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Statement of Proposal:

## **Trade Waste Bylaw 2004 - review 2015**

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## Summary of information

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This statement of proposal relates to a review of the Trade Waste Bylaw 2004 (the Trade Waste Bylaw or Bylaw).

Bylaws must have a first review after 5 years and every 10 years thereafter under the terms of the Local Government Act 2002 (LGA). The Trade Waste Bylaw must have its 10-yearly review completed by 1 July 2016 (as it became eligible for review on 1 July 2014). The LGA sets out the process and considerations necessary for reviewing bylaws.

The purpose of the current Bylaw is to control trade waste discharges into the wastewater system in order to:

- protect the wastewater and stormwater systems
- protect the public and workers operating in or with the wastewater system
- protect the environment
- provide a basis for monitoring discharges and charging trade waste users of the wastewater network.

The Trade Waste Bylaw is empowered under sections 145 and 146 of the LGA, which enables territorial authorities to make bylaws for the purpose of regulating trade wastes. Specifically, the trade wastes covered by the proposed Bylaw are:

*Discharges from trade premises within the Wellington City Council district where trade wastes are discharged or are sought or likely to be discharged to the Council's wastewater system. The Bylaw shall also apply to tankered wastes collected for the purpose of discharge to the Council's wastewater systems.*

The main components of the current Trade Waste Bylaw are:

- it provides for long-term, intermittent, or temporary discharge of trade waste to the wastewater system
- it establishes three grades of trade waste and a regime to enable the Council to evaluate trade waste discharges against established criteria (all require consent from the Council)

- it provides for sampling and monitoring of trade waste to ensure compliance with the Bylaw
- it provides for a compliance, enforcement and administrative regime.

Under section 196 of the LGA the occupier of trade premises may discharge trade waste from the premises into the Council's wastewater system either with the consent of the Council, or without consent if the discharge is permitted by trade wastes bylaws.

Officers have reviewed the current Trade Waste Bylaw and are of the view that without a Trade Waste Bylaw there is no guidance as to how the Council manages a consenting process. A bylaw therefore remains necessary to manage trade waste discharges to the Council's wastewater system in order to protect people and the environment and the Council's wastewater and stormwater systems.

The Council holds wastewater discharge consents for its wastewater treatment plants. These consents have conditions that control the levels of suspended solids, heavy metals and biochemical oxygen demand. The Trade Waste Bylaw assists in ensuring the Council's ability to comply with these consents and their conditions.

As part of the Bylaw review, officers have identified several areas in the current Trade Waste Bylaw that could be improved to reflect best practice, provide increased certainty to those using the Bylaw and take a more pragmatic risk-based approach. These are:

- a shift to applying a risk management approach (and accordingly, there will be a group of trade wastes that no longer require Council consent)
- an increase in consistency between the Trade Waste Bylaw and the Model Bylaw (which reflects industry best practice and promotes greater consistency across councils)
- an increase in the flexibility for industries to meet the Bylaw through the formal introduction of trade waste agreements as an alternative to a trade waste discharge consent
- fostering continuous improvement to reduce contaminant loading
- better reflecting the requirements of the wastewater and stormwater systems.

In order to achieve these improvements, officers propose amendments to the current Trade Waste Bylaw to:

- expand the purpose and scope to capture promotion of cleaner production and protection of the stormwater system
- amend the grades of trade waste from controlled, conditional and prohibited to permitted, controlled, conditional and prohibited (this will provide for a grade of trade waste discharge that does not require consent)
- enable a trade waste discharger to apply to the Council to waive the requirement for a trade waste discharge consent
- extend the matters that Council may consider when assessing applications, imposing conditions and when determining whether to reclassify a discharge
- provide for trade waste agreements

- bring the Bylaw in line with the Model Bylaw 2004 (which is still considered to reflect industry best practice), in particular those provisions relating to:

- mass limits
- discharge physical and chemical characteristics
- document service.

The proposed form of the Bylaw is considered to be the most appropriate form of bylaw. It is not inconsistent with the New Zealand Bill of Rights Act 1990 (NZBORA) and does not give rise to any implications under the NZBORA.

The review findings are summarised in this statement of proposal document and a proposed amended Trade Waste Bylaw is attached (Appendix B).

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<sup>1</sup> “Cleaner production” means effective operations, methods and processes appropriate to the goal of reducing or eliminating the quantity and toxicity of wastes.

## Have your say

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The Council is keen to know what residents, ratepayers and stakeholders think about the proposed amended Trade Waste Bylaw so it can consider those matters.

Please make a submission online at [wellington.govt.nz](http://wellington.govt.nz), email your submission to [policy.submission@wcc.govt.nz](mailto:policy.submission@wcc.govt.nz) or complete the attached submission form and send it to Trade Waste Bylaw Review, Freepost, Wellington City Council, PO Box 2199, Wellington.

You can inspect more copies of the proposed Bylaw free of charge online at [wellington.govt.nz](http://wellington.govt.nz), the Service Centre at 101 Wakefield Street, libraries, by emailing [policy.submission@wcc.govt.nz](mailto:policy.submission@wcc.govt.nz) or phoning 04 499 4444.

**Written submissions open on 18 December 2015 and close at 5pm on 26 February 2016.**

# 1. Introduction and reason for the proposal

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This section provides an overview of trade waste, describes the current Trade Waste Bylaw and the review requirements under the LGA. A list of other legislation that applies to trade waste is also provided (Appendix A).

## Overview of trade waste

Trade waste means “any liquid, with or without matter in suspension or solution therein, that is or may be discharged from trade premises in the course of any trade or industrial process or operation or in the course of any activity or operation of a like nature” (Wellington City Council Trade Waste Bylaw, 2004).

Trade waste is discharged to the Council’s wastewater (sewer) network, is transported to the wastewater treatment plants, treated and discharged.

The potential characteristics of trade wastes are: additional materials or increased concentrations to those present in domestic wastewater that can produce undesirable outcomes within the sewer network and treatment plants if not appropriately managed. The undesirable outcomes can include increased oxygen demand, resulting in odour issues and additional treatment costs; unacceptable levels of oils and fats, which can cause network blockages and resultant sewage overflows; unacceptably high levels of metals or pesticides, which can limit biosolids reuse or disposal options; and additional risks created for maintenance workers.

In Wellington City, trade waste dischargers comprise approximately 900 food premises dischargers and 140 industrial business dischargers. Wellington City has only one large discharger of trade waste – Taylor Preston’s abattoir. In Wellington, trade waste comprises approximately 10 to 12 percent of the total flow to Moa Point Wastewater Treatment Plant, with approximately one-third being from the Taylor Preston abattoir. There is minimal trade waste flow to the Western Treatment Plant in Karori.

Bigger dischargers can and do have the ability to impact on the functioning of the Moa Point

Wastewater Treatment Plant. Impacts from smaller businesses are primarily on the wastewater reticulation network.

Under trade waste discharge consents, monitoring is required of the more significant dischargers to ensure those consent holders are managing their discharges in accordance with the terms of their consents.

## Trade Waste Bylaw

The current Trade Waste Bylaw provides the Council with powers to control discharges of trade wastes to the Council’s wastewater system. The main components of the current Trade Waste Bylaw are:

- the provision for long-term, intermittent, or temporary discharge of trade waste to the Council’s wastewater system
- the establishment of three grades of trade waste and a regime to enable the Council to evaluate trade waste discharges against clear and established criteria
- the provision for sampling and monitoring of trade waste to ensure compliance with the Bylaw
- the provision of a compliance, enforcement and administrative regime.

The current Trade Waste Bylaw was adopted by the Council in 2004. There was a minor amendment in 2007 in response to the review of Porirua City Council’s Trade Waste Bylaw. The Trade Waste Bylaw is not part of the Wellington City Consolidated Bylaw 2008 (the Consolidated Bylaw) and so the general provisions of the Consolidated Bylaw do not apply.

The current Bylaw was adopted before Standards NZ developed a model trade waste bylaw in 2004 (the Model Bylaw) and is inconsistent in places with best practice as a result. A key driver for the Model Bylaw was to ensure councils meet resource consenting requirements for wastewater discharges under the Resource Management Act 1991 (RMA) and to foster consistency between territorial authorities with respect to trade waste requirements. The Model Bylaw contains significant technical information and detail and is still considered to reflect current best practice.



Wellington Water is owned by the Council along with the Hutt, Porirua and Upper Hutt City councils and Greater Wellington Regional Council. Wellington Water took over responsibility for the management of the Council's water services, including advising the Council in respect of its trade waste function, in October 2014. This includes having input into the Bylaw's review. In addition, the trade waste consents required under this Bylaw are to be sought from and administered by Wellington Water on behalf of the Council.

Wellington Water is a regional entity and seeks to add value, including through standardising the three waters policies and bylaws where appropriate throughout the Wellington region. Wellington Water has identified trade waste management as an area that would benefit from regionally consistent bylaws and a regional approach to enforcement. The Wellington City Council Trade Waste Bylaw 2004 is the first of these bylaws being reviewed, with the Hutt Valley Trade Waste Bylaw next to commence review in 2016 followed by the Porirua Trade Waste Bylaw in 2020.

### **LGA - empowering the Trade Waste Bylaw**

Section 145 of the LGA empowers the Council to make bylaws for the city, including to protect the public from nuisance and to protect, promote and maintain public health and safety. In addition, the Council is authorised under the LGA to specifically make bylaws for the purpose of regulating trade wastes (Section 146(a)(iii)).

### **LGA - review requirements**

The LGA sets out procedural requirements for making or amending a bylaw. Provisions were added to the LGA in 2006 to require bylaws to be reviewed every 10 years. The government's intent in creating the new provisions was to ensure a regular cycle of review for bylaws.

The current Trade Waste Bylaw became eligible for review on 1 July 2014 and the review must be completed by 30 June 2016. Bylaws that are not reviewed within 2 years of a review becoming due are automatically revoked (Sections 158-160A).

The LGA procedural requirements for reviewing a bylaw are the same as those for creating a bylaw (Section 155). At review, the Council must consider whether a bylaw is the most appropriate way of addressing a perceived problem and whether the proposed form of the bylaw is the most appropriate form of bylaw. The Council must also consider whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA).

The Council must consult the community through the special consultative procedure when making, amending or reviewing a bylaw (Section 156) if the bylaw concerns a matter identified in the Council's Significance and Engagement Policy (developed under Section 76AA) or if the Council considers there is, or is likely to be, a significant impact on the public due to the proposed bylaw or changes.

In addition, section 148 of the LGA 2002 lists special requirements for bylaws relating to trade waste. The territorial authority must send a copy of the proposed bylaw or amendment to the Minister of Health for their comments and must, at least 2 months before the making of the bylaw, give public notice of its intention, stating -

- a) the trade wastes to which the bylaws will relate; and*
- b) that copies of the draft bylaws may be inspected free of charge at the place specified in the notice and may be obtained on payment of the charge specified in the notice; and*
- c) that the territorial authority is prepared to receive and consider any representation about the bylaws made to it in writing by, or on behalf of owners or occupiers of trade premises within its district at the time specified in the notice, being not less than 2 months after publication of the notice.*

The Council will run the public consultation and consultation in tandem with the Minister of Health.

