



THE OPOTIKI DISTRICT COUNCIL TRADE WASTE BYLAW 2008

CONTENTS	PAGE
Committee representation	IFC
Acknowledgement	IFC
Copyright	IFC
Foreword	5
Latest revisions	8
Review of Standards	8
 Section	
1 INTRODUCTION	9
1.1 Commencement and application	9
1.2 Revocation	9
1.3 Scope of the bylaw	9
1.4 Referenced documents	10
1.5 Definitions	11
1.6 Abbreviations	15
1.7 General	16
2 COMPLIANCE WITH THE BYLAW	18
2.1 Control of discharges	18
2.2 Storage, transport, handling and use of hazardous or harmful materials	18
3 TRADE WASTE DISCHARGES AND CONSENTS	19
3.1 Classification of trade waste discharges	19
3.2 Application for a trade waste consent	19
3.3 Processing of an application	20
3.4 Information and analysis	20
3.5 Consideration of an application	20
3.6 Consideration criteria	21
3.7 Conditions of trade waste consent	22
3.8 Duration	23
3.9 Technical review and variation	24
3.10 Cancellation of the right to discharge	24
4 TRADE WASTE APPROVAL CRITERIA	26
4.1 Pre-treatment	26
4.2 Mass limits	26
5 SAMPLING, TESTING AND MONITORING	27
5.1 Flow metering	27
5.2 Estimating discharge	27
5.3 Sampling and analysis	28
5.4 Monitoring	29
6 BYLAW ADMINISTRATION	31
6.1 Review of decisions	31
6.2 Accidents and non-compliance	31
6.3 Charges and payments	31
6.4 Authorized officers	32
6.5 Transfer or termination of rights and responsibilities ..	32
6.6 Service of documents	33
6.7 Offences	34
6.8 Transitional provisions	34

NZS 9201:Part 23:2004

Appendix

A	Application for trade waste discharge (Normative)	35
B	Description of trade waste and premises (Normative)	37
C	Application for temporary discharge (Normative)	39
D	Model trade waste consent form (Normative)	41

Schedule

1A	Permitted discharge characteristics	42
1B	Prohibited characteristics	46
1C	Trade waste charges	48

GUIDELINE TO THE MODEL TRADE WASTE BYLAW

	What is the purpose of this Guideline?	50
	The objectives of a trade waste bylaw	51
	What is trade waste?	51
	Implementation of a trade waste bylaw	52
	Who should apply for a trade waste consent	54
	Specific Guidelines to the model general bylaw	56
G1	Review of the bylaw	56
G1.5	Definitions	56
G3.1	Classification of trade waste discharges	57
G3.2	Application for a trade waste consent	57
G3.4	Information and analysis	61
G3.9	Technical review and variation	61
G4.1	Pre-treatment	61
G4.2	Flow balancing/mass limits	65
G5.1	Flow metering	65
G5.3	Sampling and analysis	66
G5.4	Monitoring	66
G6.3	Charges and payments	71
G6.4	Authorized officers	72
G6.5	Transfer or termination of rights and responsibilities	73
G6.7	Offences	74
G	Schedule 1A Permitted discharge characteristics	75
G	Schedule 1B Prohibited characteristics	84

Table

1A.1	General chemical characteristics	44
1A.2	Heavy metals	45
1A.3	Organic compounds and pesticides	45
G1	Summary of a simultaneous implementation process	54
G2	Examples of dischargers/processes producing trade waste	55
G3	Rates charges	72
G4	General chemical characteristics	80
G5	Heavy metals	82
G6	Organic compounds and pesticides	83

Figure

G1	Flow chart for the application process	58
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FOREWORD

Purpose

This Model General Bylaw Part 23, *Trade Waste* has been prepared to provide a suitable model for all territorial authorities (TAs). It replaces NZS 9201:Part 23:1999 *Trade waste*. It is a complementary document to Part 22:1999 *Wastewater drainage* that covers the actual drainage of the wastewater from Trade Premises.

