety of any person;
- e) pay any charges due under this Bylaw;
- f) if any other circumstances arise which, in the opinion of Council, render it necessary in the public interest to cancel the right to discharge;
- g) If any process changes require more than 15 Working Days, reasonable time may be given to comply with the consent conditions.



4.10.2 Council may cancel any consent or right to discharge immediately by giving written notice to the consent holder, if the:

- a) discharge contains any prohibited substance;
- b) Council is lawfully directed to withdraw or otherwise terminate the consent summarily;
- c) consent holder discharges any trade waste unlawfully which Council determines may endanger the health or safety of any person, damage any part of the wastewater-sewerage system or cause serious environmental effects as a result of the discharge;
- d) discharge is not effectively controlled in accordance with the requirements of a consent;
- e) continuance of discharge may, in the opinion of Council, result in a breach of resource consent held by Council;
- f) Council's opinion is that the continuance of the discharge puts at risk the ability of Council to comply with conditions of a resource consent and/or requires additional treatment measures or costs to seek to avoid a breach of any such resource consent.

4.10.3 Council may suspend or cancel any consent or right to discharge, by giving 15 Working Days notice to the consent holder for circumstances other than those in sections 4.10.1 (a)-(f) where it is in the public interest to do so.

5 Trade waste approval criteria

5.1 Pre-treatment

Council may approve a Controlled or Conditional trade waste consent subject to the provision of appropriate pre-treatment systems to enable the Person discharging to comply with this Bylaw, with any such pre-treatment system(s) to be provided, operated and maintained by the Person discharging at their expense. Service contracts for all such devices should be retained at all times that the system(s) operate(s) in accordance with manufacturers specifications. Any waste removed is to be disposed of in an appropriate and responsible manner and/or at appropriate facilities.

Refuse or garbage grinders and macerators shall not be used to dispose of solid waste from trade premises to the sewerage system unless approved by Council.

5.2 Dilution

The consent holder shall not, unless approved by Council add or permit the addition of any potable, condensing, cooling water or stormwater to any trade waste stream in order to vary the level of any characteristics of the waste.

5.3 Food premises

Food premises are required under this Bylaw and the Building Act 2004 to provide a means of reducing the amounts of fats, oils and greases (FOGs) discharged to the sewer, most commonly by use of a grease trap. Any grease trap shall meet the standards set out in G13, Section 4 of the New Zealand Building Code and approved documents published by the Building Authority. Trade waste consent conditions may include frequency of grease trap maintenance where ineffective operation is evident.

5.4 Mass limits

A conditional trade waste consent may impose control on a trade waste discharge by specifying mass limits for any characteristic.

Mass limits may be imposed for any characteristic. Any characteristic of a discharge with a mass limit imposed shall also have its maximum concentration not limited to the value scheduled unless approved otherwise.

When setting mass limit allocations for a particular characteristic Council shall consider:

- a) the operational requirements of and risk to the sewerage system, and risks to occupational health and safety, public health, and the ultimate receiving environment;
- b) whether or not the levels proposed pose a threat to the planned or actual beneficial reuse of bio solids or sewage sludge;

- c) conditions in the sewerage system near the trade waste point of discharge and elsewhere in the sewerage system;
- d) the extent to which the available industrial capacity was used in the last financial period and is expected to be used in the forthcoming period;
- e) whether or not the applicant uses cleaner production techniques within a period satisfactory to Council;
- f) whether or not there is any net benefit to be gained by the increase of one characteristic concurrently with the decrease of another to justify any increased application for industrial capacity;
- g) any requirements of Council to reduce any contaminant discharge of the sewerage system;
- h) how great a proportion the mass flow of a characteristic of the discharge shall be of the total mass flow of that characteristic in the sewerage system;
- i) the total mass of the characteristic allowable in the sewerage system, and the proportion (if any) to be reserved for future allocations; and
- j) whether or not there is an interaction with other characteristics, which increases or decreases the effect of either characteristic on the sewer reticulation, treatment process, or receiving water or land.

6 Sampling, analysis and monitoring

6.1 Flow metering

6.1.1 Flow metering ~~shall~~ may be required by Council:

- a) on discharges when there is not a reasonable relationship between a metered water supply to the premises, and the discharge of trade waste;
- b) when Council ~~shall~~ will not approve a method of flow estimation; or
- c) when the discharge represents a significant proportion of the total flow/load received by Council.

6.1.2 The consent holder is responsible for the supply, installation, calibration, reading and maintenance of any meter required by Council for the measurement of the rate or quantity of discharge of trade waste. These devices are subject to the approval of Council, but shall remain the property of the consent holder.