After deciding to adopt any amendments to the bylaw, the local authority must give public notice of when the bylaw or amendments come into operation.

## 2. The process and timeframe for review

The review proposals and bylaw amendments have been developed by Wellington Water officers in consultation with Council officers and the Hutt City Council Trade Waste Manager.

Council officers consider there is a potential significant impact on the public due to the fact that the Bylaw is a regulatory document that creates

constraints on what people can do and with potential fines up to \$200,000 (section 239 of the LGA) if convicted of an offence. Therefore, it is appropriate to allow the public to be fully involved in the bylaw-making process through using the special consultative procedure under the LGA.

The timeline for the consultation and development process is:

Dates	Activity
26 November 2015	Environment Committee considers this statement of proposal and decides whether to send this proposal out for external consultation.
18 Dec 2015–26 Feb 2016	Consultation period.
21 Dec 2015	Submit proposal to Minister of Health and key stakeholders
17 March 2016	Environment Committee hears all oral submissions.
28 April 2016	Environment Committee considers the report on all written and oral submissions and decides whether to adopt the proposed bylaw (with or without modification).
May/June 2016	Council considers whether to adopt the proposed bylaw.
1 July 2016	If Council adopts the proposed Bylaw, the Bylaw comes into force.

## 3. Review discussion and proposals

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### 3.1 Is the trade waste bylaw still appropriate under the LGA?

The perceived problem the trade waste bylaw addresses

The LGA requires that a bylaw must be the most appropriate way to address a perceived problem. The perceived problem remains the need to control trade waste discharges to manage the impact on the wastewater system, those working on and in the wastewater system, and on the environment. An additional benefit of managing trade waste discharges is minimising the risk of blockages in the wastewater system that could cause overflows into the stormwater system and wider environment.

Currently, most of the issues associated with trade wastes relate to the cumulative impacts of smaller businesses being discharges from food premises, and inadequate pre-treatment or inadequate maintenance of pre-treatment equipment.

Officers have also posed the question “what if there was no trade waste bylaw?” Without the Trade Waste Bylaw, the Council would not be able to enforce trade waste discharge controls other than through agreements with individual businesses with no incentives for businesses to do so. It is not practical to enter into agreements with the approximately 1140 smaller dischargers in order to regulate trade waste discharges. The Trade Waste Bylaw is a unique instrument and does not create overlap with any of the other laws that apply to trade waste management (Appendix A).

Council officers therefore do not recommend repeal of the Trade Waste Bylaw, which largely remains an appropriate bylaw under the LGA to address the problems of protecting the Council’s wastewater system and those working in and on the wastewater system, and ensuring compliance with the RMA and resource consents in order to protect the environment. As noted above, Council officers consider that the Bylaw will also have an additional benefit of minimising the risk of wastewater blockages and overflows to the stormwater system.

### Is the proposed bylaw the most appropriate form of bylaw?

The LGA requires that a bylaw be the most appropriate form of bylaw. The current Trade Waste Bylaw is a stand-alone bylaw supported by the Trade Waste Charges Policy 2008. There is no justification for incorporating it into the Council’s Consolidated Bylaw. Subject to the proposed amendments addressed below, the Council considers that the form of the bylaw as proposed is the most appropriate form of bylaw.

### Does the Trade Waste bylaw require amendment (ie: are there additional problems that need addressing)?

While the current Bylaw remains an appropriate form of bylaw, there are opportunities to improve it that should be addressed as part of this review. The current Bylaw is structured differently from the Model Bylaw, most of the other trade waste bylaws in the wider Wellington metropolitan area and most nationally. This causes confusion and means that the Bylaw is not being enforced as effectively as it could be.

In addition, the current Bylaw does not reflect industry best practice, does not take a risk-based approach that reflects practice on the ground and does not recognise the requirements of the wastewater and stormwater systems. To address this, officers propose amendments to the Trade Waste Bylaw to:

- expand the purpose and scope to capture the promotion of cleaner production (and protection of the stormwater system)
- amend the grades of trade waste from controlled, conditional and prohibited to permitted, controlled, conditional and prohibited
- extend the matters that the Council may consider when assessing applications, imposing conditions and when determining whether to reclassify a discharge
- enable trade waste dischargers to apply to the Council to waive the requirement for a trade waste discharge consent



- provide for trade waste agreements
- bring the Bylaw in line with the Model Bylaw 2004 (which is still considered to reflect industry best practice), in particular those provisions relating to:
  - mass limits
  - discharge physical and chemical characteristics
  - document service.

In addition, the proposed Trade Waste Bylaw will be simpler than the existing Bylaw and therefore clearer to trade waste dischargers, which is conducive to improving compliance.

### **New Zealand Bill of Rights Act 1990 (NZBORA) implications**

Under section 155(3) of the LGA, the Council is obliged to consider whether the proposed Bylaw creates any implications under the NZBORA. The LGA expressly requires that bylaws are consistent with the NZBORA.

There are no rights or freedoms recognised under the NZBORA that the Council considers could potentially be impinged by the proposed Bylaw and therefore the Council considers that the proposed bylaw is not inconsistent with NZBORA and does not give rise to any implications under the NZBORA.

The Bylaw amendments do not go beyond what is required to achieve the objectives discussed in this paper and adheres to the LGA requirements of amending a bylaw.

## **3.2 Bylaw issues and proposed amendments**

### **3.2.1 Purpose and scope**

#### **Purpose**

The purpose of the current Trade Waste Bylaw is limited to protection of the wastewater system, workers operating in or with the wastewater system,

and the environment.

The Council proposes to expand the purpose to capture:

- the promotion of cleaner production
- benefits for the quality of stormwater discharges
- explicitly that the Bylaw provides for a monitoring and charging regime.

Refer below to the discussion on cleaner production.

By minimising the risk of trade wastes related blockages in the wastewater system and the resultant overflows of wastewater there is a reduction in contamination risk to the stormwater system and an overall benefit to its quality.

#### **Scope**

The Council proposes to extend the scope of the current Bylaw to refer to the ability to enter into trade waste agreements, and ensure appropriate storage controls for potentially harmful materials are in effect to protect against accidental discharges of those materials to the wastewater system. In fulfilling this requirement the controls will also protect the stormwater system.

While stormwater contamination is covered by the Resource Management Act 1991 there are co-benefits for the stormwater system through ensuring proper storage of contaminants on trade waste discharge sites.

In addition, the Council proposes to include a clause noting that the Bylaw does not remove the need to comply with other legislation.

### **3.2.2 Definitions**

The following changes to the definitions are proposed to reflect and support the other changes made to the current Bylaw.

- Insert new definitions for “cleaner production”, “foul water”, “permitted trade waste”, “sewer”, “stormwater system” and “trade waste discharge consent”.

<sup>1</sup> “Cleaner production” means effective operations, methods and processes appropriate to the goal of reducing or eliminating the quantity and toxicity of wastes.

- Amend the definitions of “conditional trade waste”, “controlled trade waste”, “trade premises” and “trade waste”.
- Delete the definitions of “access point”, BS 5728”, “ISO 5667”, “ISO TR 9824”, “Local government act”, “New Zealand waste strategy”, “NZS 4304”, “NZS 10012”, “Standard methods for the examination of water and wastewater” and “Zones”.
- Refer to “Office of Radiation Safety Guidelines” as opposed to National Radiation guidelines.

A section on abbreviations has also been added.

### 3.2.3 Compliance with the Bylaw

#### Control of discharges

The current Bylaw does not allow trade waste discharges unless they are provided for in terms of a trade waste discharge consent issued under the Bylaw. There is no provision for trade waste discharges without a trade waste discharge consent. This does not reflect pragmatic practice and does not take a risk-based approach, especially for smaller, non-toxic discharges.

In practice, trade waste officers waive the need for a trade waste discharge consent where the type or volume of trade waste would not benefit from being controlled via a trade waste discharge consent. However, this process is not established in the Bylaw itself.

The Council proposes to amend clause 2.1 to make it explicit that trade waste can only be discharged in terms of the Bylaw, which may or may not require a trade waste discharge consent including the ability to enter into trade waste agreements. In addition, a statement has been added noting that even if a trade waste discharge consent is issued or the discharge is permitted under the Bylaw then other approvals may still be required under other legislation.

#### Storage, transport, handling and use of harmful materials

The Council proposes to amend clause 2.2 (a) to include a reference to the stormwater system in recognition of the potential for wastewater blockages causing overflows into the stormwater network.

### 3.2.4 Trade Waste Discharge Consents

#### Classification of trade waste discharges

At present, the Bylaw provides for three types of discharges - controlled, conditional and prohibited. There are no types of trade waste discharges that do not require a consent.

In order to provide certainty to dischargers, adopt a risk-based approach and better reflect practice, the Council proposes having four types of trade waste discharges.

- **Permitted: no trade waste discharge consent required** subject to meeting the physical and chemical characteristics set out in Schedule 1 and not exceeding a maximum permitted volume of trade waste of 100L/day.
- **Controlled: trade waste discharge consent required** being a discharge that complies with all the physical and chemical characteristics set out in Schedule 1, and has a maximum volume of trade waste of more than 100L/day (the permitted maximum) but less than 5000L/day.
- **Conditional: trade waste discharge consent required** being a discharge that does not comply with one or more of the physical and chemical characteristics set out in Schedule 1 but which does not have any characteristics of a prohibited trade waste defined in Schedule 2.
- **Prohibited: discharge cannot be undertaken and no trade waste discharge consent can be sought** being a trade waste having any of the physical and chemical characteristics as defined in Schedule 2.

## Application for Trade Waste Discharge Consent

The Council proposes to reflect the Model Bylaw provisions in relation to applying for a trade waste discharge consent, information requirements, timelines and criteria for the consideration of an application and the range of conditions that may be imposed. This will bring the Bylaw in line with best practice.

Key proposed changes are:

- capturing the full range of potential discharges
- requiring that where trade premises produce trade waste discharges from more than one area, a separate description of each trade waste discharge is to be included in any application for a trade waste discharge consent
- requiring that the applicant must be the intended consent holder who shall be limited to the person discharging the trade waste
- specifying a timeline of 20 working days within which Council is to make a decision
- extending the range of consideration matters
- placing all consent condition requirements in one place in the Bylaw and extending the range of conditions.

### 3.2.5 Consent for permitted trade waste

The current Bylaw does not allow any trade waste discharges without a consent. The proposed Bylaw includes a regime that provides for permitted trade waste discharges that do not require consent. In addition, proposed clause 3.3 will enable the Council to require a person to apply for a consent, if a discharge ceases to be permitted.