TAs are empowered under Part 8 of the Local Government Act (LGA) 2002 to make bylaws. This new Act requires that all existing local authority bylaws be reviewed by 30 June 2008. There are new policy analysis, decision-making and consultation requirements around the development of new bylaws (and the review of existing ones) and there are some specific new provisions relating to Trade Waste bylaws. This new Part 23 and Part 22 are part of the NZS 9201 series of model bylaws that cover various matters under the jurisdiction of TAs.

This model bylaw covers the use of existing practices from throughout New Zealand. It has been drafted to provide a general model so that by means of specific modifications each TA may meet its individual requirements. Small TAs should be able to use the document with minimal modification without undertaking substantial investigations.

The purpose of this document can be briefly described as follows:

- (a) To provide a suitable model Trade Waste bylaw for all TAs.
- (b) To provide guidance for relatively small TAs with limited resources.
- (c) To ensure the protection of Wastewater Authority personnel and the general public.
- (d) To protect the ability of the Wastewater Authority to meet the requirements of the Resource Management Act and in particular their resource consents for the discharge of treated Sewage and also the placement of sludge and Biosolids on land.
- (e) To provide for an equitable spread of costs between domestic and Trade Waste discharges.
- (f) To protect the investment in the existing and any future infrastructure, treatment plant and disposal facilities.
- (g) To ensure compatibility between liquid, solid and gaseous phases of Trade Waste discharges. This compatibility can relate to such matters as meeting landfill acceptance criteria for solids and sludges and meeting resource consents for emissions to air as well as the Trade Waste discharge itself, into the TA Sewer.
- (h) To ensure Trade Waste dischargers consider, and where appropriate and practicable implement, waste minimization and Cleaner Production techniques to reducing the quantity and improve the quality of their Trade Waste discharges.
- (i) To foster consistency between TAs with respect to Trade Waste requirements.

NZS 9201:Part 23:2004

Tailoring this Model Bylaw

This document is a model. As such it has been standardized as much as possible given the range of practices within New Zealand. Each TA will need to tailor the text to suit its individual requirements. As a minimum, this will include:

- (a) Filling gaps provided in text with appropriate wording;
- (b) Deleting unwanted text in the either/or choices provided;
- (c) Inserting any figures, items, terms and other wording from the Schedules or elsewhere into the text in the places provided;
- (d) Altering clause numbering (and any cross references) to match the TA's own bylaw system.

General legal and technical advice has contributed to the development of this model bylaw. However, it is recommended that any TA proposing to introduce a Trade Waste Bylaw also:

- (a) Refers to the Building Act 2004;
- (b) Refers to the Health Act 1956;
- (c) Refers to the Local Government Act 2002 (particularly the bylaw provisions);
- (d) Refers to the Guidelines for the Safe Application of Biosolids to Land in New Zealand 2003;
- (e) Refers to the New Zealand Landfill Acceptance Criteria (2004);
- (f) Refers to the New Zealand Waste Strategy 2002;
- (g) Refers to the Resource Management Act (RMA) 1991; and
- (h) Obtain specific legal and technical advice appropriate to their own particular requirements.

Concepts

The concept of a "Wastewater Authority" is included in this bylaw as it was in Part 23:1999. It is intended that the model bylaw should apply to the various options for the delivery of a wastewater service including situations where the responsibility for the total Sewerage System may be shared or split between two or more organizations.

The document introduces categories of Trade Waste. These categories are:

- (a) Permitted;
- (b) Conditional;
- (c) Prohibited.

A permitted Trade Waste is an acceptable waste for which standard conditions can be applied, while Conditional Trade Waste is one where the risk of producing a waste which may be unacceptable is significant, and for which specific conditions may need to be applied. Prohibited waste is waste that is not acceptable for discharge.