6.1.3 Records of flow and/or volume shall be available for viewing at any time by Council, and shall be submitted to Council at prescribed intervals by the consent holder in a format approved by Council.

6.1.4 Meters shall be located in a position approved by Council, which provides the required degree of accuracy and shall be readily accessible for reading and maintenance. The meters shall be located in the correct position according to the manufacturer's installation instructions.

6.1.5 The consent holder shall arrange for in situ calibration of the flow metering equipment and instrumentation by a Person and method Approved by Council upon installation and at least once a year thereafter to ensure its performance. The meter accuracy shall be $\pm 10\%$ but with no greater a deviation from the previous meter calibration of $\pm 5\%$. A copy of independent certification of each calibration result shall be submitted to Council.

6.1.6 Should any meter installed for the specific purpose of measuring a trade waste discharge, after being calibrated, be found to have an error greater than that specified in Clause 6.1.5 of this Bylaw as a repeatable measurement, Council may make an adjustment to the fee calculation in accordance with the results shown by such tests back-dated for a period at the discretion of Council but not exceeding 12 months, and the consent holder shall pay or be credited a greater or lesser amount according to such adjustment.

6.2 Estimating discharge

6.2.1 Where no meter or similar apparatus is warranted, Council may require that a percentage of the water supplied to the premises (or other such basis as seems reasonable) be used for estimating the rate or quantity of flow for the purposes of charging. If this cannot be achieved then Council has the right to require installation of a Council Approved flow measurement at the consent holder's expense.

6.2.2 Should any meter be out of repair or cease to register, or be removed, Council shall estimate the discharge for the period since the previous reading of such meter, (based on the average of the



previous 12 months) charged to the Person discharging and the Person discharging shall pay according to such estimate. Provided that when by reason of a large variation of discharge due to seasonal or other causes, the average of the previous 12 months would be an unreasonable estimate of the discharge, then Council may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the Person discharging shall pay according to such an estimate.

6.2.3 Where in the opinion of Council, a meter has been tampered with, Council (without prejudice to the other remedies available) may declare the reading void and estimate the discharge as provided above in Clauses 6.2.1 or 6.2.2.

6.3 Sampling and analysis

6.3.1 As determined by Council sampling, analysis and monitoring may be undertaken to determine if:

- a) a discharge complies with the provisions of this Bylaw;
- b) a discharge is to be classified as a permitted, controlled, conditional, or prohibited, under Clause 4.1.1 of this Bylaw;
- c) a discharge complies with the provisions of Schedule 4A the Trade Waste Policy as a permitted or controlled discharge and any consent to discharge; and
- d) trade waste charges are applicable to that discharge.

6.3.2 The sampling, preservation, transportation and analysis of the sample shall be undertaken by a Council officer, or the Person discharging in accordance with accepted standard methods, or by a method specifically approved by Council. The Person discharging shall be responsible for all reasonable costs. Where a dispute arises as to the validity of the methods or procedures used for sampling or analysis, the dispute may be submitted to a mutually agreed independent arbitrator.

6.3.3 All Council officers, or any appointed Analyst may enter any premises believed to be discharging trade waste at any time in order to determine any characteristics of any actual or potential discharge by:

- a) taking readings and measurements;
- b) carrying out an inspection; and/or taking samples for testing.

of any solid, liquid or gaseous material or any combination or mixture of such materials being discharged.

Authorisation for entry to premises is given under the LGA and entry shall be in compliance with the Health and Safety policies of that particular site.

6.4 Monitoring

6.4.1 Monitoring for compliance

Council is entitled to monitor and audit any trade waste discharge for compliance. Whether for a Permitted, a Controlled or a Conditional trade waste consent discharge monitoring may be carried out as follows:

- a) Council or its authorised agent shall take the sample with appropriate preservation, and arrange for this sample to be analysed in an approved laboratory by agreed/approved analytical methods;
- b) the sampling procedure shall be appropriate to the trade waste and the analytical method to be used;
- c) Council shall audit the sampling and analysis carried out by a self-monitoring trade waste Person discharging. Analysis shall be performed by an approved laboratory. Inter-laboratory checks are to be part of this process;
- d) Council shall audit the sampling and analysis carried out by an Analyst. Analysis shall be performed by an Approved laboratory. Inter-laboratory checks are to be part of this process; and
- e) Council shall audit the trade waste consent conditions including any Management Plans.

At the discretion of Council all costs of monitoring shall be met by the consent holder either through direct payment to the laboratory or to Council in accordance with Council's charging policy.