### 3.2.6 Waiver of need for trade waste discharge consent

The current Bylaw does not enable a trade waste discharger to seek a waiver for the requirement to hold a trade waste discharge consent. There may be circumstances for smaller businesses where the

benefit of managing a trade waste discharge via a consent does not outweigh the impact that this has on the operation of the business.

The Council proposes inserting a new clause 3.7 to establish a process to apply for and consider a request to waive the requirement for a trade waste discharge consent.

### 3.2.7 Technical review and variation

At present, the Council can only vary consent conditions and cannot reclassify a discharge. This means that the only option would be for the officers to cancel an existing consent and issue a fresh one.

The Council proposes deleting clause 3.6 and inserting a new clause 3.9 to:

- require the Council to consult with the consent holder in addition to providing written notice
- enable the Council to reclassify the discharge in addition to varying a condition
- expand the matters Council may consider.

Through cleaner production techniques some trade waste dischargers may improve the quality of their discharges and reduce their discharge classification from conditional to controlled.

### 3.2.8 Suspension or cancellation of a trade waste discharge consent

The current Bylaw is drafted narrowly to capture actions and future impacts and does not capture omissions and existing impacts.

The Council proposes to reflect the Model Bylaw to:

- capture both acts and omissions, including those that may have an impact on the Council's resource consents for the wastewater system
- capture both potential and current danger to people, the wastewater system and the environment
- enable the Council to suspend or cancel any trade waste discharge consent or right to discharge

following 20 working days' notice (current notice provision is for 15 working days)

- enable the Council to suspend or cancel a trade waste discharge consent immediately following written notice if the Council considers that the continuance of the discharge puts at risk the ability of the Council to comply with conditions of a resource consent for the Council's wastewater network and/or requires identified additional treatment measures or costs to seek to avoid a breach of any such resource consent and/or to mitigate effects on the environment.

### 3.2.9 Trade waste agreements

At present, the only method to get the approval of the Council to discharge trade wastes to the Council's wastewater system is through the consenting process.

Council officers consider that in some cases the control over trade waste discharges may be achieved more effectively and efficiently through the mechanism of a trade waste agreement (TWA). This provides flexibility for larger scale industries where there may be peculiarities to address that are not easily addressed through standard trade waste discharge consent processes. This proposal allows for site and industry specific conditions and other parameters to be set through a formal TWA between the Council and a company.

While not of particular benefit to the Council at present, with limited large-scale industries, it provides flexibility to the Council should this situation change and acknowledges the move to a regional approach to trade waste management across Wellington Water's client councils of Wellington, Hutt, Upper Hutt and Porirua City councils.

Trade waste discharges subject to a formal TWA will be excluded from the other requirements of the Bylaw; that is, they will not require a trade waste discharge consent.

Existing agreements in force before the commencement of the proposed Bylaw will be treated as if they were a trade waste agreement in terms of

the proposed Bylaw. At present there are no such agreements in place.

### 3.2.10 Mass limits

Under the current Bylaw, any characteristic controlled by mass limit is to have its maximum concentration limited to the value specified in a schedule to the Bylaw.

The proposed amendments apply a risk-based approach reflecting the Model Bylaw provisions with a view to having a common approach to trade waste management regionally.

### 3.2.11 Sampling, testing and monitoring

The Council proposes restructuring the following provisions relating to sampling, testing and monitoring to align with the Model Bylaw in terms of content and structure but without any material change:

- flow metering
- estimating discharge
- sampling and analysis - the reference to specific industry standards has been removed and replaced with "in accordance with best industry standards and methods"
- monitoring.

### 3.2.12 Interpretation of test results and flow measurements

The Council proposes to remove these provisions and replace them with practice guides leaving scope for greater flexibility to measure flows and ensuring that businesses are not burdened with technical non-compliances of no meaningful impact.

### 3.2.13 Bylaw administration

The Council proposes to amend the provisions relating to administration of the Bylaw to bring them in line with the Model Bylaw; namely those provisions relating to:

- the review of decisions
- accidents and non-compliance
- charges and payments
- transfer or termination of rights and responsibilities
- service of documents
- offences
- transitional provisions.

There are no material changes proposed.

### 3.2.14 Discharge characteristics for trade waste (proposed Schedule 1)

The current Bylaw does not reflect industry best practice in accordance with the Model Bylaw. The Council proposes to remove existing Schedule 2 and replace it with the Model Bylaw provisions with minor modifications to address the specific characteristics of the Wellington treatment plant processes.

The following are the key areas of difference between the current Bylaw and the Model Bylaw, with changes proposed to bring the Bylaw into accordance with the Model Bylaw.

#### (a) Suspended Solids

Currently, the maximum suspended solids concentration for controlled trade wastes is 600g/m<sup>3</sup>. The proposal is to increase this to 1000g/m<sup>3</sup> for permitted trade waste discharges. This brings the provision in line with the Model Bylaw. Any significant dischargers will be covered by conditional consents under which limits can be reduced if deemed necessary.

#### (b) Temperature

Currently the maximum temperature for controlled trade wastes is 50°C. The proposal is to decrease this to 40°C. This is in line with the Model Bylaw, which reflects best practice.

#### (c) Oil and grease

Currently, the provisions relating to oils and grease (S2.2.4 and S3.4.3) are referred to differently in multiple places and are confusing with parameters that are not applied in practice - namely, diluted with sewage, pH range of sewage and temperature. In practice, only one parameter applies being the maximum content (g/m<sup>3</sup>) of extracted oil, fat and grease.

The Council proposes a new clause S1.2.4 to bring the Bylaw in line with actual practice.

#### (d) Solvents and other organic liquids

The Council proposes removing reference to petroleum, benzene, naphtha and fuel to bring this provision in line with the Model Bylaw.

### 3.2.15 Table 1 - General chemical characteristics

Changes are proposed to align with the Model Bylaw by:

- (a) amending the following maximum total concentrations:
  - kjeldahl nitrogen - from 500 to 150g/m<sup>3</sup>
  - dissolved aluminium - from 300 to 100g/m<sup>3</sup>
  - dissolved iron - from 300 to 100g/m<sup>3</sup>
- (b) inserting term “with good mixing” after 1500g/m<sup>3</sup> for sulphate concentrations
- (c) deleting two footnotes (pesticides and compounds).

### 3.2.16 Table 2 - Toxic pollutants: Inorganic compounds

Changes are proposed to align with the Model Bylaw by increasing the maximum total concentration of mercury from 0.005g/m<sup>3</sup> to 0.05g/m<sup>3</sup> and deleting the two footnotes (pesticides and compounds). The



apparent increase to the mercury level has no real impact as good practice would see it managed via performance with either a mass limit, the relevant pre-treatment standard (ISO 11143) or both.

### **3.2.17 Table 3 - Toxic pollutants: Organic compounds and pesticides**

Changes are proposed to align with the Model Bylaw by inserting organophosphate pesticides with a maximum concentration of 0.1g/m<sup>3</sup> and deleting the two footnotes.

### **3.2.18 Characteristics of prohibited trade waste**

The current Bylaw does not reflect industry best practice in accordance with the Model Bylaw. The Council proposes to replace Schedule 3 with a new Schedule 2 to reflect the Model Bylaw provisions - the key differences between the current and proposed Bylaw being:

- deleting the definitions of biodegradable oils and greases, emulsion, latex emulsion and treatable
- amending the references to genetic wastes and health care waste
- updating the reference to the Office of Radiation Safety Guidelines
- amending inhibitory substances
- deleting organic strength and replacing with reference to chemical oxygen demand and biochemical oxygen demand.

### **3.2.19 Schedule 5: Drainage zones within Wellington City**

The Council proposes deleting this schedule as it is of no practical consequence.

### **3.2.20 Schedule 6: Porirua City Council Trade Waste Bylaw**

The Council proposes deleting this schedule. Previously, the Northern Zones discharges were subject to the provisions of the Porirua City Bylaw as adopted in the Council's bylaw as Schedule 6.

The Council is now proposing to manage discharges under the standard provisions of its Bylaw with the ability to manage discharges that will be treated by the Porirua wastewater treatment plant through the consenting process - refer to proposed clause 3.6(f).

## 4. Conclusion

In terms of section 155 of the LGA, the Council officers consider that a bylaw in the form proposed is the most appropriate method to address the issues identified above, that it is the most appropriate form of bylaw and that it does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

### Description of proposed revised trade waste bylaw including minor changes

Proposed Bylaw Ref.	Proposed revised bylaw, clause names	Key differences between proposed revised bylaw and existing Part 3: Fire Prevention.
<b>Part 1</b>		
-	Introduction, Title, Commencement and Application	Carried over from existing bylaw with minor amendments.
1	Purpose	The purpose has been expanded to capture the promotion of cleaner production, benefits for the quality of stormwater discharges and to be explicit that the bylaw provides for a monitoring and charging regime.
2	Revocation	Amend reference to Wellington Trade Waste Bylaw 2004
3	Scope	Amend the scope to refer to four grades of trade waste (permitted, controlled, conditional and prohibited), to refer to protection of the stormwater system and the provision for trade waste agreements. Insert a clause referring to the fact that the bylaw does not remove the requirement to comply with legislative requirements.

4	Definitions	<p><b>(a) Delete definitions of:</b></p> <p>"access point""BS 5728"</p> <p>"ISO 5667"</p> <p>"ISO TR 9824"</p> <p>"Local government act"</p> <p>"New Zealand waste strategy"</p> <p>"NZS 4304"</p> <p>"NZS 10012"</p> <p>"Private sewer"</p> <p>"Standard methods for the examination of water and wastewater"</p> <p>"Zones"</p> <p><b>(b) Insert definitions of:</b></p> <p>"Cleaner production"</p> <p>"Foul water"</p> <p>"Permitted trade waste"</p> <p>"Sewer"</p> <p>"Stormwater system"</p> <p>"Trade waste discharge consent"</p> <p><b>(c) Amend definitions of:</b></p> <p>"conditional trade waste"</p> <p>"controlled trade waste"</p> <p>"trade premises"</p> <p>"trade waste"</p> <p><b>(d) Refer to "Office of Radiation Safety Guidelines" in place of "National radiation guidelines"</b></p> <p><b>(e) Insert abbreviations</b></p>
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<b>Part 2: Compliance with the Bylaw</b>		
5	Control of Discharges	Amend clause 2.1.1 to reflect the four categories of trade waste discharges proposed and the provision for trade waste agreements.  Delete existing clause 2.1.2 and replace with a provision noting that dischargers of trade waste must also comply with other statutory requirements.
6	Storage, transport, handling and use of harmful substances	Amend clause 2.2 to insert reference to the stormwater system
<b>Part 3: Trade waste consents</b>		
7	Classification	Amend clause 3.1 to provide for four categories of trade waste discharges - permitted, controlled, conditional and prohibited.
8	Application for trade waste consent	Amend to reflect the Model Bylaw provisions in relation to: <ul style="list-style-type: none"> <li>capturing the full range of potential discharges</li> <li>requiring that where trade premises produce trade waste from more than one area, a separate description of that trade waste is to be included in any application for a trade waste discharge consent</li> <li>requiring that the applicant must be the intended consent holder who shall be limited to the person discharging the trade waste.</li> </ul>
9	Consent for a formerly permitted trade waste	Insert a new clause 3.3 enabling the Council to require a person to apply for a trade waste discharge consent when a discharge ceases to be permitted.
10	Information and analysis	Insert clauses 3.4.1 and 3.4.2 to enable the Council to require that an application be supported by an independent report, to provide additional information, submit a discharge management plan or have the trade waste investigated.
11	Consideration of application	Replace clauses 3.3.1 to 3.3.3 to reflect the Model Bylaw including setting a timeframe of 20 working days within which Council is to make a decision on an application and inserting additional matters that Council may consider when assessing an application.
12	Compliance Waiver	Insert a new clause 3.7 that enables a trade waste discharger to apply to Council to waive the requirement for a trade waste discharge consent.