The separation into particular categories is intended to provide advantages in administration, including renewals, control, policing and charging procedures.

Bylaw process

As noted above, the LGA has significantly altered the administrative process relating to the introduction and review of bylaws. For example, the need for a bylaw is to be substantiated by appropriate policy analysis, there are decision-making processes to be followed and a bylaw can only be introduced, amended (in any significant way) or revoked through the use of the 'special consultative procedure'. In addition to these general requirements there are specific provisions relating to consultation and process relating to Trade Waste bylaws that are to be strictly adhered to (refer to s. 148 of the LGA).

Before making changes to the model bylaw, consultation with interested parties is recommended. Consultation will assist in making appropriate modifications that will produce documents that are relevant and suitable for the specific circumstances of the individual authority. The regional council may require consultation in introducing these bylaws as they are responsible, under the RMA, for establishing a regional plan and for setting any conditions for discharges to the environment. The TA shall ensure consistency with regional plans and may need to impose certain conditions on the acceptance of wastewaters to meet requirements. The nature of the Wastewater Authority's infrastructure or treatment system, or discharge and disposal arrangements and associated resource consents, may also affect conditions of acceptance. In addition, consultation with prospective or existing dischargers may be necessary to set suitable conditions of acceptance on an individual discharger basis.

Bylaw fees and charges


Within the constraints of the LGA the individual TA shall, when setting fees and charges, set charging schedules and monitoring conditions that are appropriate for the circumstances of the TA and the specific dischargers, ensuring that the costs of treatment and disposal are shared fairly between industry and domestic dischargers, and that one is not subsidizing the other. Excessive and onerous monitoring requirements with no evident benefit shall be avoided so as not to impose large unnecessary costs on small Trade Waste dischargers in particular.

It should also be noted that fees and charges set under a bylaw must not provide for the TA to recover any more than the reasonable costs incurred by the TA for the matter for which the fee is charged. Also, fees and charges can only be amended by following the 'special consultative procedure'. This could be by way of the schedule of fees and charges being included in the Annual Plan or LTCCP process. ➤

NZS 9201:Part 23:2004

Guideline to this model trade waste bylaw

Standards New Zealand has also prepared a Guideline to the model bylaw. While not forming part of this model bylaw, it should be read in conjunction with, and is attached to, the document at the rear. The Guideline has been developed to assist in the management of trade discharges, to explain the responsibilities and requirements under Trade Waste bylaws and to assist in the understanding of them. The Guidelines also give both a business perspective and Wastewater Authority perspective.

The sign "  " appears in the margin of the bylaw alongside any clause that has a corresponding clause in the Guidelines.

Defined terms are shown throughout the text of this bylaw starting with capital letters.

LATEST REVISIONS

The users of this Standard should ensure that their copies of the New Zealand and overseas Standards referenced in this document are the latest revisions or include the latest amendments. Such amendments are listed in the annual New Zealand Standards *Catalogue* which is supplemented by lists contained in the monthly magazine *Standards Update* issued free of charge to committee and subscribing members of Standards New Zealand.

REVIEW OF STANDARDS

It is recommended that this Standard be reviewed within five years of publication. Suggestions for improvement of this Standard will be welcomed. They should be sent to the Chief Executive, Standards New Zealand, Private Bag 2439, Wellington 6020.

NEW ZEALAND STANDARD

MODEL GENERAL BYLAWS
Part 23
TRADE WASTE



1 INTRODUCTION

This bylaw regulates the discharge of Trade Waste to a Sewerage System operated by a Wastewater Authority.

Section (s.) 158 of the Local Government Act (LGA) requires regular review of all bylaws.

1.1 Commencement and application

This bylaw comes into force on *01 November 2005*

1.2 Revocation

The following bylaw is revoked on.....