6.4.2 Sampling methodology

Normally a single grab or composite sample is sufficient. If required, the grab or composite sample can be split equally into three as follows:

- a) one portion of the sample goes to the trade waste Person discharging for appropriate analysis and/or storage;



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- b) a second portion of the sample shall be analysed at a laboratory approved by Council;
- c) a third portion of the sample is retained by Council for 20 Working Days, for additional analysis if required.

Due consideration shall be applied to any changes that could occur in retained trade waste samples and provisions to mitigate against changes shall be adopted where practicable.

In all cases the samples shall be handled in an appropriate manner such that the characteristics being tested for are, as far as reasonably possible, preserved properly.

All samples shall be preserved, handled, transported and delivered to an Approved laboratory according to approved standards.

6.4.3 Tankered Waste

Tankered waste shall not be discharged into Council's sewerage system by any person discharging or consent holder not compliant with the ~~Ministry for the Environment's WasteMINZ~~ Liquid and Hazardous Wastes Code of Practice ~~2nd edition dated 2012 which is available on WasteMINZ website~~ www.wasteminz.org.nz -

~~Council may by resolution select a preferred waste tracking system different from the one specified in the WasteMINZ Liquid and Hazardous Wastes Code of Practice (or any subsequent Code of Practice that amends or replaces it).~~

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Tankered waste may only be discharged by an operator holding a trade waste consent, and into Council's sewerage system at approved locations.

Council may accept tankered waste for discharge at an Approved location. Tankered waste shall:

- a) be transported by a Registered Offensive Trade license holder licensed to discharge domestic septic tank or industrial wastes;
- b) have material safety data sheets (MSDS) available to Council detailing the contents of a waste;
- c) be pre-tested to determine their character if the contents of the waste are not known. Specialist advice on pre-treatment or acceptance may be required. The cost of all analyses and advice shall be borne by the Registered Offensive Trade license holder;
- d) not be picked up and transported to the disposal site until appropriate arrangements and method for disposal have been determined by Council;
- e) in order to prevent cross-contamination between tanker loads, the tanker shall be thoroughly washed prior to ~~collected-collecting~~ a load for disposal into the sewerage system;
- f) have 24 hours notice given for the disposal of wastes other than those sourced from domestic septic tanks.

Any person illegally disposing of, or causing to be disposed, tankered waste either by incorrect disclosure of contents (characteristics and/or amount) or dumping into Council's sewerage system at other than the prescribed location shall be in breach of the Bylaw.

6.4.4 Disinfected/super chlorinated water

Any water used during the repair and construction of water mains shall be dechlorinated prior to the discharge into the sewerage system. Application for a Temporary Discharge consent shall be made. Such water shall not be disposed of to stormwater or adjacent watercourses without appropriate approvals.

7 Bylaw administration

7.1 Review of decisions

If any Person is dissatisfied with any decision by a Council officer made under this Bylaw, that Person may, by notice delivered to the Chief Executive ~~Officer~~ of Council not later than 20 Working Days after the decision by ~~a~~ Council officer is served upon that Person, request the Chief Executive ~~Officer~~ to review any such decision and such a decision shall be final. Nothing in this clause shall affect any right of appeal under the LGA.



7.2 Accidents and non-compliance

The Person discharging shall inform Council immediately on discovery of any accident including spills or process mishaps, which may cause a breach of this Bylaw.

In the event of any accident occurring on premises for which there is a trade waste consent then Council may review the consent under Clause 4.9 of this Bylaw or may require the consent holder, within 20 working days of the date such requirement is notified to the consent holder in writing, to review the contingency management procedures and re-submit for approval the management plan with Council.

In the event of an accident occurring on the premises of a Permitted trade waste discharge, Council may require the Person discharging to apply for a Controlled or Conditional trade waste consent.

7.3 Charges and payments

7.3.1 Charges

Council may recover fees and charges in accordance with the LGA and in accordance with Council's Schedule of Rates Fees and Charges.

7.3.2 Invoicing

All charges determined in accordance with Clause 7.3.1 of this Bylaw shall be invoiced in accordance with Council's standard commercial practice. The invoice shall provide each Person discharging with a copy of the information and calculations used to determine the extent of any charges and fees due, in regard to a discharge.

7.3.3 Cease to discharge

The Person discharging is deemed to be continuing the discharge of trade waste and shall be liable for all charges, until notice of dDisconnection is given by the consent(s) holder.

7.3.4 Failure to pay

All fees and charges payable under this Bylaw shall be recoverable as a debt. If the Person discharging fails to pay any fees and charges under this Bylaw Council may cancel the right to discharge in accordance with Clause 4.10 of this Bylaw.