13	Conditions of a consent	<p>Rationalise the consent conditions provisions (currently in Schedule 1 and clause 3.5) and bring them in line with the Model Bylaw, including extending the range of potential conditions to capture:</p> <ul style="list-style-type: none"> <li>• the degree of acidity, or alkalinity of the discharge at the time of discharge</li> <li>• the temperature of the trade waste at the time of discharge</li> <li>• risk assessment of damage to the environment due to an accidental discharge of a material</li> <li>• cleaner production techniques</li> <li>• remote monitoring and/or control of discharges</li> <li>• the amount, if any, of cooling water, condensing water or stormwater that cannot practically be separated from trade wastes, that may be included with the discharge</li> <li>• provisions for duration of permitted and conditional consents.</li> </ul>
14	Duration of consent	<p>Insert a new clause 3.9 to specify a maximum duration of 5 years for controlled and conditional trade waste discharge consents.</p>
15	Technical review and variation	<p>Amend these provisions to reflect the Model Bylaw by:</p> <ul style="list-style-type: none"> <li>• requiring the Council to consult with the consent holder in addition to providing written notice</li> <li>• enabling the Council to reclassify the discharge in addition to varying a condition</li> <li>• expanding the matters the Council may consider.</li> </ul>
16	Suspension or cancellation of consent	<p>Amend these provisions to reflect the Model Bylaw by:</p> <ul style="list-style-type: none"> <li>• capturing acts or omissions</li> <li>• capture both potential and current danger to people, the wastewater system and the environment</li> <li>• enable the Council to suspend or cancel any consent or right to discharge following 20 working days' notice</li> <li>• enable the Council to suspend or cancel a consent immediately following written notice if the Council considers that the continuance of the discharge puts at risk the ability of the Council to comply with conditions of a resource consent for the Council's wastewater network and/or requires identified additional treatment measures or costs to avoid a breach of any such resource consent.</li> </ul>



17	Trade Waste agreements	Insert a new clause 3.12 that enables the Council to enter into a trade waste agreement with any trade waste discharger and protecting existing agreements in force before the commencement of the proposed Bylaw without the requirement for an additional trade waste discharge consent.
<b>Part 4: Wastewater quality measurement</b>		
18	Pre-treatment	Insert a new clause 4.1 enabling the Council to approve a trade waste discharge consent subject to appropriate pre-treatment being installed.
19	Mass limits	Amend to apply a risk based approach and reflect the Model Bylaw provisions with some minor changes. Applying a mass limit will be a trigger for needing a conditional consent.
<b>Part 5: Sampling, testing and monitoring</b>		
20	Flow metering	Restructure provisions to align with the Model Bylaw in terms of content and structure without any material change.
21	Estimating discharge	Restructure provisions to align with the Model Bylaw in terms of content and structure without any material change
22	Sampling and analysis	Restructure provisions to align with the Model Bylaw in terms of content and structure without any material change.
23	Monitoring	Restructure provisions to align with the Model Bylaw in terms of content and structure without any material change.
24	Interpretation of test results and flow measurements	Remove these provisions (existing clause 5.8) and replace them with practice guides leaving scope for greater flexibility and ensuring that businesses are not burdened with technical non-compliances.
<b>Part 6: Bylaw administration</b>		
25		Amend to bring in line with the Model Bylaw with no material changes: <ul style="list-style-type: none"> <li>• review of decisions</li> <li>• charges and payments</li> <li>• service of documents</li> <li>• transitional provisions</li> <li>• accidents</li> <li>• transfer and terminations</li> <li>• offences.</li> </ul>

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**Schedule 2: Discharge characteristics for controlled trade waste**

26		<p>Remove existing Schedule 2 and replace it with the Model Bylaw provisions relating to Schedule 1 Trade Waste with minor modifications to address the specific characteristics of the treatment plant processes. Key changes being:</p> <ul style="list-style-type: none"> <li>• decrease maximum temperature from 50oC to 40oC</li> <li>• suspended solids - increase maximum concentration from 600g/m<sup>3</sup> to 1000g/m<sup>3</sup></li> <li>• amend the provisions relating to fats, oils or greases to bring them in line with the Model Bylaw</li> <li>• refer correctly to the Office of Radiation Safety Guidelines.</li> </ul>
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**Table 1: General chemical characteristics**

Amend Table 1 to bring it in line with the Model Bylaw:

(a) amend the following maximum total concentrations:

- kjeldahl nitrogen - from 500 to 150g/m<sup>3</sup>
- dissolved aluminium - from 300 to 100g/m<sup>3</sup>
- dissolved iron - from 300 to 100g/m<sup>3</sup>

(b) insert term "with good mixing" after 1500g/m<sup>3</sup> for sulphate concentrations

(c) delete two footnotes (pesticides and compounds).

**Table 2: Toxic pollutants - Inorganic compounds**

28		<p>Amend Table 2 to bring in line with the Model Bylaw:</p> <ul style="list-style-type: none"> <li>• amend maximum total mercury concentration from 0.005g/m<sup>3</sup> to 0.05g/m<sup>3</sup></li> <li>• delete two footnotes (pesticides and compounds).</li> </ul>
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**Table 3: Toxic Pollutants - Organic Compounds and Pesticides**

29		<p>Amend to bring in line with the Model Bylaw:</p> <ul style="list-style-type: none"> <li>• insert organophosphate pesticides with a maximum concentration of 0.1g/m<sup>3</sup></li> <li>• delete the two footnotes.</li> </ul>
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<b>Schedule 3: Characteristics of prohibited trade waste</b>		
30	Prohibited characteristics	<p>Amend to bring in line with the Model Bylaw, key changes are:</p> <ul style="list-style-type: none"> <li>• amend provisions for genetic wastes, health care waste and refer correctly to the Office of Radiation Safety Guidelines (clause S3.3.1)</li> <li>• remove the definitions of biodegradable oils and greases, emulsion, latex emulsion and treatable.</li> </ul>
<b>Schedule 4: Sampling procedure</b>		
31		Delete schedule and incorporate in Part 5: Sampling, testing and monitoring.
<b>Schedule 5: Drainage zones within Wellington City</b>		
32		Remove this schedule as it has no practical purpose.
<b>Schedule 6: Porirua</b>		
33		Remove this schedule as it has no practical purpose.

## Appendix A - Legislation that applies to trade waste management

Legislation	Purpose
Building Act 2004	Provides for the regulation of building work, the establishment of a licensing regime for building practitioners, and the setting of performance standards for buildings to ensure that people are safe and to promote sustainable development.
Food Act 2014	Requires those who trade in food to take responsibility for the safety and suitability of that food and to minimise and manage risks to public health.
Hazardous Substances and New Organisms Act 1996 and associated regulations	Provides for a regime to protect the environment and the health and safety of people and communities by preventing or managing the adverse effects of hazardous substances and new organisms.
Health Act 1956	Imposes a duty on local authorities to improve, promote and protect public health and empowers them to appoint environmental health officers, inspect premises and make bylaws.
Land Transport Rule Dangerous Goods 2005	Provides a regime for the transport of dangerous goods.
Local Government Act 2002	Section 145 of the LGA empowers the Council to make bylaws for the City; including to protect the public from nuisance and to protect, promote and maintain public health and safety. In addition the Council is authorised under the LGA to specifically make bylaws for the purpose of regulating trade waste (Section 146(a)(iii)). Under section 196 of the LGA the occupier of trade premises may discharge trade waste from the premises into the council's wastewater system either with the consent of the council; or without consent if the discharge is permitted by trade wastes bylaws.
Resource Management Act 1991	Promotes the sustainable management of natural and physical resources. The Regional Plan also controls discharges of contaminants to the coastal marine area, freshwater and land.

# Appendix B – Proposed Trade Waste Bylaw

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## The Wellington City Council trade waste bylaw 2016

### Part 1 introduction

The Wellington City Council makes the following bylaw under the authority of and in accordance with the provisions of the Local Government Act 2002 and the Bylaws Act 1910.

#### 1.1 Title

The Wellington City Council Trade Waste Bylaw 2016.

#### 1.2 Commencement and application

- (a) This Bylaw comes into force on 1 July 2016.
- (b) This Bylaw applies throughout the district of the Wellington City Council.

#### 1.3 Purpose of the bylaw

The purpose of this Bylaw is to:

- (a) Control trade waste discharges into the wastewater system to:
  - (i) Protect the wastewater system
  - (ii) Promote cleaner production
  - (iii) Protect the stormwater system
  - (iv) Protect workers operating in or with the wastewater system
  - (v) Protect the environment by ensuring compliance with the Resource Management Act 1991 - in particular, ensuring the necessary resource consent requirements for the wastewater system are met.
- (b) Provide a basis for:
  - (i) Consenting and monitoring discharges from industry and trade premises;
  - (ii) Charging trade waste users of the wastewater system to cover the cost of conveying, treating and disposing of or reusing their wastes; and
- (c) Ensure that the costs of treatment and disposal are shared fairly between trade waste and domestic wastewater dischargers.

#### 1.4 Revocation

The Wellington City Council: Wellington Trade Waste Bylaw 2004 is revoked from Midnight on 30 June 2016.

#### 1.5 Scope of the bylaw

##### 1.5.1 Scope

This Bylaw provides for:

- (a) The acceptance of long-term, intermittent, or temporary discharge of trade waste to the wastewater system
- (b) The establishment of four grades of trade waste discharge: permitted, controlled, conditional and prohibited
- (c) The evaluation of individual trade waste discharges against specified criteria
- (d) The correct storage of materials in order to protect the wastewater and stormwater systems from spillage
- (e) The installation of flow meters, samplers or other devices to measure flow and quality of the trade waste discharge
- (f) The pre-treatment of waste before it is accepted for discharge to the wastewater system
- (g) The sampling and monitoring of trade waste discharges to ensure compliance with the Bylaw
- (h) The Council to accept or refuse a trade waste 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) The establishment of waste minimisation and management programmes for trade waste producers by way of trade waste discharge consent conditions
- (l) The power of the Council to enter into trade waste agreements with trade waste dischargers



### 1.5.2 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 Health and Safety at Work Act 2015, the Resource Management Act 1991, the Building Act 2004, and the Hazardous Substances and New Organisms Act 1996 (including any Acts passed by way of amendment to or in substitution therefor) and any regulations made thereunder or any other relevant statutory or regulatory requirements. In the event of any inconsistency between legislation and this Bylaw the more stringent requirement applies.