1.3 Scope of the bylaw

1.3.1

The bylaw provides for the:

- (a) Acceptance of long-term, intermittent, or Temporary Discharge of Trade Waste to the Sewerage System;
- (b) Establishment of three grades of Trade Waste: Permitted, Conditional and Prohibited;
- (c) Evaluation of individual Trade Waste discharges to be against specified criteria;
- (d) Correct storage of materials in order to protect the Sewerage System from spillage;
- (e) Installation of flow meters, samplers or other devices to measure flow and quality of the Trade Waste discharge;
- (f) Pre-treatment of waste before it is accepted for discharge to the Sewerage System;
- (g) Sampling and monitoring of Trade Waste discharges to ensure compliance with the bylaw;
- (h) WWA 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; and
- (k) Establishment of waste minimization and management programmes (including sludges) for Trade Waste producers.

NZS 9201:Part 23:2004

1.3.2 Compliance with other Acts

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

1.3.3 Trade premises and other users to which the bylaw applies

This bylaw shall apply to all Trade Premises within the *Opotiki* District where Trade Wastes are discharged or sought or likely to be discharged to the Sewerage System operated by the WWA or its agents. The bylaw shall also apply to Tankered Wastes collected for the purpose of discharge to the Sewerage Systems operated by the WWA or its agents.

Pursuant to s. 196 of the Local Government Act the WWA may refuse to accept any type of Trade Waste which is not in accordance with this bylaw.

1.4 Referenced documents

New Zealand Standards

NZS 4304:2002	Management of healthcare waste
NZS 5465:2001	Self containment for motor caravans and caravans
NZS 9201:- - - -	Model general bylaws
Part 22:1999	Wastewater drainage

Joint Australian/New Zealand Standards

AS/NZS 5667:- - - -	Water quality – Sampling
Part 1:1998	Guidance on the design of sampling programs, sampling techniques and the preservation and handling of samples
Part 10:1998	Guidance on sampling of waste waters

British Standards

BS 3680:- - - -	Measurement of liquid flow in open channels
Part 11A:1992	Free surface flow in closed conduits – Methods of measurement
Part 11B:1992	Free surface flow in closed conduits – Specification for performance and installation of equipment for measurement of free surface flow in closed conduits
BS 5728:- - - -	Measurement of flow of cold potable water in closed conduits
Part 3:1997	Methods for determining principal characteristics of single mechanical water meters (including test equipment)
BS 6068:- - - -	Water quality
Part 6:- - - -	Sampling
Section 6.10:1993	Guidance on sampling of waste waters
BS EN 25667-1: 1994	Water quality. Sampling. Guidance on the design of sampling programmes
BS 6068-6.1:1981	
BS EN 25667-2: 1993	Water quality. Sampling. Guidance on sampling techniques
BS 6068-6.2:1991	
BS EN 5667-3: 2003	Water quality. Sampling. Guidance on the preservation and handling of water samples
BS 6068-6.3:2003	

New Zealand Legislation

Building Act 2004
Hazardous Substances and New Organisms Act (HSNO) 1996 and associated Regulations
Health Act 1956
Health and Safety in Employment Act 1992
Land Transport Rule Dangerous Goods 1999 Rule 45001
Local Government Act (LGA) 2002
Resource Management Act (RMA) 1991 and associated Regulations

Other Publications

Agricultural and Resource Management Council of Australia and New Zealand (ARMCANZ) and
Australia New Zealand Environment and Conservation Council (ANZECC)
Guidelines for Sewerage Systems: Acceptance of Trade Wastes (industrial waste) 12 (1994)
Document available from Australian Water Association (AWA) www.awa.asn.au

American Water Works Association

Standard methods for the examination of water and wastewater 20th Edition (1999)
Document available from American Water Works Association www.awwa.org

Building Industry Authority

New Zealand Building Code (NZBC) 1992 and Approved Documents
Document available from Building Industry Authority (BIA) www.bia.govt.nz

Ministry for the Environment (MfE)