7.3.5 Recovery of costs

In all cases Council may recover costs associated with damage to Council sewerage system and/or breach of this Bylaw in accordance with Sections 175 and 176 of the LGA 02.

7.3.6 Council officers

All Council officers, or other Persons authorised under S174 or S177 or paragraph 32 of Schedule 7 of the LGA shall possess and produce on request warrants of authority and evidence of identity.

Any Council officer may at any reasonable time enter any premises believed to be discharging trade wastes to determine any characteristic of any discharge by:

- a) taking readings and measurements;
- b) taking samples of any solids, liquids or gaseous material or any combination or mixtures of such materials being discharged;
- c) observing accidental occurrences and clean up;
- d) carrying out any inspection and/or assessment of the premises.

The extent and level of delegation to Council officers shall be in accordance with Council's Register of Statutory Delegations and Warrants.

Authorisation for entry to premises is given under the LGA and entry shall be in compliance with the health and safety policies of that particular site.



7.4 Transfer or termination of rights and responsibilities

7.4.1 A trade waste consent to discharge shall be issued in the name of the consent holder. The consent holder shall not, unless written approval is obtained from Council:

- a) transfer to any other party the rights and responsibilities provided for under this Bylaw, and under the consent;
- b) allow a point of discharge to serve another premises, or the private drain to that point to extend by pipe or any other means to serve another premises; or
- c) in particular and not in limitation of the above, allow trade waste from any other party to be discharged at their point of discharge.

7.4.2 Renewal of a trade waste consent on change of ownership of premises shall not be unreasonably withheld if the characteristics of the trade waste remain unchanged.

7.4.3 The Person discharging shall give 2 working days notice in writing to Council of their requirement for disconnection of the discharge connection and/or termination of the discharge consent, except where demolition or relaying of the discharge drain is required, in which case the notice shall be within 7 Working Days. The Person discharging shall notify Council of the new address details for final invoicing.

On permanent disconnection and/or termination the Person discharging may at Council's discretion be liable for trade waste charges to the end of the current charging period.

7.4.4 When a Person discharging ceases to occupy premises from which trade waste is discharged into the sewerage system any consent granted shall terminate but without relieving the Person discharging from any obligations existing at the date of termination.

7.5 Service of documents

7.5.1 Delivery or post

Any notice or other document required to be given, served or delivered under this Bylaw to ~~the~~ a Person discharging may (in addition to any other method permitted by law) be given or served or delivered by being:

- a) sent by pre-paid ordinary mail, courier, or facsimile, or email to the consent holders at the consent holders' last known place of residence or business;
- b) sent by pre-paid ordinary mail, courier, or facsimile, or email to the Person discharging at any address for service specified in the consent to discharge;
- c) where the Person discharging is a body corporate, sent by pre-paid ordinary mail, courier, or facsimile, or email to, or left at its registered office; or
- d) personally served on the Person discharging.

7.5.2 Service

If any notice or other document is:

- a) sent by post it shall be deemed received on the first day (excluding weekends and public holidays) after posting;
- b) sent by facsimile or email and the sender's facsimile or email machine produces a transmission report indicating that the facsimile or email was sent to the addressee, the report shall be prima facie evidence that the facsimile or email was received by the addressee in a legible form at the time indicated on that report;
- c) sent by courier and the courier obtains a receipt or records delivery on a courier run sheet, the receipt or record of delivery on a courier run sheet shall be prima facie evidence that the communication was received by the addressee at the time indicated on the receipt or courier run sheet, or left at a conspicuous place at the trade premises or is handed to a designated Person(s) nominated by the consent holder then that shall be deemed to be service on, or delivery to the consent holder at that time.

7.5.3 Signature

Any notice or document to be given, served or delivered shall be signed by a Council officer.



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7.6 Offences

Every Person discharging, or Owner or Occupier of Trade premises who:

- a) fails to comply with or acts in contravention of any provision of this Bylaw;
- b) breaches the conditions of any consent to discharge granted pursuant to this Bylaw;
- c) fails to comply with a notice served under this Bylaw; or
- d) commits an offence under S239 of the LGA, and is liable to prosecution or the issue of an Infringement notice under S245 of the LGA.

In all cases Council may recover costs associated with damage to Council Sewerage System and/or breach of this Bylaw in accordance with S175 and S176 of the LGA.

7.7 Transitional provisions

7.7.1 Applications

Any application for a consent to discharge trade waste made under Whangarei District Council ~~2012~~²⁰¹⁴ trade waste Bylaw for which a consent has not yet been granted at the time of this new Bylaw coming into force, shall be deemed to be an application made under Clause 4.2 of this Bylaw.

