



Review of the Collection and Transportation of Waste Bylaw

The Collection and Transportation of Waste Bylaw regulates the collection, transport and disposal of mixed liquid waste. The Council has reviewed the bylaw and plans to reinstate it.

Have your say

The Collection and Transportation of Waste Bylaw has lapsed and the Council recommends that it be reinstated in its current form.

Before making any final decisions, we'd like to hear your views. You can let us know either by filling in the attached submission form, by email or online at Wellington.govt.nz/haveyoursay

Why review the bylaw?

We're required to reinstate the Collection and Transportation of Waste Bylaw under the Waste Minimisation Act 2008 and Local Government Act 2002. We're also required to undertake public consultation on the bylaw as to whether any changes are needed.

Submissions
close 5pm, Friday
15 August 2014

What does the bylaw cover?

- The Collection and Transportation of Waste Bylaw regulates the collection, transport and disposal of a range of mixed liquid waste by private tanker companies (there are currently four companies licensed to do this work). The waste includes dirty water from grease traps, commercial car washes and septic tanks (from businesses and some households).
- None of this waste enters the Council's wastewater system and is disposed of at the Transpacific waste treatment plant in Petone.
- The bylaw requires companies to:
 - hold a licence to collect, transport or discharge this type of waste within the Wellington district (charged at \$185 annually)
 - keep records of all waste collected, transported and disposed of for three years (the Council can ask to see these records). This also covers other waste collected in the Wellington district but disposed of elsewhere.

Why reinstate the bylaw with no changes?

- No complaints or issues have been identified with how the bylaw has operated to date. There is no evidence that any of this waste enters the Council's wastewater system or is disposed of inappropriately.
- This waste is often diluted with water. While this can be problematic if not correctly handled, the waste is much less risky or toxic than other waste classified as hazardous or flammable.
- There are no recorded incidents of this waste being mishandled or else disposed of outside the Petone treatment plant.
- The requirement in the bylaw for companies to hold a licence means:
 - the Council knows which companies collect and transport the waste covered by this bylaw
 - the Council can check that waste is not disposed of inappropriately
 - the companies must comply with relevant legislation or risk their licences being revoked.

Appendix 1

Collection and Transportation of Waste Bylaw 2014

Wellington City Council hereby makes by way of special order the following bylaw pursuant to the Local Government Act 2002 and all other Acts or authorities enabling it on that behalf.

1. Title and commencement

1.1 This Bylaw may be cited as the ‘Wellington Collection and Transportation of Waste Bylaw 2014’.

1.2 This Bylaw shall come into force on 6 November 2014 and shall apply throughout the district.

2. Purpose of bylaw

2.1 The general purposes of this Bylaw are:

- a. to regulate the collection and transportation of liquid and solid waste collected from:
 - grease traps;
 - septic tanks;
 - trade waste premises that would require a consent under the Trade Waste Bylaw 2004 if the trade waste was discharged to the Council’s wastewater system;
 - pre-treatment works within the Wellington district;
- b. to regulate the transportation and discharge of liquid and solid waste from scheduled sources discharged in the Wellington district;

- c. to provide for the licensing of persons who collect and transport liquid and solid waste from scheduled sources in the Wellington district and/or discharge liquid and solid waste from scheduled sources at destinations within the Wellington district.

3. Interpretation

3.1 In this Bylaw:

Act means the Local Government Act 2002 as amended from time to time.

Authorised officer means any person appointed by the Chief Executive Officer of Wellington City Council for the purpose of administering and monitoring the regulation of this Bylaw.

The Council means Wellington City Council.

Destination means the exact location at which the liquid or solid waste is discharged or dispatched from the vehicle that has collected and transported the liquid or solid waste.

District means the district of Wellington City Council as it may be defined from time to time by or pursuant to the Act.

Person includes a corporation sole, and also a body of persons, whether corporate or unincorporate.

Pre-treatment means any processing of trade wastes by any processes, works, structures, equipment or machinery intended to vary the quality of trade wastes, or remove noxious matters from any trade wastes prior to their discharge into the sewage system.

Pre-treatment works means any processes, works, structures, equipment or machinery which varies the quality of trade waste or removes noxious matters from the trade waste prior to its discharge into the sewage system.

Scheduled sources means liquid or solid waste collected from:

- a. grease traps;
- b. septic tanks;
- c. trade waste premises that would require a consent under the Trade Waste Bylaw 2004 if the trade waste was discharged into the Council’s waste water system;
- d. pre-treatment works.

Trade waste has the same meaning as in the Act.

Trade waste premises has the same meaning as in the Act.

Waste has the same meaning as in the Act.

4. Control of collection and transportation of liquid and solid waste

4.1 No person shall collect and transport liquid or solid waste from scheduled sources located within the district of Wellington, except in accordance with a licence granted pursuant to this Bylaw.