Landfill Acceptance Criteria (2004)
The New Zealand Waste Strategy (2002)
Documents available from Ministry for the Environment New Zealand www.mfe.govt.nz

National Radiation Laboratory (NRL)

NRL C1 Code of safe practice for the use of unsealed radioactive materials (1996).
Document available from National Radiation Laboratory www.nrl.moh.govt.nz

New Zealand Water and Wastes Association (NZWWA)

Guidelines for the Safe Application of Biosolids to Land in New Zealand (2003)
Liquid and Hazardous Wastes Code of Practice (2003)
Documents available from New Zealand Water & Wastes Association (NZWWA) www.nzwwa.org.nz

New Zealand Water Environment Research Foundation (NZWERF)

New Zealand Municipal Wastewater Monitoring Guidelines (2002)
Document available from New Zealand Water Environment Research Foundation (NZWERF)
www.nzwerf.org

Sydney Water Corporation

Trade Waste Policy (2004)
Document available from Sydney Water Corporation www.sydneywater.com.au

United States Environment Protection Agency (US EPA)

Method 9095A Paint Filter Liquids Test (1996)
Document available from United States Environmental Protection Agency www.epa.gov

1.5 Definitions

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

ACCESS POINT is a place where access may be made to a Private Drain for inspection (including sampling or measurement), cleaning or maintenance. The location of the Access Point shall be in accordance with the New Zealand Building Code.

NZS 9201:Part 23:2004

ANALYST means a testing laboratory Approved in writing by an Authorized Officer on behalf of the WWA.

APPROVAL or **APPROVED** means Approval or Approved in writing by the Wastewater Authority (WWA), either by resolution of the Council or by an Authorized Officer.

AUTHORIZED OFFICER means any officer appointed by the Territorial Authority (TA) as an enforcement officer under s. 177 of the Local Government Act 2002 as an enforcement officer with powers of entry as prescribed by sections (s. s) 171-174.

BIOSOLIDS means Sewage Sludge derived from a Sewage treatment plant that has been treated and/or stabilized to the extent that it is able to be safely and beneficially applied to land and does not include products derived solely from industrial wastewater treatment plants. The term Biosolid/Biosolids is used generically throughout this document to include products containing Biosolids (e.g. composts).

CHARACTERISTIC means any of the physical or chemical Characteristics of a Trade Waste and may include the level of a characteristic.

CLEANER PRODUCTION means the implementation on Trade Premises, of effective operations, methods and processes appropriate to the goal of reducing or eliminating the quantity and toxicity of wastes. This is required to minimize and manage 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 Trade Waste which has conditions placed upon the Consent Holder by the WWA.

CONSENT means a Consent in writing given by the WWA and signed by an Authorized Officer authorizing a Person to discharge Trade Wastes to the Sewerage System.

CONSENT HOLDER means the Person occupying Trade Premises who has obtained a Consent to discharge or direct the manner of discharge of Trade Waste from any Premises to the WWA's Sewerage System, and includes any Person who does any act on behalf or with the express or implied Consent of the Consent Holder (whether for reward or not) and any licensee of the Consent Holder.

CONTAMINANT includes any substance (including gases, odorous compounds, liquids, solids and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy or heat –

- (a) When discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or
- (b) When discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged;

or as described or contained in the Resource Management Act.

CONTINGENCY MANAGEMENT PROCEDURES means those procedures developed and used to avoid, remedy, or mitigate the actual and/or potential adverse effects of these activities on the environment from an unexpected or unscheduled event resulting in discharge, or potential discharge of Contaminants of concern into the Sewerage System.

COUNCIL means the Council.

DISCONNECTION means the physical cutting and sealing of any of the Wastewater Authority's water services, utilities, drains or Sewer for use by any Person.

DISTRICT means the district of the Territorial Authority established under the LGA which has adopted this bylaw.