### 1.6 Definitions

For the purposes of this Bylaw the following definitions shall apply:

NOTE: Words in *italics* in these definitions are also defined.

**‘Approval or approved’** means approved in writing by an *authorised officer of the Council*.

**‘Authorised officer’** means any person appointed by the *Council for the purposes of acting as an authorised officer* under this Bylaw.

**‘Characteristic’** means any of the physical or chemical characteristics of a trade waste referred to in Schedules 2 and 3.

**‘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. “Cleaner Production” minimises and manages trade waste by:

- (a) Using energy and resources efficiently, avoiding or reducing the amount of wastes produced;
- (b) Producing environmentally sound products and services;
- (c) 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.

**‘Conditional trade waste’** means a *trade waste* discharge that does not comply with one or more of the physical and chemical *characteristics* set out in Schedule 1 and/or has a maximum volume of trade waste of more than 5000L/day, but which does not have any *characteristics of a prohibited trade waste* defined in Schedule 2.

**‘Consent’** means a consent in writing given by the *Council* authorising a *consent holder* to discharge *trade waste* to the *wastewater system*.

**‘Consent holder’** means a person who has obtained a trade waste discharge *consent* from the *Council* under this Bylaw for the discharge of *trade waste* to the *wastewater system*.

**‘Controlled trade waste’** means a *trade waste* discharge that complies with all the physical and chemical *characteristics* set out in Schedule 1 and has a maximum volume of *trade waste* of more than 100L/day but less than 5000L/day.

**‘Council’** means the Wellington City Council.

**‘Discharge management plan’** means a plan for the monitoring, programming and controlling of the production of *trade waste* by the *consent holder* that is acceptable to the *Council*.

**‘Disconnection’** means the physical cutting and/or sealing of the section of a sewer between the premises and the wastewater system.

**‘Domestic wastewater’** means either *wastewater* that is typical of that discharged from *premises* that are used solely for residential activities or *wastewater* of the same character discharged from other *premises*.

**‘Foul water’** means the discharge from any sanitary fixture

**‘Independent analyst’** means an *International Accreditation New Zealand* accredited test laboratory appointed for the purposes of sampling and testing *wastewater* in accordance with the requirements of this Bylaw.

**‘Mass limit’** means the total mass of any *characteristic* that is allowed to be discharged to the *wastewater system* over any twenty-four hour period from any single *point of discharge* or collectively from several points of discharge.

**‘Maximum concentration’** means the peak concentration of any *characteristic* that may not be exceeded.

**‘Office of Radiation Safety Guidelines’** means the latest edition, complete with any amendments of NRL C1:1996 Code of safe practice for the use of unsealed radioactive materials, National Radiation Laboratory.

**‘Permitted trade waste’** means a *trade waste* discharge that complies with all the physical and chemical *characteristics* set out in Schedule 1 and does not exceed the maximum permitted volume of *trade waste* of 100L/day.

**‘Person’** includes a corporation sole and also a body of persons whether corporate or incorporate.

**‘Point of discharge’** is the physical point where a trade waste discharge enters the wastewater system.

**‘Pre-treatment’** means any processing of *trade waste* designed to reduce any characteristic in a waste, before discharge to the *wastewater system*.

**‘Premises’** means either:

- (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 (for example reserve) for a particular purpose, or
- (d) separately leased, individual units within buildings.

**‘Prohibited trade waste’** means a *trade waste* having physical and chemical *characteristics* as defined in Schedule 2 of this Bylaw. A prohibited *trade waste* discharge cannot be undertaken and no consent can be sought for a prohibited *trade waste* discharge.

**‘Publicly notified’** means published on at least one occasion in a newspaper circulating in the *Council’s* district, or under emergency conditions by the most practical means available at that time.

**‘Receiving waters’** means coastal waters or any natural waters which will receive treated wastes.

**‘Sewage sludge’** means the material settled out from *wastewater* during the treatment process.

**‘Sewer’** means the pipework drainage system that conveys *wastewater*.

**‘Stormwater’** means all surface water run-off resulting from precipitation.

**‘Stormwater system’** means infrastructure for the provision and management of stormwater collection, treatment and disposal.

**‘Tankered waste’** is water or other liquid that has waste matter in solution or suspension and which is conveyed by vehicle for disposal.

**‘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 trade waste discharge consent and the discharge of *tankered wastes*.

**‘Trade premises’ includes:**

- (a) Any *premises* used or intended to be used for any industrial or trade purpose; and
- (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; and

- (c) Any other *premises* from which a contaminant is discharged in connection with any industrial or trade process; and
- (d) Any other *premises* discharging other than *domestic wastewater*, and includes any land or *premises* wholly or mainly used for agricultural or horticultural purposes, but does not include any part of the Council's wastewater system or treatment facilities.

**'Trade waste'** means any liquid, with or without matters in suspension or solution, that is or may be discharged from a *trade premises* to the *wastewater system* in the course of any trade, business or industry, or any industrial or commercial process or operation, or in the course of any activity or operation of a like nature; but does not include condensing water or surface water which is discharged directly into a surface-water drain; but may include condensing or cooling waters, tankered wastes, *stormwater* which cannot be practically separated, or *domestic wastewater*.

**'Trade waste discharge consent'** means a consent granted by Council under this Bylaw allowing the discharge of controlled or conditional trade waste to the wastewater system.

**'Wastewater'** means any water with matter in solution or suspension, *domestic wastewater*, or liquid *trade waste*.

**'Waste minimisation'** means the implementation on *trade premises*, of operations, methods and processes appropriate to the goal of reducing or eliminating the quantity and toxicity of wastes.

**'Wastewater system'** means all sewers, pumping stations, storage tanks, wastewater treatment plants, sea outfalls and other related structures owned by the Council and used for the reception, treatment and disposal of *wastewater*.

## 1.7 Abbreviations

\$/kg	dollars per kilogram
\$/L/s	dollars per litre per second
\$/m <sup>3</sup>	dollars per cubic metre
oC	degrees Celsius
B	Boron
BOD <sub>5</sub>	Biochemical Oxygen Demand
Br <sub>2</sub>	Bromine
Cl <sub>2</sub>	Chlorine
CN	Cyanide
COD	Chemical Oxygen Demand
F	Fluoride
FOGs	fats, oils and greases
g/m <sup>3</sup>	grams per cubic metre
H <sub>2</sub> S	Hydrogen Sulphide
hr	hour
kg/day	kilogram per day
L	litre
L/s	litre per second
LGA	Local Government Act 2002
m <sup>3</sup>	cubic metre
mg/L	milligram per litre
mL/L	millilitre per litre
N	Nitrogen
P	Phosphorus
pH	measure of acidity/alkalinity
SO <sub>4</sub>	Sulphate
SS	suspended solids concentration
UVT	ultra violet transmission

## Part 2 compliance with the bylaw

### 2.1 control of trade waste discharges

#### 2.1.1 Restrictions on discharges of trade waste

No person shall:

- (a) Discharge, or allow to be discharged, any permitted trade waste to the wastewater system, except in accordance with the provisions of this Bylaw.
- (b) Discharge, or allow to be discharged, any controlled trade waste or conditional trade waste to the wastewater system except in accordance with a trade waste discharge consent or in accordance with the provisions of a Trade Waste Agreement.
- (c) Discharge, or allow to be discharged, a prohibited trade waste into the wastewater system.
- (d) Add or permit the addition of condensing or cooling water to any trade waste, unless specific approval is given in a trade waste discharge consent.
- (e) Add or permit the addition of stormwater to any trade waste unless specific approval is given in a trade waste discharge consent.

#### 2.1.2 Other requirements may apply

Granting a trade waste discharge consent or permitting any trade waste discharge under this Bylaw does not relieve the person discharging or allowing the discharge, from any obligations to obtain any other consent or permission for the discharge under any other statutory requirement.

### 2.2 Storage, transport, handling and use of harmful materials

- (a) No person shall store, transport, handle or use, or cause to be stored, transported, handled or used any of the materials listed in 2.2(c) in a manner that may cause the material to enter the wastewater system or stormwater system and cause harmful effects.

- (b) All persons in trade premises shall take all reasonable steps to prevent the accidental discharge of any of the materials listed in 2.2(c) of this Bylaw as a result of leakage, spillage or other mishap.
- (c) Materials referred to in 2.2 (a) and (b) are those:
  - (i) products or wastes containing corrosive, toxic, biocidal, radioactive, flammable or explosive materials, or
  - (ii) likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, when mixed with the wastewater stream, or
  - (iii) likely to be deleterious to the health and safety of the Council's staff and the public or be harmful to the wastewater system, stormwater system or environment.

## Part 3 trade waste consents

### 3.1 Classification of trade waste discharges

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

- (a) Permitted trade waste - a trade waste discharge consent is not required provided that the discharge complies with all the physical and chemical characteristics set out in Schedule 1 and does not exceed a maximum volume of trade waste of 100L/day.
- (b) Controlled trade waste - trade waste that complies with all the physical and chemical characteristics set out in Schedule 1 and has a maximum volume of trade waste of more than 100L/day but less than 5000L/day.
- (c) Conditional trade waste - trade waste that does not comply with one or more of the physical and chemical characteristics set out in Schedule 1 and/or has a maximum volume of trade waste of more than 5000L/day, but which does not have any characteristics of a prohibited trade waste

defined in Schedule 2. Conditional trade waste discharge consents shall include consents for temporary discharges.

- (d) Prohibited trade waste - trade waste that has, or is likely to have, any of the physical and chemical characteristics as set out in Schedule 2 of this Bylaw. A prohibited trade waste discharge cannot be undertaken and no consent can be sought for a prohibited trade waste discharge.

### **3.2 Application for a trade waste discharge consent**

#### **3.2.1 Formal application**

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

- (a) Discharge or allow to be discharged into the wastewater system any controlled or conditional trade waste (either continuously, intermittently or temporarily); or
- (b) Vary the characteristics of a discharge for which a trade waste discharge consent has previously been granted; or
- (c) Want to vary the conditions of a trade waste discharge consent that has previously been granted; or
- (d) Change the method or means of pre-treatment for discharge under an existing trade waste discharge consent

shall, complete an application for consent to the discharge of that trade waste if that trade waste is a controlled or conditional trade waste, or to the proposed variations, in a form prescribed by the Council and accompanied by all relevant information required by the Council to make its decision.

#### **3.2.3 Several trade waste discharges**

Where the trade premises produces trade waste from more than one area, a separate description of each area of trade waste shall be included in any application for a trade waste discharge consent. This applies whether or not the separate areas are part of a single or

separate trade process. Should the premises discharge trade wastes to the wastewater system at more than one point of discharge then a separate application is required for each point of discharge.