4.2 No person shall discharge solid or liquid waste collected from scheduled sources at a destination within the district, except in accordance with a licence granted pursuant to this Bylaw.

5. Application for licences

5.1 Any person who wishes to collect and transport liquid waste collected from scheduled sources located within the Wellington district and/or discharge solid or liquid waste from scheduled sources at a destination within the Wellington district shall apply to the Council for a licence.

5.2 An application to the Council under clause 5.1 shall be accompanied by a licence fee, set in accordance with clause 12.

5.3 Before making its decision under clause 6 the Council may:

- a. require the applicant to submit further information necessary to assess the application;
- b. require the applicant to specify the number of employees, contractors or other agents associated with the applicant and require a separate licence to be applied for and to be held by any of those parties individually.

5.4 The Council must notify the applicant of its requirements under clause 5.3 within 10 working days of receipt of the application.

5.5 Applications for licences shall be made in the form approved from time to time by the Council.

6. Granting licences

6.1 On receipt of an application for a licence under clause 5.1, the Council shall, within 20 working days of receiving the application or the information requested under clause 5.3 above (whichever is the later):

- a. grant the licence in accordance with the application;
- b. grant the licence with conditions;
- c. refuse the application and notify the applicant of the decision giving a statement of the reasons for refusal.

6.2 In considering an application for a licence, and in imposing any conditions, the Council shall take into consideration the following matters:

- a. whether the applicant's methods of collection and transportation of liquid or solid waste from scheduled sources are acceptable and meet industry standards;
- b. whether the applicant is aware of and utilises the destinations available in and outside the district for the discharge of liquid and meet industry standards;
- c. whether the applicant's proposed methods of reporting on the collection, transportation and destination of liquid or solid waste meet the requirements of this Bylaw;
- d. whether the applicant has previously collected and transported liquid or solid waste from scheduled sources in a manner authorised by the Council;
- e. whether the applicant has previously had a licence cancelled or suspended under clause 9 of the Bylaw;

- f. such other matters that are relevant to giving effect to this Bylaw.

6.3 Unless otherwise stated, each licence granted by the Council under clause 6.2 shall include the following conditions:

- a. a copy of the licence granted by the Council must be carried in each vehicle operated by the applicant under the licence at all times;
- b. a copy of the licence must be produced on demand to any authorised officer;
- c. a licence is not transferable and does not authorise any other person, other than employees, contractors or agents specified in the licence or subsequently notified to the Council and approved under clause 6.3(e) to operate under the licence;
- d. the licence holder shall keep and supply documents to the Council in accordance with the requirements of part 8 of this Bylaw;
- e. all licence holders must advise the Council of any change to the employees, contractors or agents authorised to operate under the licence and the Council has the right to vary the licence to allow for the change or to require a new licence to be applied for
- f. that the administration fee set pursuant to clause 12 of this Bylaw:

- i. shall be paid annually; and
- ii. in the first year shall be paid within 2 weeks of the licence being granted; and
- iii. in subsequent years shall be paid on the anniversary of the licence, or the renewal, provided that any such further administration fee payable under clause 12.4 is to be paid on demand.

7. Duration of licences

- 7.1 Every licence shall continue in force:
- a. for 1 year, commencing with date of the issue of the licence; or
 - b. if an application for the renewal of the licence is made, until the application is determined.
- 7.2 Clause 7.1(b) applies subject to:
- a. the required fee for a renewal being paid to the Council; and
 - b. clause 9 relating to the suspension and cancellation of licences.
- 7.3 The holder of a licence may apply for the renewal of the licence.
- 7.4 In considering an application for renewal and imposing any conditions on the renewal, the Council shall take into consideration the following matters:
- a. the matters listed in clause 6; and
 - b. the manner in which the licensee has conducted itself under the licence.

- 7.5 After considering an application for renewal of a licence, the Council shall:
- a. renew the licence on the conditions presently attaching to it; or
 - b. review the licence on different conditions as the Council thinks fit; or
 - c. refuse the licence.
- 7.6 On renewing the licence, the Council shall specify a date (being no later than 3 years after the date on which the renewal takes effect) on which the licence shall expire unless it is again renewed under this clause.