7.7.2 Existing trade waste consents

Every existing trade waste consent granted under any previous Bylaw shall continue in force as if it were consent under this Bylaw until it reaches its expiry date provided that no consent shall run beyond 5 years from the date of this Bylaw coming into effect.

7.8 Trade waste policies

1) Council may make policies about the discharge of trade waste into the public sewerage system.

2) Any policies made under subclause 1) –

- a) may specify limits on the flow rate and volume of trade waste discharges from trade premises;
- b) may specify limits on the substances and other permitted characteristics of trade waste discharges from any trade premise;
- c) must be made in accordance with clause 7.9;
- d) may be amended, replaced or revoked in accordance with clause 7.9 with all necessary modifications; and
- e) will be publicly available.

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7.9 Procedure for making trade waste policies

1) Council must before making a policy under clause 7.8 –

- a) be satisfied that the policy is appropriate to give effect to the purpose of the Bylaw;
- b) have regard to the effectiveness, efficiency and reasonableness of the policy; and
- c) have regard to the general decision-making requirements under Subpart 1 of Part 6 of the Local Government Act 2002.

Related Information

Subpart 1 of Part 6 of the Local Government Act 2002 refers to the need to define the problem, identify and assess reasonably practicable options and to consider the views of persons affected by the decision to the extent council in its discretion considers proportionate to the significance of the matters affected by the decision.

Schedule 1A – Permitted discharge characteristics

1A.1 Physical characteristics

1A.1.1

The nature and levels of the Characteristics of any trade waste discharged to the sewerage system shall comply at all times with the following requirements, except where the nature and levels of such characteristics are varied by Council as part of an approval to discharge trade waste.

1A.1.2

Council shall take into consideration the combined effects of trade waste discharges and may make any modifications to the following acceptable characteristics for individual discharges Council believes are appropriate.

1A.2 Physical characteristics

1A.2.1 Flow

- a the 24 hour flow volume shall be less than 2 m³
- b the maximum instantaneous flow rate shall be less than 2.0 L/s

1A.2.2 Temperature

The temperature shall not exceed 40°C.

1A.2.3 Solids

- a non-faecal gross solids shall have a maximum dimension which shall not exceed 15mm
- b the suspended solids content of any trade wastes shall have a maximum concentration, which shall not exceed 2000g/m³. For Significant Industry this may be reduced to 600g/m³
- c the settleable solids content of any trade waste shall not exceed 50mL/L
- d the total dissolved solids concentration in any trade waste shall be subject to the Approval of Council having regard to the volume of waste to be discharged, and the suitability of the drainage system and the treatment plant to accept such waste
- e fibrous, woven, or sheet film or any other materials which may adversely interfere with the free flow of wastewater in the drainage system or treatment plant shall not be present.

1A.2.4 Oil and grease

- a there shall be no free or floating layer
- b a trade waste with mineral oil, fat or grease unavoidably emulsified, which in the opinion of Council is not biodegradable shall not exceed 200g/m³ as petroleum ether extractable matter when the emulsion is stable at a temperature of 15°C and when the emulsion is in contact with and diluted by a factor of 10 by raw sewage, throughout the range of pH 6.0 to pH 10.0
- c a trade waste with oil, fat or grease unavoidably emulsified, which in the opinion of Council is biodegradable shall not exceed 500g/m³ when the emulsion is stable at a temperature of 15°C and when the emulsion is in contact with and diluted by a factor of 10 by raw sewage throughout the range of pH 4.5 to pH 10.0
- d emulsified oil, fat or grease shall not exceed 100g/m³ as petroleum ether extractable matter when the emulsion is unstable at a temperature of 15°C and when the emulsion is in contact with and diluted by a factor of 10 by raw sewage throughout the range of pH 4.5 to pH 10.0.

1A.2.5 Solvents and other organic liquids

There shall be no free layer (whether floating or settled) of solvents or organic liquids.

1A.2.6 — Emulsions of paint, latex, adhesive, rubber, plastic or similar material

- a — where such emulsions are not treatable these may be discharged into the sewer subject to the total suspended solids not exceeding 1000g/m³ or the concentration agreed with Council
- b — Council may determine that the need exists for pre-treatment of such emulsions if they consider that the trade waste containing the emulsions unreasonably interferes with the operation of Council treatment plant
- c — such emulsions of both treatable and non-treatable types, shall be discharged to the sewer only at a concentration and pH range that prevents coagulation and blockage at the mixing zone in the sewer.

1A.2.7 — Radioactivity

Radioactivity levels shall not exceed National Radiation Laboratory Guidelines.