#### **3.2.4 Applicant to be intended consent holder**

The applicant must be the intended consent holder who is the person responsible for discharging the trade waste.

#### **3.2.5 Payment of trade waste discharge consent application fee**

Every application under 3.2.1 above shall be accompanied by the trade waste discharge consent application fee prescribed by the Council.

### **3.3 Consent if discharge alters from permitted trade waste discharge**

The Council may at any time require a person discharging trade waste as a permitted trade waste discharge to apply for a trade waste discharge consent in accordance with clause 3.2 if that discharge ceases to be a permitted trade waste discharge and is not a prohibited trade waste discharge.

### **3.4 Information and analysis**

#### **3.4.1 Power to require independent advice**

The 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 discharge management plan.



### 3.4.2 Requirement for further information

On the receipt of any application referred to in 3.2.1 (a)-(d) above, the Council may do any one or more of the following:

- (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 discharge management plan to the satisfaction of the Council;
- (c) Have the trade waste discharge investigated and analysed as provided for in this Bylaw (at the consent holder's expense).

### 3.5 Consideration of an application

Within 20 working days of receipt of an application complying with this Bylaw and/or all requirements under clauses 3.2 and 3.4, whichever is the later, the Council shall, after considering the matters in clause 3.6, do any one or more of the following:

- (a) Advise the applicant that the proposed discharge is a permitted trade waste discharge and therefore a trade waste discharge consent is not required; or
- (b) Grant the application as a controlled or conditional trade waste discharge consent and inform the applicant of the decision and the conditions imposed on the discharge; or
- (c) Decline the application and notify the applicant of the decision giving a statement of the reasons for refusal,
- (d) Reject the application on the basis that the discharge is a prohibited trade waste discharge, or
- (e) Reject the application on the basis that the discharge is a prohibited trade waste discharge.

### 3.6 Consideration criteria

In considering any application under 3.2.1(a)-(d) above and in imposing any conditions on such a consent, the Council shall take into consideration the quality,

volume, and rate of discharge of the trade waste from the trade premises or tanker and may take into consideration:

- (a) The health and safety of Council's staff, agents and the public;
- (b) The limits and/or maximum values for characteristics of trade waste as specified in Schedules 1 and 2 of this Bylaw;
- (c) The extent to which the trade waste may react with other trade waste or domestic wastewater discharges to produce an undesirable effect, e.g. settlement of solids, production of odours, accelerated corrosion and deterioration of the wastewater system etc.;
- (d) The flows and velocities in the sewer, or sewers and the material or construction of the sewer or sewers;
- (e) The capacity of the wastewater system
- (f) The nature of any sewage treatment process, the degree to which the trade waste is capable of being treated in the relevant wastewater system and any impacts on the relevant wastewater system;
- (g) The timing and balancing of flows into the wastewater system;
- (h) Any statutory requirements relating to the discharge of raw or treated wastewater to receiving waters, the disposal of sewage sludges, beneficial use of biosolids, and any discharge to air (including the necessity for compliance with any resource consent, discharge permit or water classification);
- (i) The effect of the trade waste discharge on the ultimate receiving environment;
- (j) The conditions on resource consents for the wastewater system and the residuals from it;
- (k) The possibility of unscheduled, unexpected or accidental events and the degree of risk these could cause to humans, the wastewater system and the environment;
- (l) Consideration for other existing or future discharges;

- (m) Amenability of the trade waste to pre-treatment;
- (n) The provision of suitable pre-treatment facilities on the premises and the potential for its future use;
- (o) Cleaner production techniques and waste minimisation practices;
- (p) Requirements and limitations related to sewage sludge disposal and reuse;
- (q) Control of Stormwater;
- (r) The applicant's discharge management plan; and
- (s) Tankered waste being discharged at an approved location.

### 3.7 Compliance waiver

#### 3.7.1 Application to waive need for trade waste discharge consent

An application to the Council can be made to waive compliance with the requirement to obtain a trade waste discharge consent under this Bylaw on the basis that due to the nature, volume or other circumstance/characteristic, it would needlessly affect the operation of any business or cause inconvenience to any person, without any corresponding reduction of impact on the operation of the wastewater system.

#### 3.7.2 Decision of Council

On receipt of an application under clause 3.7.1, the Council may:

- (a) Waive the need to observe requirement for a trade waste discharge consent under this Bylaw, and
- (b) Impose such other terms or conditions consistent with the intention and purpose of the Bylaw as the Council may think fit.

### 3.8 Conditions of trade waste consent

Any trade waste discharge consent may be granted subject to any conditions the Council considers appropriate. Conditions that the Council may impose include, but are not limited to:

- (a) The particular public sewer or sewers to which the discharge will 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 concentrations and/or mass limits determined in accordance with clause 4.3;
- (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 degree of acidity, or alkalinity of the discharge at the time of discharge;
- (f) The temperature of the trade waste at the time of discharge;
- (g) The provision and maintenance by, or for the consent holder (at the consent holder's expense) of screens, grease traps, silt traps or other pre-treatment works to control trade waste discharge characteristics to the consented levels;
- (h) The provision and maintenance (at the consent holder's expense) of inspection chambers, manholes or other apparatus or devices to provide reasonable access to drains for sampling and inspection;
- (i) The provision and maintenance of a sampling, analysis and testing programme and flow measurement requirements (at the consent holder's expense);
- (j) The method or methods to be used for the measuring of 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;
- (k) The provision and maintenance (at the consent holder's expense) of such meters or devices as may be required to measure the volume or flow rate of any trade waste being discharged from the premises, and for the testing and certification of such meters;

- (l) The provision and maintenance (at the consent holder's expense) of such services, (whether electricity, water or compressed air or otherwise), which may be required, in order to operate meters and similar devices;
- (m) The provision by the consent holder to the Council of all flow and/or volume records and results of analyses (including pre-treatment by-products e.g. sewage sludge disposal) at the times and in a manner and format approved by the Council;
- (n) The provision and implementation of a discharge management plan;
- (o) Risk assessment of damage to the environment due to an accidental discharge of a chemical or other contaminant;
- (p) Appropriate systems for waste minimisation and management;
- (q) Provision for cleaner production techniques;
- (r) Provision for third party treatment, carriage, discharge or disposal of by-products of pre-treatment of trade waste (including sewage sludge disposal);
- (s) Requirement to provide a bond or insurance in favour of the Council where failure to comply with the trade waste discharge consent could result in damage to the wastewater system, its treatment plants, or could result in the Council being in breach of any statutory obligation;
- (t) Provision for remote monitoring of discharges; and
- (u) Provision for Council's monitoring costs to be recovered.

### 3.9 Duration of trade waste discharge consents

Subject to clauses 2.1.2, 3.9, 3.10 and 6.1, controlled and conditional trade waste discharge consents shall remain in force until they expire at the end of the term prescribed in the trade waste discharge consent, being a term of no more than two years. However, the trade waste discharge consent may be granted for a term

not exceeding five years where a consent holder, at the time of the application, satisfies the Council that:

- (a) The nature of the trade activity, or the process design and/or management of the premises are such that the consent holder has a demonstrated ability to meet the conditions of the trade waste discharge consent during its term; and/or
- (b) Cleaner production techniques are successfully being utilised, or that a responsible investment in cleaner production equipment or techniques is being made; and/or
- (c) Significant investment in pre-treatment facilities has been made, such that a longer period of certainty for the amortization of this investment is considered reasonable.

## 3.10 Technical review and variation

### 3.10.1 Reclassification or variation

The Council may at any time during the term of a trade waste discharge consent, after consulting with the consent holder and by written notice to the consent holder, reclassify the discharge and/or vary any condition of the trade waste discharge consent having regard to issues such as:

- (a) Changes in the quantity, nature and characteristics of the discharge
- (b) Changes in the wastewater system
- (c) Changes in circumstances that result in condition(s) becoming inappropriate or unnecessary
- (d) Any apparent or actual breach of trade waste discharge consent conditions or any breach of this Bylaw
- (e) Changes in the Council's environmental policies or outcomes
- (f) Changes in resource consents for the wastewater system
- (g) Changes in the legal requirements imposed on the Council under any contract, statute or otherwise.
- (h) New information becomes available

### 3.10.2 Variation of conditions

The consent holder may seek to vary any condition of a trade waste discharge consent at any time during the term of a consent by written application to the Council, as provided for in 3.2.1 (c) of this Bylaw.

## 3.11 Suspension or cancellation of a trade waste discharge consent or right to discharge

### 3.11.1 Suspension or cancellation on notice

The Council may suspend or cancel any trade waste discharge consent or right to discharge at any time following 20 working days' notice to the consent holder:

- (a) For the failure to comply with any condition of the trade waste discharge consent or trade waste agreement or with any provision of this Bylaw;
- (b) For the failure to maintain effective control over the discharge;
- (c) For the failure to limit the volume, nature, or composition of trade waste being discharged in accordance with the conditions of the trade waste discharge consent or this Bylaw;
- (d) For any acts or omissions which, in the opinion of the Council, threaten the safety of, or threaten to cause damage to any part of the wastewater system or threaten the health or safety of any person, or are likely to cause, or have caused, adverse effects on the environment;
- (e) For any acts or omissions which, in the opinion of the Council, may result, or have resulted, in the Council being in breach of a resource consent in relation to the wastewater system ;
- (f) For any failure to pay any charges under this Bylaw; or
- (g) If any other circumstances arise which, in the opinion of the Council, render it necessary to cancel or suspend the right to discharge, and such suspension or cancellation shall take effect on the expiry of such period as the Council thinks

fit (being not earlier than 20 working days' after service of the notice on the consent holder or person discharging the trade waste).

### 3.11.2 Summary cancellation

Notwithstanding the provisions of clause 3.10.1, the Council may cancel any trade waste discharge consent or right to discharge (either as a permitted trade waste discharge or in terms of a trade waste agreement) with immediate effect by giving written notice to the consent holder or person discharging if any of the following occur:

- (a) That person discharges or permits to be discharged any prohibited trade waste; or
- (b) The Council is lawfully directed to withdraw or otherwise to terminate the trade waste discharge consent; or
- (c) That person discharges any trade waste unlawfully; or
- (d) In the opinion of the Council, the continuance of discharge endangers, or is likely to endanger, the health or safety of any person, damages or is likely to cause damage to the wastewater system, causes, or is likely to cause, adverse effects on the environment; or
- (e) The continuance of discharge may, in the opinion of the Council, result in a breach of a resource consent held by the Council for the wastewater system; or
- (f) In the opinion of the Council, the continuance of the discharge puts at risk the ability of the Council to comply with conditions of a resource consent for the wastewater system and/or requires identified additional treatment measures or costs to seek to avoid a breach of any such resource consent.

