



## REPORT 1

# REVIEW OF THE COLLECTION AND TRANSPORTATION OF WASTE BYLAW

## 1. Summary

The Collection and Transportation of Waste (CTW) Bylaw regulates four private tanker companies, requiring them to be licenced and retain records of all waste collected, transported and disposed of. None of the liquid waste regulated under the CTW Bylaw enters the Council's wastewater system, but is disposed of at the private Trans-Pacific Waste Treatment Plant in Petone.

This Bylaw has lapsed, but without any effects on service provision. This paper seeks Councillor's agreement to consult on re-instating the CTW Bylaw, as per the attached Statement of Proposal in Appendix 1 and Summary of Information in Appendix 2.

Reinstating this Bylaw is preferred because it allows Council to license waste tanker companies and therefore monitor their performance to ensure waste is disposed of properly.

## 2. Recommendations

Officers recommend that the Environment Committee:

- 1. Receive the information.*
- 2. Note that the Collection and Transportation of Waste (CTW) Bylaw regulates four private tanker companies that collect, transport and discharge dirty water from grease traps, commercial car washes, and septic tanks (from businesses and from some households).*
- 3. Agree that officers undertake special consultation on reinstating the proposed CTW Bylaw in its current form.*
- 4. Note that the more significant Trade Waste Bylaw will be reviewed by 2016 and that changes to the current CTW Bylaw may be proposed in that later review, including possibly subsuming the CTW Bylaw into the larger Trade Waste Bylaw and encouraging tanker companies to adopt extra tracking / record keeping requirements.*

### **3. Background**

#### **What the Bylaw does:**

The Collection and Transportation of Waste (CTW) Bylaw regulates tankered waste - i.e. (currently four) private tanker companies that collect, transport and discharge a narrow range of mixed liquid wastes. Those liquid wastes include dirty water from grease traps, commercial car washes, and septic tanks (from businesses and from some households).

None of this waste enters the Council's wastewater system, but is disposed of at the private Trans-Pacific Waste Treatment Plant in Petone.

This Bylaw requires companies to:

- (a) be granted a licence to collect, transport or discharge this type of waste within the Wellington District (charged at \$185 annually)
- (b) keep records of all waste collected, transported and disposed of and retain those records for 3 years for inspection by Council. This requirement also covers waste collected in the Wellington District but discharged elsewhere.

A copy of this Bylaw is attached in Appendix 1.

### **4. Discussion**

#### **Original intent of the CTW Bylaw:**

The original intent of this CTW Bylaw was to monitor dirty water waste to ensure it did not enter Wellington's waste water system, and particularly the Moa Point Wastewater Treatment Plant, or be disposed of in any other inappropriate ways.

Wider liquid waste legislation already prescribes that this type of waste is disposed of at specialist treatment plants and not elsewhere (including into the Council's waste water system). That legislation includes the Trade Waste Bylaw and Resource Management Act.

#### **Options for this lapsed Bylaw**

Given this Bylaw has lapsed, there are two options:

## **Option 1 - No longer operate the CTW Bylaw**

This would mean tanker companies operating within the Wellington District no longer needing to be licenced or keep records required under this Bylaw. That could result in more waste tanker companies entering this market than are currently licensed.

## **Recommended Option 2 – Reinstating the CTW’s Bylaw in its current form**

On balance, there looks to be enough benefits from reinstating this Bylaw in its current form.

The Bylaw’s record keeping requirements provide evidence that companies do not inappropriately dispose of this range of tankered wastes and that they comply with relevant legislation for liquid waste.

The Bylaw also helps ensure, through licensing, that only companies with a record of good practice can collect, transport and dispose of this liquid waste within Wellington District. The potential to revoke a licence is an effective tool for holding licensees accountable for breaches to waste legislation.

## **Special Consultative Procedure**

Under the Local Government Act, reinstating this Bylaw would involve undertaking the Special Consultative Procedure between early June and early August 2014.

## **No evidence of problems with how this Bylaw has operated to-date**

Officers have discussed this Bylaw with Moa Point treatment contractors (Veolia), Capacity, the Environmental Reference Group, and have signalled the review of this Bylaw and issues involved to Forest and Bird and Greater Wellington Regional Council. None of those parties have so far identified any problems with the waste regulated under this Bylaw.

No complaints or issues have been identified with the waste covered under this Bylaw. There is no evidence that any of this waste is disposed of at Moa Point enters Council’s wastewater system, or is otherwise inappropriately disposed of.

The wastes regulated under the CTW Bylaw are often diluted with water, and whilst problematic if they are not correctly handled, are markedly less hazardous or toxic than classified Hazardous or Flammable wastes, or many other Special wastes.

Officers have also recently been in touch with the 4 tanker waste companies regulated under this Bylaw, none of which see any problems with retaining this Bylaw in its current form.