1A.2.8 — Colour

No waste shall have colour or colouring substance that causes the discharge to be coloured to the extent that it impairs wastewater treatment processes or compromises the treated wastewater discharge consent.

1A.3 Chemical characteristics

1A.3.1 — pH Value

The pH shall be between 6.0 and 10.0 at all times.

1A.3.6 — Organic strength

The Biochemical Oxygen Demand (BOD₅) of any waste shall not exceed 600g/m³.

The Chemical Oxygen Demand (COD) of any waste shall not exceed 2000g/m³.

1A.3.3 — Maximum concentrations

The maximum concentrations permissible for the chemical characteristics of an acceptable discharge are set out in Table 1A.3.1, Table 1A.3.2 and Table 1A.3.3.

Table 1A.3.1 — General chemical characteristics	Maximum concentration (g/m³)
Characteristic	
MBAS (Methylene blue active substances)	500
Ammonia (measured as N)	
— free ammonia	50
— ammonium salts	200
Kjeldahl Nitrogen	150
Total phosphorus (as P)	50
Sulphate (measured as SO ₄)	500
Sulphite (measured as SO ₃)	15
Sulphide — as H ₂ S on acidification	5
Chlorine (measured as Cl ₂)	
— free chlorine	3
— hypochlorite	30
Dissolved aluminium	100
Dissolved iron	100
Boron (as B)	25
Bromine (as Br ₂)	5
Fluoride (as F)	30
Cyanide — weak acid dissociable (as CN)	5

Table 1A.3.2 – Heavy metals	
Metal	Maximum concentration (g/m³)
Antimony	10
Arsenic	5
Barium	10
Beryllium	0.005
Cadmium	0.5
Chromium	5
Cobalt	10
Copper	10
Lead	10
Manganese	20
Mercury	0.05
Molybdenum	10
Nickel	10
Selenium	10
Silver	2
Thallium	10
Tin	20
Zinc	10

Table 1A.3.3 – Organic compounds and pesticides	
Compound	Maximum concentration (g/m³)
Formaldehyde (HCHO)	50
Phenolic compounds (as phenols) excluding chlorinated phenols	50
Chlorinated phenols	0.02
Petroleum hydrocarbons	30
Halogenated aliphatic compounds	4
Monocyclic aromatic hydrocarbons	5
Poly cyclic (or polynuclear) aromatic hydrocarbons (PAHs)	0.05
Halogenated aromatic hydrocarbons (HAHs)	0.002
Poly chlorinated biphenyls (PCBs)	0.002 each
Poly brominated biphenyls (PBBs)	0.002 each
Pesticides (general) includes: insecticides, herbicides, fungicides and excludes organophosphate, organochlorine and any pesticides not registered for use in New Zealand	0.2 in total
Organophosphate pesticides	0.1



Schedule 1 ~~AB~~ – Prohibited discharge characteristics

This schedule defines prohibited trade wastes.

Prohibited characteristics

OB.1.1

Any discharge has prohibited characteristics if it has any solid liquid or gaseous matters or any combination or mixture of such matters which by themselves or in combination with another material shall immediately or in the course of time:

- a interfere with the free flow of sewage in the sewerage system;
- b damage any part of the sewerage system;
- c in any way, directly or indirectly, cause the quality of the treated sewage or residual Bio-solids and other solids from any sewage treatment plant in the catchment to which the waste was discharged to breach the conditions of a consent issues under the Resource Management Act, or water right, permit or other governing legislation;
- d prejudice the occupational health and safety risks faced by sewerage workers;
- e after treatment be toxic to fish, animals or plant life in the receiving waters;
- f cause malodorous gases or substances to form which are of a nature or sufficient quantity to create a public nuisance; or
- g have a colour or colouring substance that causes the discharge from any sewage treatment plant to receiving waters to be coloured.

OB.1.2

A discharge has prohibited Characteristics if it has any characteristic which exceeds the concentration or other limits specified in Schedule 1 A unless specifically approved for that particular consent.

OB.1.3

A discharge has prohibited characteristics if it has any amount of:

- a harmful solids, including dry solid wastes and materials which combine with water to form a cemented mass;
- b liquid, solid or gas which could be flammable or explosive in the wastes, including oil, fuel, solvents (except as allowed for in Schedule 1 A), calcium carbide, and any other material which is capable of giving rise to fire or explosion hazard either spontaneously or in combination with sewage;
- c asbestos;
- d tin (as tributyl and other organotin compounds);
- e any organochlorine pesticides;
- f genetic wastes, as follows: all wastes that contain or are likely to contain material from a genetically modified organism that is not in accordance with an approval under the Hazardous Substances and New Organisms Act. The material concerned may be from premises where the genetic modification of any organism is conducted or where a genetically modified organism is processed;
- g any health care waste prohibited for discharge to a sewerage system by NZS 4304 or any pathological or histological wastes; or
- h radioactivity levels in excess of the National Radiation Laboratory Guidelines.