8. Supply of documents

- 8.1 Each licensee or its agent shall keep a complete record of all liquid and solid waste collected and transported:
- a. from scheduled sources located in the district; and
 - b. from scheduled sources discharged at destinations within the district.
- 8.2 The records kept in accordance with clause 8.1 shall include for each vehicle operated under the licence:
- a. identification of the location of each scheduled source within the Wellington district from which liquid or solid waste was collected, denoted by a unique number or system to allow compliance with clause 8.2(c);
 - b. for each location identified under clause 8.2(a):
 - i. the time and date of collection;

- ii. the volume collected;
 - iii. a description of the type of liquid or solid waste collected;
 - c. for each discharge:
 - i. the time and date of discharge;
 - ii. the volume discharged;
 - iii. a description of the destination;
 - iv. a list of the unique numbers or other system adopted under clause 8.2(a) identifying the scheduled sources that made up the volume discharged;
 - d. identification of the operator or operators of the vehicle.
- 8.3 At the request of an authorised officer, each licence holder must provide its records kept in accordance with clause 8 within 7 days of such a request.
- 8.4 If following provision of records under clause 8.3, the Council seeks additional information, then the licence holder must provide that further information sought by the Council within 7 days of the request being made.
- 8.5 The records required under clause 8 shall be completed in a form approved by the Council and shall be stored by the licensee or its agent for 3 years.

9. Cancellation and suspension of licences

9.1 The Council may cancel or suspend any licence granted under clause 6.1 or clause 7.5 of this Bylaw in the following circumstances:

- a. if a licence holder breaches any term of their licence;
- b. if a licence holder discharges liquid or solid waste to the Council's waste water system without authorisation of the Council;
- c. if the licence holder is convicted of any offence under this Bylaw or in relation to any other activities associated with the collection, transportation and discharge of liquid or solid waste;
- d. if, in the opinion of the Council, a licence holder is unfit to hold such a licence.

9.2 If a licence holder is cancelled or suspended under clause 9 then the licence holder shall surrender their licence to the Council.

10. Right of objection

10.1 A licence holder may object to the Council's decision under clause 9.1 to suspend or cancel a licence, by lodging an objection within 14 days of the receipt of the Council's decision.

10.2 Any such objection must be in writing and set out the relevant factors which the applicant wishes the Council to take into account reconsidering the application.

11. Offences

11.1 Every person commits an offence who:

- a. collects, transports or discharges liquid or solid waste without a licence in breach of clause 4.1 or 4.2 of this Bylaw;
- b. fails to carry a licence and/or produce it on demand of an authorised officer in accordance with clause 6.3(b) of this Bylaw;
- c. fails to supply information requested by the Council under clause 8 of this Bylaw;
- d. fails to comply with the conditions of a licence granted under this Bylaw.

12. Application (including renewal) and administration fees

12.1 The Council may from time to time by resolution publicly notified, fix the following fees:

- a. application fees;
- b. renewal fees;
- c. annual administration fees.

12.2 The amount of any application or renewal fee shall not exceed the reasonable cost of processing applications for licences and applications for renewal of licences.

12.3 The amount of any administration fee shall not exceed the reasonable cost of administering a licence under this Bylaw, including the cost of conducting such investigations as are necessary to monitor the compliance by the licence holder with the licence held.

12.4 Where a fee fixed in accordance with 12.1 is, in any particular case, inadequate to enable the Council to recover its actual and reasonable costs in respect of the licence concerned, the Council may require the holder of the licence liable to pay the fee, to also pay an additional fee to the Council.

This Bylaw was made by Wellington City Council at a meeting on 5 November 2014.

Review of the Collection and Transportation of Waste Bylaw: SUBMISSION FORM

Section one - details for the submission form

Wellington City Council would like your feedback on the proposal to reinstate this bylaw.

You can have your say:

- by making a submission online at Wellington.govt.nz/haveyoursay
- by sending an email to ctw@wcc.govt.nz

or

- by making a submission on this form or in writing and send it to us by post –
Freepost 2199
CTW Bylaw (KCIF03)
Wellington City Council
PO Box 2199
Wellington 6140

For more information, you can email us at ctw@wcc.govt.nz or phone 499 4444.

SUBMISSIONS CLOSE 5PM, FRIDAY
15 AUGUST 2014

Enter your name and contact details

Mr Mrs Ms Miss Dr

First name*

Last name

Street address*

Phone/mobile

Email

* Mandatory fields

I am making a submission As an individual On behalf of an organisation

Name of organisation

I would like to make an oral submission to the City Councillors. Yes No

If yes, provide a phone number above so that a submission time can be arranged.

Privacy statement

All submissions (including name and contact details) are published and made available to elected members of the Council and the public. Personal information supplied will be used for the administration and reporting back to elected members of the Council and the public as part of the consultation process. All information collected will be held by Wellington City Council, 101 Wakefield Street, Wellington. Submitters have the right to access and correct personal information.

Section two - questions

Collection and Transportation of Waste Bylaw - Have your say

Do you agree with reinstating the lapsed Collection and Transportation of Waste Bylaw? Yes No

If no, please tell us your reasons why you don't agree.

Any other comments you wish to make:

1st fold here - fasten here once folded

2nd fold here

Free Post Authority Number 2199

**Absolutely Positively
Wellington City Council**

Me Heke Ki Pōneke



Freepost Wellington City Council
Collection and Transportation of Waste Bylaw Review (KCIF03)
Wellington City Council
PO Box 2199
Wellington 6140