DOMESTIC SEWAGE means Foul Water (with or without matter in solution or suspension therein) discharged from Premises used solely for residential purposes, or wastes of the same character discharged from other Premises; but does not include any solids, liquids, or gases that may not lawfully be discharged into the Sewerage System and may include geothermal water.



FOUL WATER means the discharge from any sanitary fixtures (any fixture which is intended to be used for sanitation – the term used to describe activities of washing and/or excretion carried out in a manner or condition such that the effect on health is minimized, with regard to dirt and infection) or sanitary appliance (an appliance which is intended to be used for sanitation which is not a sanitary fixture – included are machines for washing dishes and clothes).

HAZARDOUS WASTES means hazardous substances as defined by the Hazardous Substances and New Organisms Act 1996.

INFRINGEMENT means an offence as specified by this bylaw under s. s 243 and 259 of the LGA.

LONG TERM COUNCIL COMMUNITY PLAN (LTCCP) means a long term council community plan adopted under s. 93 of the LGA.

MANAGEMENT PLAN means the plan for management of operations on the Premises from which Trade Wastes come, and may include provision for Cleaner Production, waste minimization, discharge, Contingency Management Procedures, and any relevant industry Code of Practice.

MASS LIMIT means the total mass of any characteristic that may be discharged to the Wastewater Authority Sewerage System over any stated period from any single Point of Discharge or collectively from several points of discharge.

MAXIMUM CONCENTRATION means the instantaneous peak concentration that may be discharged at any instant in time.

OCCUPIER means the Person occupying Trade Premises connected to the Sewerage System.

PERMITTED DISCHARGE means a Trade Waste discharge that has been approved by, or is acceptable to, the Wastewater Authority and as long as it has the physical and chemical Characteristics which comply with the requirements of the Wastewater Authority standard as defined in Schedule 1A of this bylaw.

PERSON includes a corporation sole and also a body of Persons whether incorporated or unincorporated.

POINT OF DISCHARGE is the boundary between the public Sewer and a Private Drain but for the purposes of monitoring, sampling and testing, shall be as designated in the Trade Waste Consent.

NZS 9201:Part 23:2004

PRE-TREATMENT means any processing of Trade Waste designed to reduce or vary any characteristic in a waste before discharge to the Sewerage System in order to comply with a Trade Waste Consent.

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 (e.g. reserve) for a particular purpose; or
- (d) Individual units in buildings which are separately leased or separately occupied.

PRIVATE DRAIN means that section of drain between the Premises and the point of connection to the Wastewater Authority's Sewerage System.

PROHIBITED TRADE WASTES means a Trade Waste that has prohibited Characteristics as defined in Schedule 1B and does not meet the conditions of Schedule 1A. The waste is not acceptable for discharge into the Wastewater Authority's system unless specifically approved by them as a Conditional Trade Waste.

SCHEDULE OF RATES AND CHARGES means the list of items, terms and prices for services associated with the discharge of Trade Waste as approved by the Wastewater Authority.

SEWAGE means Foul Water and may include Trade Wastes.

SEWAGE SLUDGE means the material settled out and removed from Sewage during the treatment process.

SEWER means the pipework drainage system that conveys Sewage.

SEWERAGE SYSTEM means the collection, treatment and disposal of Sewage and Trade Wastes, including all sewers, pumping stations, storage tanks, Sewage treatment plants, outfalls, and other related structures operated by the WWA and used for the reception, treatment and disposal of Trade Wastes.

SIGNIFICANT INDUSTRY is a term to indicate the relative size of a given industry compared to the capacity of the Sewerage System (including Sewage treatment plant) which services that industry. Industry size relates to volume and/or loads discharging into the Sewerage System. Loads can be the conventional loadings of BOD₅ and SS or some other particular Contaminant (e.g. boron, chromium) which will have an effect or the propensity to have an effect on the sizing of the Sewerage System, the on-going system operation and/or the quality of the treated effluent that is discharged.

STORMWATER means surface water run-off resulting from precipitation.