### 3.11.3 Physical prevention of discharge

In the event of failure to comply with clause 3.11.2 the Council may physically prevent discharge to the wastewater system, by whatever means it deems appropriate in the circumstances.

## 3.12 Trade waste agreements

### 3.12.1 Written agreement

The Council may, at any time and at its discretion, enter into a written agreement with any trade waste discharger for the discharge and reception of trade wastes into the wastewater system. Any such agreement will be in place of a trade waste discharge consent.

### 3.12.2 Agreement in force

Any agreement with the Council to discharge trade waste into the wastewater system which was in force immediately prior to the commencement of this Bylaw, is, for the purpose of this Bylaw, treated as if it were a trade waste agreement referred to in sub clause (1).

## Part 4 Wastewater quality measurement

### 4.1 Pre-treatment

#### 4.1.1 Appropriate pre-treatment

The Council may approve a trade waste discharge consent subject to the provision of appropriate pre-treatment systems to enable the discharger to comply with the Bylaw. Such pre-treatment systems shall be provided, operated and maintained by the discharger at their expense.

#### 4.1.2 Refuse or garbage grinders and macerators

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

#### 4.1.3 Additions to trade waste stream

The consent holder shall not, unless approved by the 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 characteristic of the waste.

## 4.2 Measurement of waste quality

Wastewater quality shall be determined by either:

- (a) Measuring the concentration of its characteristics alone, refer to Schedules 1 and 2; or
- (b) Measuring both mass and concentration of its characteristics.

## 4.3 Mass limits

### 4.3.1 Consents may specify Mass Limits

A controlled or conditional trade wastes discharge consent may specify a mass limit for any characteristic.

### 4.3.2 Criteria

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

- (a) The operational requirements of and risk to the wastewater system,
- (b) Potential risks to occupational health and safety, public health, and the ultimate receiving environment;
- (c) Whether or not the levels proposed pose a threat to the planned or actual beneficial reuse of biosolids or sewage sludge;
- (d) Conditions in the wastewater system near the trade waste point of discharge and elsewhere in the wastewater system;
- (e) Whether or not the applicant uses or proposes to use cleaner production techniques within a period satisfactory to the 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 the Council's resource consents to reduce any contaminant discharge of the wastewater system;
- (h) How great a proportion the mass flow of a characteristic of the discharge will be of the total mass flow of that characteristic in the wastewater system;

- (i) The total mass of the characteristic allowable in the wastewater 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.

## **Part 5 Sampling, testing and monitoring**

### **5.1 Flow metering**

#### **5.1.1 Requirement for flow metering**

Flow metering may be required by the Council in the following circumstances:

- (a) Where the Council determines that there is not a reasonable relationship between a metered water supply to the premises, and the discharge of trade waste; and/or
- (b) Where the Council does not approve a method of flow estimation provided by an applicant or the consent holder; and/or
- (c) When the discharge from particular premises represents a significant proportion of the total flow/load received by the wastewater system.

#### **5.1.2 Consent holder is responsible for meters**

The consent holder or permitted trade waste discharger shall be responsible for the supply, installation, reading and maintenance of any meter required by the Council for the measurement of the rate or quantity of discharge of trade waste from its premises. These devices shall be as approved by the Council, but shall remain the property of the consent holder or discharger.

#### **5.1.3 Flow metering records**

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

#### **5.1.4 Location of flow meters**

Meters shall be located in a position approved by the Council to be readily accessible for reading and maintenance. The meters shall be installed according to the manufacturer's installation instructions to the satisfaction of an authorized officer.

#### **5.1.5 Calibration of flow meters**

The consent holder or permitted trade waste discharger must arrange for in situ calibration of the flow metering equipment in accordance with best practice upon installation and at least once a year thereafter to ensure its performance. The meter accuracy must 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 must be submitted to the Council following installation of the flow metering equipment and then within one month of each annual inspection or otherwise in accordance with any trade waste discharge consent conditions.

#### **5.1.6 Adjustments**

Should any meter installed for the specific purpose of measuring a trade waste discharge, be found, after being calibrated, to have an error greater than that specified in clause 5.1.5 as a repeatable measurement, the Council may:

- (a) Make an adjustment to the fee calculation in accordance with previous readings and the consent holder must pay or be credited according to such adjustment; or
- (b) Where the consent holder can explain the reason for the error and establish a reasonable basis for an adjustment, make a reasonable adjustment to the fee calculation.



## 5.2 Estimating discharge

### 5.2.1 No meter warranted

Where no meter or similar apparatus is warranted, the 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.

### 5.2.2 Meter out of repair

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

- (a) The average of the previous four measurement periods, or
- (b) Any other factors for the purpose of arriving at a reasonable estimate when there is reasonable evidence that the average of the previous four measurement periods would be an unreasonable estimate of the discharge.

### 5.2.3 Tampering with meter

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

## 5.3 Sampling and analysis

### 5.3.1 Sampling, testing and monitoring

The Council may sample, test and monitor trade waste discharges, and/or may require that the discharge be sampled, tested and monitored by the trade waste discharge consent holder to determine:

- (a) If a discharge complies with the provisions of this Bylaw; or any conditions of a trade waste discharge consent;
- (b) If a discharge should be classified as permitted, controlled, conditional, or prohibited (refer to clause 3.1);

- (c) If a trade waste discharge complies with the provisions of Schedule 1 for a permitted discharge or any trade waste discharge consent; and/or
- (d) What trade waste charges are applicable to that trade waste discharge.

### 5.3.2 Best Industry Standards

The sampling, taking, preservation, transportation and analysis of the sample shall be undertaken in accordance with best industry standards and methods, and otherwise as approved by the Council. The consent holder shall be responsible for all reasonable costs.

### 5.3.3 Provision of certificate by analyst

Every independent analyst shall provide the Council with a certificate signed by the analyst at the time any sample or finding is provided to the Council, and that certificate shall:

- (a) Describe the source of any sample, the time and date it was taken, and the method used to take it;
- (b) Certify that the sample has been taken in accordance with the provisions of this Bylaw or the relevant trade waste discharge consent;
- (c) Describe the findings of any analysis, their source and methods used to determine them; and
- (d) Certify that the analysis has been made in accordance with the provisions of this Bylaw or the relevant trade waste discharge consent.

### 5.3.4 Right of Council to appoint analyst

When an independent analyst appointed by the consent holder or person with a right to discharge trade waste fails for whatever reason, to carry out their functions, then the Council may appoint an independent analyst to carry out those functions.

### 5.3.5 Dispute Resolution

Where any dispute arises as to the validity of the methods or procedures used for sampling or analysis, with the approval of the Council, the dispute may be submitted to a mutually agreed independent arbitrator for resolution.



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### 5.3.6 Entry into premises

All authorised officers of the Council, or any analyst (accompanied by an authorised officer) 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 samples, readings and measurements; and/or
- (b) Carrying out an inspection; and/or
- (c) Taking samples for testing, of any solid, liquid, or gaseous material or any combination or mixture of such materials being discharged.

## 5.4 Monitoring

### 5.4.1 Monitoring for compliance

The Council may require the holder of a trade waste discharge consent or anyone who has a right to discharge a trade waste (including under a trade waste agreement) to monitor the discharge of trade wastes under the terms of its trade waste discharge consent, this Bylaw or trade waste agreement. The details of the monitoring required to be undertaken shall be determined by the Council, and may include, without limitation, all or any of the following:

- (a) Samples will be taken by the Council or by an independent analyst approved by the Council (whether or not appointed by the Council or the consent holder), and will be analysed in a laboratory approved by the Council;
- (b) The independent analyst will take samples and make measurements at times and in a manner determined by the Council;
- (c) Where a trade waste discharge is monitored by the consent holder, the Council may audit the samples and review the analysis carried out for that consent holder, and such analysis must be performed by a laboratory approved by the Council, and inter-laboratory checks may also apply.

### 5.4.2 Costs of Monitoring

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

### 5.4.3 Splitting of samples

Where required, a grab or composite sample can be split equally into three as follows:

- (a) One portion of the sample goes to the trade waste occupier for appropriate analysis and/or storage;
- (b) A second portion of the sample will be analysed at a laboratory approved by the Council;
- (c) A third portion of the sample is retained by the Council for 20 working days, for additional analysis if required.

### 5.4.4 Mitigation against changes

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

### 5.4.5 Handling of samples

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

### 5.4.6 Delivery to approved laboratory

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

### 5.4.7 Monitoring not specified

In situations where monitoring is not specifically required, it is the responsibility of the consent holder to ensure that any discharge from the trade waste premises complies with this Bylaw, and any other related Bylaw.

#### **5.4.8 Right of Council to monitor**

The Council may independently monitor any person with a right to discharge trade waste or consent holder's compliance with this Bylaw, a trade waste agreement or trade waste discharge consent.

## **Part 6 bylaw administration**

### **6.1 Review of decisions**

If any person is dissatisfied with any decision by an authorised officer made under this Bylaw, that person may, by notice delivered to the Chief Executive of the Council not later than 20 working days after the decision by the authorised officer is served upon that person, request the Council to review any such decision and provide its determination as soon as reasonably practicable. The determination must set out the reasons why the review should be undertaken.

### **6.2 Accidents and non-compliance**

#### **6.2.1 Notice to Council**

The consent holder shall inform the Council immediately on discovery of any accident including spills or process mishaps which may cause a breach of this Bylaw or trade waste discharge consent under it.

#### **6.2.2 Trade Waste Discharge Consents**

In the event of any accident occurring when the person holds a trade waste discharge consent, then the Council may review the consent 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 discharge management plan with the Council.

#### **6.2.3 Permitted Trade Waste Discharges**

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

## **6.3 Charges and payments**

### **6.3.1 Setting of fees and charges**

The Council may, by resolution, prescribe or vary fees and charges in respect of any matter provided for in this Bylaw. This includes, but is not limited to fees and charges for the application process, administration and monitoring of trade waste discharge consents and for the conveyance, treatment and disposal of trade waste.

### **6.3.2 Payment of fees and Charges**

The trade waste discharge consent holder and any permitted trade waste discharger shall pay all fees and charges prescribed by the Council by the 30th of the month following receipt of an invoice issued under 6.3.3.

### **6.3.3 Invoicing**

All charges referred to in clause 6.3.2 or otherwise recoverable under this Bylaw shall be invoiced in accordance with the Council's standard commercial practice. The invoice shall provide each consent holder with a copy of the information and calculations used to determine the extent of any charges and fees due, in regard to a discharge.

### **6.3.4 Cease to discharge**

The trade waste discharge consent holder or permitted trade waste discharger shall be deemed to be continuing the discharge of trade waste and shall be liable for all charges relating to the discharge, until written notice of disconnection is given to the Council in accordance with clause 6.5.2.

### **6.3.5 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 the Council may suspend or cancel the right to discharge in accordance with clause 3.11.

## 6.4 Authorised officers

All authorised officers shall possess and produce on request warrants of authority and evidence of identity.