## **Implications of the later review of the Trade Waste Bylaw**

Legislation (the Waste Minimisation Act 2008 and the Local Government Act 2002) requires that Wellington City Council reviews the more significant Trade Waste Bylaw by June 2016. The Trade Waste Bylaw does cover waste going to the Council's waste water system.

Changes to the current CTW Bylaw may be proposed in that later review, including possibly subsuming the CTW Bylaw into the larger Trade Waste Bylaw and encouraging tanker companies to adopt extra tracking / record keeping requirements.

The Trade Waste Bylaw will be reviewed in 2015/16 rather than earlier. This is because that later timing would allow that review of the Trade Waste Bylaw to take into account likely changes to how waste water infrastructure is managed. This includes investigating:

- (a) a more regional approach to dealing with waste water waste, and
- (b) a more direct relationships between Capacity (the Council Controlled Trading Organisation that maintains the Council's waste water infrastructure) and its customers.

### ***4.1 Consultation and Engagement***

Officers have discussed this Bylaw with Moa Point treatment contractors (Veolia), Capacity, the Environmental Reference Group, and have signalled the review of this Bylaw and issues involved to Forest and Bird and Greater Wellington Regional Council.

During Special Consultation, officers will discuss this Bylaw at a meeting with the Waste Water Treatment Plant Community Liaison Group and meet with any other interested parties.

### ***4.2 Financial considerations***

No new funding or revenue implications are required for reinstating this Bylaw

### ***4.3 Climate change impacts and considerations***

This Bylaw provides a check that different types of liquid waste are appropriately disposed of. This is consistent with protecting the natural environment and with the Council's climate change objectives.

### ***4.4 Long-term plan considerations***

There are no Annual Plan or Long Term Plan implications.

Contact Officer: Mark Jones, Senior Policy Advisor, Policy.

## SUPPORTING INFORMATION

### 1) Strategic fit / Strategic outcome

Wellington 2040 Strategy: Smart Capital is the Council's overall strategy for ensuring our city's success in the future. The four goals it outlines – people-centred city, connected city, eco city and dynamic central city. Reinstating this Bylaw to encourage appropriate disposal of liquid waste is particularly consistent with the eco city goal.

### 2) LTP/Annual Plan reference and long term financial impact

No implications for Annual and Long-Term Plans.

### 3) Treaty of Waitangi considerations

This Policy does not raise any Treaty of Waitangi implications.

**4) Decision-making** Under the Council's Significance policy, this framework has been assessed as being of low significance.

### 5) Consultation

#### a) General consultation

Officers have discussed this Bylaw with Mōa Point treatment contractors (Veolia), Capacity, the Environmental Reference Group, and have signalled the review of this Bylaw and issues involved to Forest and Bird and Greater Wellington Regional Council.

#### b) Consultation with Maori

This Bylaw does not raise any direct issues for mana whenua.

### 6) Legal implications

The Bylaw is consistent with the governing legislation, including the Waste Minimisation Act 2008 and Local Government Act 2002.

### 7) Consistency with existing policy

There are no issues of inconsistency with other policies.

## Statement of Proposal –

# Collection and Transportation of Waste Bylaw 1997

The Wellington City Council hereby makes by way of special order the following bylaw pursuant to the Local Government Act 1974 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 1997'.

**1.2** This Bylaw shall come into force on 12 November 1997 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:
  - o grease traps
  - o septic tanks
  - o trade waste premises that would require a consent under the Trade Waste Bylaw 1992 if the trade waste was discharged to the Council's waste water system
  - o 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

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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 1974 as amended from time to time.

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

**Council** means the 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 the 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 Wastes Bylaw 1992 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.

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**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 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 6.0 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.

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## 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 Council.
- e. Whether the applicant has previously had a licence cancelled or suspended under clause 9.0 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 Council under clause 6.2 shall include the following conditions:

- a. A copy of the licence granted by 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.

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- 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 Council in accordance with the requirements of part 8.0 of this Bylaw.
- e. All licence holders must advise 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 Council; and
- b. clause 9.0 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 6.0; 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

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- 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 8.0 within 7 days of such a request.

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**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 Council within 7 days of the request being made.

**8.5** The records required under clause 8.0 shall be completed in a form approved by Council and shall be stored by the licensee or its agent for 3 years.

## 9. Cancellation and suspension of licences

**9.1** 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 Council, a licence holder is unfit to hold such a licence.

**9.2** If a licence holder is cancelled or suspended under clause 9.0 then the licence holder shall surrender their licence to Council.

## 10. Right of objection

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

**10.3** Any such objection must be in writing and set out the relevant factors which the applicant wishes 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.

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- 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 Council under clause 8.0 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 Council.

This Bylaw was made by the Wellington City Council by special order passed at a Council meeting on 6 August 1997 and (meantime having been publicly notified) confirmed at a meeting on 23 September 1997.