Schedule 1 ~~BG~~ – Trade waste charges

Fees and charges are set by Council resolution. This may be done by the annual planning process, fee setting or similar transparent public process in accordance with the LGA.

In the following table Whangarei District Council states what categories they shall charge, or may charge under the tenure of this Bylaw.



Administrative charges		
Category		Description
A1	Connection Fee	pay able on application for connection to discharge.
A2	Compliance Monitoring	the cost of sampling and analysis for trade waste discharges.
A3	Disconnection Fee	payable on an application for disconnection of a ceased trade waste discharge.
A4	Trade waste Application Fee	payable on an application for trade waste discharge.
A5	Trade waste consent Renewal Fee	payable on an application for renewal of an existing trade waste consent.
A6	Re-inspection Fee	payable for each re-inspection visit by Council where a notice served under this Bylaw has not been complied with by the trade waste Person discharging.
A7	Special rates for loan charges	additional rates for servicing loans raised for the purposes of constructing or improving the sewerage system.
A8	Temporary Discharge Fee	payable prior to receipt of Temporary Discharge.
A9	Annual trade waste Charges	an annual management fee for a trade waste discharge to cover Council's costs associated with: administration general compliance monitoring general inspection of trade waste premises use of the sewerage system this charge may vary depending on the trade waste sector and category of the discharge.
A10	Rebates for Trade premises within the District	reduction in fees is provided for in Section 150(2). Section 150(4) of the LGA which states that the fees prescribed by Council shall not provide for Council to recover more than the reasonable cost incurred by Council for the matter which the fee is charged. In no event shall the resultant charge be less than Council's sewerage charge for the equivalent period.
A11	New or Additional Trade Premises	pay the annual fees and a pro rata proportion of the various trade waste charges relative to flows and loads.
B1	Volume	payment based on the volume discharged $\$/m^3$
B2	Flow rate	payment based on the flow rate discharged $\$/L/s$.
B3	Suspended Solids	payment based on the mass of suspended solids $\$/kg$.
B4	Organic loading	payment based on the Biochemical Oxygen Demand or Chemical Oxygen Demand $\$/kg$.
B5	Nitrogen	payment based on the defined form(s) of nitrogen $\$/kg$.
B6	Phosphorus	payment based on the defined form(s) of phosphorus $\$/kg$.
B7	Metals	payment based on the defined form(s) of metal(s) $\$/kg$.
B8	Transmissivity	a charge based on the inhibiting nature of the trade waste to UV light used by Whangarei District Council's disinfection process.
B9	Screenable Solids	payment based on the mass of screenable solids $\$/kg$.
B10	Toxicity charge	payment based on the defined form(s) of the toxic substance(s) $\$/kg$ and/or $\$/m^3$.
B11	Incentive Rebate	a rebate for discharging materials beneficial to Council's s Sewerage s System $\$/kg$ and/or $\$/m^3$.
B12	Depreciation	operating cost related to capital and normally spread across the volume and mass charges.
B13	Capital	apportioned upfront or term commitment capital cost of specific infrastructure required to accommodate a conditional consent.
Tankered waste charges		
C1	Tankered Wastes	set as a fee(s) per tanker load, or as a fee(s) per cubic metre, dependent on trade waste category.

Trade Waste Draft ~~Bylaw~~ Review 2021- ~~Bylaw~~ 2012



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Te mana o te wai and the discharge of mortuary wastewater into the public wastewater system.

Report from the Northland Three Council Policy and Bylaw Forum

Background

The Northland Three Council Policy and Bylaw Forum meeting held at Dargaville discussed the implications of the recent practice at Gisborne District Council which made mortuary wastewater discharges a prohibited discharge in their updated Trade Waste Bylaw.

Discharge of human waste, especially to waterways, is a controversial topic and is of particular interest to Māori. As Whangarei District Council's Trade Waste Bylaw is now due for review and consideration of the above is relevant to the review.

Discussion

Sheila Taylor on behalf of the Northland Regional Council gave a presentation on the work underway in NRC to consider culturally appropriate wastewater disposal and the impact of Tupapaku on tikanga. NRC now have a water quality advisory group and are planning to engage consultants to look in to this issue, with a report expected in July 2021.