## 6.5 Transfer or termination of rights and responsibilities

### 6.5.1 Restrictions

The consent holder shall not, unless written approval is obtained from the Council:

- (a) Transfer to any other person the rights and responsibilities provided for under the trade waste discharge consent;
- (b) Allow a point of discharge to serve any other premises, whether directly or indirectly; or
- (c) Allow trade waste from any other person who is not the consent holder entitled to discharge under any trade waste discharge consent from the premises to be conveyed or discharged to the wastewater system at the point of discharge specified in the consent.

### 6.5.2 Disconnection

- (a) The consent holder shall give 48 hours prior notice in writing to the Council of their requirement for disconnection of the discharge connection and/or termination of the trade waste discharge consent, except where demolition or relaying of the discharge drain is required, in which case the notice shall be seven working days prior notice. The person discharging shall notify the Council of the new address details for final invoicing.
- (b) On permanent disconnection and/or termination the consent holder may at the Council's discretion be liable for trade waste charges to the end of the current charging period.

### 6.5.3 Cessation of occupation

When a consent holder ceases to occupy premises from which trade wastes are discharged into the

wastewater system any trade waste discharge consent granted shall terminate on the date occupation ceases, unless the consent holder has transferred the trade waste discharge consent in accordance with clause 6.5.1(a) of this Bylaw to any new occupier. Any obligations existing at the date of termination of the trade waste discharge consent shall remain in place.

## 6.6 Service of documents

### 6.6.1 Method of service

Any notice or other document required to be given, served or delivered under this Bylaw 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 holder to their last known place of residence or business;
- (b) Sent by pre-paid ordinary mail, courier, or facsimile, or email to the consent holder at any address for service specified in a trade waste discharge consent;
- (c) Where the consent holder 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 consent holder.

### 6.6.2 Deemed receipt

If any notice or other document is:

- (a) Sent by post it will be deemed received on the third 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 will 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; or

- (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 will 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 will be deemed to be service on, or delivery to the consent holder at that time.

### 6.6.3 Authorised Officer Signature

Any notice or document to be given, served or delivered will be signed by an authorised officer if or by the consent holder (depending on who is providing the notice or document).

## 6.7 Offences

### 6.7.1 Prosecution under the LGA

Every **person** who:

- (a) Fails to comply with or acts in contravention of any provision of this Bylaw; or
- (b) Breaches a condition of any trade waste discharge consent; or
- (c) Fails to comply with a notice served under this Bylaw, or
- (d) **Fails to comply with any provision of a trade waste agreement entered into under clause 3.12 of the Bylaw.**

commits an offence against this Bylaw and under section 239 of the Local Government Act 2002..

### 6.7.2 Recovery of costs

Nothing in this Bylaw affects the rights and remedies of the Council to recover costs associated with damage to the Council's wastewater system and/or breach of this Bylaw under other legislative provisions or otherwise.

## 6.8 Transitional provisions

### 6.8.1 Application made before Bylaw

Any application for a trade waste discharge consent made under the Wellington City Council Trade Waste Bylaw 2004, before this Bylaw commences, but which Council has made no decision on by that date, shall be deemed to be an application made under 3.2 of this Bylaw and will be processed in accordance with this Bylaw.

### 6.8.2 Existing consents

Every existing trade waste discharge consent shall continue in force as if it were a consent under this Bylaw until it reaches its expiry date.

# Schedule 1 - trade waste discharge characteristics

## S1.1 Introduction

**S1.1.3** The nature and levels of the characteristics of any trade waste discharged to the wastewater system shall comply at all times with the following requirements, except where the nature and levels of such characteristics are varied by the Council as part of an approval to discharge a trade waste.

**S1.1.4** The 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 the Council believes are appropriate.

**S1.1.5** Mass limits for characteristics in tables 1, 2 and 3 may be applied by the Council as required, refer clause 4.3 of the Bylaw.

**S1.1.6** The nature and levels of any characteristic may be varied to meet any new resource consents or other legal requirements imposed on the Council, refer to clause 3.9 of this Bylaw.

## S1.2 Physical characteristics

### S1.2.1 Flow

- (a) The 24 hour flow volume shall be less than 5 m<sup>3</sup>.
- (b) The maximum instantaneous flow rate shall be less than 2.0 L/s.

### S1.2.2 Temperature

The temperature shall not exceed 40 °C.

### S1.2.3 Solids

- (a) Non-faecal gross solids shall have a maximum dimension which shall not exceed 15 mm.
- (b) The suspended solids content of any trade waste shall have a maximum concentration which shall not exceed 1000 g/m<sup>3</sup>. For significant industry this may be reduced and if so the permitted concentration or mass limit will be specified in the conditional trade waste discharge consent.
- (c) The settleable solids content of any trade waste shall not exceed 50 mL/L.

- (d) The total dissolved solids concentration in any trade waste shall be subject to the approval of the Council having regard to the volume of the 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 sewage in the drainage system or treatment plant shall not be present.

### S1.2.4 Fats, oil and grease

- (a) There must be no free or floating layer.
- (b) There must be no discharge of fats, oils or greases containing substances that will become viscous between 0°C and 65°C.
- (c) A trade waste containing fats, oils or greases must not exceed 200g/m<sup>3</sup>.

### S1.2.5 Solvents and other organic liquids

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

### S1.2.6 Emulsions of paint, latex, adhesive, rubber, plastic

- (a) Such emulsions whether treatable or not may be discharged into the sewer subject to:
  - (i) The total suspended solids not exceeding 1000 g/m<sup>3</sup> or the concentration agreed with the Council and
  - (ii) The organic strength of the wastewater must comply with the provisions of S1.3.2.
- (b) The Council may determine that the need exists for pre-treatment of such emulsions if they consider that trade waste containing emulsions unreasonably interferes with the operation of the Council treatment plant e.g. reduces % UVT (ultra violet transmission).
- (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 public sewer.

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### S1.2.7 Radioactivity

Radioactivity levels shall not exceed the Office of Radiation Safety Guidelines.

### S1.2.8 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 sewage discharge consent.

### S1.2.9 Inhibitory Substances

Should any characteristic of a discharge be found to inhibit the performance of the wastewater treatment process, such that the Council is significantly at risk or prevented from achieving its environmental statutory requirements, then the Council reserves the right to amend the corresponding trade waste discharge consent summarily.

Significant Industry dischargers may require additional limitations to the total daily mass of COD or BOD discharged and also to the timings of discharges in order to reduce the risk of adverse effects upon the Council's sewerage system. Where this is necessary, appropriate limits will be specified in the conditional trade waste discharge consent. In no case under a mass limit conditional trade waste discharge consent shall any discharge have a maximum COD concentration of greater than 30,000 g/m<sup>3</sup> or BOD of greater than 12,000 g/m<sup>3</sup>.

NOTE – For biological process inhibiting compounds refer to the Guidelines for Sewerage Systems: Acceptance of trade wastes (industrial waste) 12.

## S1.3 Chemical characteristics

### S1.3.1 pH value

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

### S1.3.2 Organic strength

The organic strength (measured as either Chemical Oxygen Demand (COD) or as Biochemical Oxygen Demand (BOD5)) of any waste may require to be restricted where the capacity for receiving and treating the organic strength is limited. A COD or BOD5 restriction may be related to mass loading and the lesser of the following mass limits shall apply:

#### Organic Strength - COD and BOD

COD	Mass limit	5000 mg/sec
BOD	Mass limit	2000 mg/sec

Where no means for the measurement of organic loading exists (e.g. presence of continuous flow metering with data logging) then the lesser of the following maximum concentrations shall be applied:

COD	2500 g/m <sup>3</sup>
BOD	1000 g/m <sup>3</sup>

**Table 1 general chemical characteristics (Mass Limits may be imposed, refer to clause 4.3)**

Characteristic	Measured as	Maximum concentration (g/m <sup>3</sup> )
Anionic detergent	Methylene blue active substances	500
Ammonia <ul style="list-style-type: none"> <li>• free ammonia</li> <li>• ammonium salts</li> </ul>	N	50 200
Kjeldahl nitrogen	N	150
Total phosphorus	P	50
Sulphate	SO <sub>4</sub> With good mixing	500 1500 (with good mixing)
Sulphite	SO <sub>2</sub>	15
Sulphide	H <sub>2</sub> S on acidification	5
Chlorine <ul style="list-style-type: none"> <li>• Free chlorine</li> <li>• hypochlorite</li> </ul>	Cl <sub>2</sub>	3 30
Dissolved aluminium	Al	100
Dissolved iron	Fe	100
Boron	B	25
Bromine	Br <sub>2</sub>	5
Fluoride	F	30
Cyanide	CN weak acid dissociable	5

<b>Table 2 heavy metals (mass limits may be imposed, refer to clause 4.3)</b>	
<b>Inorganic compound of</b>	<b>Maximum total concentration* (g/m3)</b>
Antimony	10
Arsenic	5
Barium	10
Beryllium	0.005
Cadmium	0.5
Chromium – Total ie includes all valent forms	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 3 organic compounds and pesticides**

Compound	Maximum concentration (g/m <sup>3</sup> )
Formaldehyde • measured as HCHO	50
Phenolic compounds • measured 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
Polybrominated biphenyls (PBBs)	0.002
Pesticides (general)* † • includes insecticides, herbicides, fungicides but excludes organophosphate, see below, and organochlorine, refer S3.3.1(e) of this Schedule	0.2 in total
Organophosphate pesticides	0.1

## Schedule 2 - Prohibited characteristics

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### S2.1 Introduction

This schedule defines prohibited trade waste discharges.

### S2.2 Prohibited Characteristics

A 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 any other matters will immediately or in the course of time:

- (a) Interfere with the free flow of wastewater in the wastewater system
- (b) Damage any part of the wastewater system
- (c) In any way, directly or indirectly, cause the quality of the treated sewage or residual biosolids and other solids from any sewage treatment plant in the catchment to which the waste was discharged to breach the conditions of a consent issued under the Resource Management Act 1991, or water right, permit or other governing legislation
- (d) Prejudice the occupational health and safety risks faced by workers in the wastewater system
- (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 of any wastewater treatment plant to receiving waters to be coloured.

### S2.2 Further prohibited characteristics

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

### S2.3 Specific Prohibitions

A discharge has a prohibited characteristic if it has any amount of:

- (a) Harmful solids, including dry solid wastes and materials that combine with water to form a cemented mass
- (b) Liquid, solid or gas which could be flammable or explosive in the wastes, for example including oil, fuel, solvents (except as allowed for in Schedule 1), fuels, calcium carbide and any other material which is capable of giving rise to fire or explosion hazards either spontaneously or in combination with wastewater
- (c) Asbestos
- (d) Organo-metal compounds:
  - (i) tin (as tributyl and other organotin compounds)
  - (ii) chromium (as organic compounds)
- (e) Organochlorine pesticides
- (f) Genetic wastes being 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 the wastewater system or any pathological or histological wastes.
- (i) Radioactivity levels in excess of the Office of Radiation Safety Guidelines.