Gisborne District Council undertook work since 2015 to provide funding and infrastructure to dispose of mortuary wastewater to land via a specially constructed Wilson mound system. The costs to GDC have been over \$200,000 of capital expenditure to build the disposal system and ongoing maintenance costs budgeted around \$100,000 per annum. There is only one mortuary in Gisborne, at it is required to collect the wastewater and dispose of it as tankered trade waste.

Further discussion revealed that the cultural issues are wider than trade waste and relate to wastewater management more broadly. Water New Zealand has published a paper on the cultural drivers toward land-based disposal of wastewater.¹ The paper outlines iwi concerns around wastewater discharges to water bodies which may impact on the kai moana and recreational use of the receiving water body, and as a result negatively affect the mauri. While many of the contaminants of concern to iwi are typically limited via resource consent (i.e. nitrogen, phosphorous and faecal coliforms), often the limit is not key, and instead the treatment process and pathway for disposal are considered more relevant from a cultural perspective.

Further investigation is needed into the scope of the issue and its relevance to the Trade Waste Bylaw. It is believed the Trade Waste Bylaw is not the right tool to deal with a cultural issue of this magnitude.

There are two particular difficulties in regard to the scope of the Trade Waste Bylaw:

- The purpose of the Trade Waste Bylaw is to protect the pipeline assets and the public sewer

¹ Water New Zealand. (n.d.) CULTURAL DRIVERS TOWARD LAND BASED DISPOSAL AND APPLICATIONS ENABLING THIS. https://www.waternz.org.nz/Attachment?Action=Download&Attachment_id=4052

- Councils has a broader scope bylaw in relation to Wastewater that might offer broader scope to regulate the issue
- LGA is severely limiting in its empowering provisions regarding the purposes of bylaws. Cultural wellbeing is not included under s.145 and s.146 of the LGA. A non-bylaw solutions may be more appropriate in these circumstances.

The problem must first be clearly defined and there may be other policy or non-regulatory solutions. The direction NRC will take on this issue would play a significant role in determining subsequent policy work at district councils. Pre-engagement with our Maori stakeholders is recommended to define the scope of the problem and open the discussion before any policy or regulatory options are developed by Council.

2.2 Nitrates in Drinking Water

Meeting: Council Briefing
Date of meeting: 8 July 2021
Reporting officer: Andrew Venmore (Manager Water Services)

1 Purpose

To update Councillors on the situation with Council's water supplies in relation to Nitrates.

2 Background

There has been some media coverage recently regarding Nitrate levels in water supplies and the possibility of a link between elevated nitrate levels and an increase in risk of bowel cancer. The media coverage is as a result of studies undertaken in New Zealand that show that rates of bowel cancer appear to be high in areas where nitrate levels in groundwaters are higher than normal. This study follows a Danish research project that also concluded that there was higher occurrences of bowel cancer in regions that also had higher nitrate levels in source waters. The authors of the study suggest the allowable levels of Nitrates in drinking water should be significantly lower than those currently recommended by the World Health Organisation. The Ministry of Health normally follow the World Health Organisation guidelines when setting maximum allowable values for contaminants in New Zealand.

Whilst these studies do not show that nitrates in drinking water are causing bowel cancer the researchers suggest that there could be an association and that more work is needed. Otago University, who conducted the New Zealand study have applied to the Health Research Council to continue investigating this subject.

3 Discussion

The current allowable level for Nitrates in New Zealand Drinking Water Supplies is 11.3 mg/l. which is the same level recommended by the World Health Organisation.

The most recent sampling of nitrates at WDCs raw water intakes obtained the following results;

Source	Nitrate mg/L (as Nitrogen)
Ahuroa River	0.41
Hatea River	0.41
Maungakaramaea Bores	3.8
Poroti Springs	4.6
Ruakaka River	0.31
Maunu Springs	2.5
Tauraroa Stream (Mangapai)	0.198

Wairua River	1.28
Wilsons Dam	0.025
Whau Valley Dam	0.028

As can be seen from the table all values are well below the recommended value. However, it is interesting to note that the nitrate levels in our groundwater sources – Poroti Springs, Maunu Springs and Maungakamea Bores, are significantly higher than our other sources with the Dams being the lowest. The results from the groundwater and the dams tend to remain steady but the results from the rivers and streams can show elevated levels immediately following heavy rain.

Under the current standards all of our supplies are fully compliant in relation to Nitrates. If the allowable level was to be reduced we may need to consider additional treatment at some sites. Treatment for Nitrates is usually done using ion exchange, distillation or reverse osmosis. All of these options are expensive and introduce new equipment and new waste streams. At some sites where space is limited, other solutions, such as moving the treatment plant, may have to be found. However, until changes to the standards are made all our supplies are compliant and no additional work is necessary.