TANKERED WASTE is water or other liquid, including waste matter in solution or suspension, which is conveyed by vehicle for disposal, excluding Domestic Sewage discharged directly from house buses, caravans, buses and similar vehicles.

TEMPORARY DISCHARGE means any discharge of an intermittent or short duration. Such discharges include the short-term discharge of an unusual waste from Premises subject to an existing Consent.

TERRITORIAL AUTHORITY (TA) means a city council or district council.

TRADE PREMISES means:

- (a) Any Premises used or intended to be used for any industrial or trade purpose; or
- (b) Any Premises used or intended to be used for the storage, transfer, treatment, or disposal of waste materials or for other waste management purposes, or used for composting organic materials; or
- (c) Any other Premises from which a Contaminant is discharged in connection with any industrial or trade process;
- (d) Any other Premises discharging other than Domestic Sewage;

and includes any land or Premises wholly or mainly used for agricultural or horticultural purposes.

TRADE WASTE is any liquid, with or without matter in suspension or solution, that is or may be discharged from a Trade Premises to the WWA's Sewerage System in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature; and may include Condensing or Cooling waters; Stormwater which cannot be practically separated, or Domestic Sewage.

WASTEWATER AUTHORITY (WWA) means the unit of a TA including its authorized agents, responsible for the collection, treatment and disposal of Sewage.

WORKING DAY means any day of the week other than:

- (a) A Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Labour Day; and
- (b) A day in the period commencing with the 25th day of December in a year and ending with the 2nd day of January in the following year.

1.6 Abbreviations

\$/kg	dollars per kilogram
\$/L/s	dollars per litre per second
\$/m ³	dollars per cubic metre
°C	degrees Celsius
ANZECC	Australian New Zealand Environment and Conservation Council
B	boron
BOD ₅	Biochemical Oxygen Demand
Br ₂	bromine
Cl ₂	chlorine
CN	cyanide
COD	Chemical Oxygen Demand
DAF	dissolved air floatation
DP	deposited plan
DS	dry solids
F	fluoride
FOGs	fats, oils and greases

NZS 9201:Part 23:2004

g/m ³	grams per cubic metre
GST	goods and services tax
H ₂ S	hydrogen sulphide
HAHs	halogenated aromatic hydrocarbons
HCHO	formaldehyde
HCN	hydrogen cyanide
hr	hour
HSNO	Hazardous Substances and New Organisms Act
kg/day	kilogram per day
L	litre
L/s	litre per second
LGA	Local Government Act
LTCCP	long term council community plan
m ³	cubic metre
max.	maximum
MBAS	methylene blue active substances
MtE	Ministry for the Environment
mg/L	milligram per litre
mL/L	millilitre per litre
mm	millimetres
MSDS	material safety data sheets
N	nitrogen
NH ₃	ammonia
NH ₃ -N	ammoniacal nitrogen
P	phosphorus
PAHs	polycyclic (or polynuclear) aromatic hydrocarbons
PBBs	polybrominated biphenyls
PCBs	polychlorinated biphenyls
pH	measure of acidity/alkalinity
RMA	Resource Management Act
s	second
s.	section
s. s	sections
SBR	sequencing batch reactor
SO ₄	sulphate
SS	suspended solids concentration
TAs	territorial authorities
UV	ultra violet
UVT	ultra violet transmission
WC	water closet
WWA	wastewater authority

1.7 General

1.7.1

In this bylaw one gender includes all genders, the singular includes the plural, and the plural includes the singular.

1.7.2

The word "shall" identifies a mandatory requirement for compliance with the Standard. The word "should" refers to practices which are advised or recommended.

1.7.3

The term "normative" has been used in this Standard to define the application of the Appendix to which it applies. A "normative" Appendix is an integral part of a Standard.

1.7.4

Clauses prefixed by "C" and printed in italic type inside a grey screen are intended as comments on the corresponding mandatory clauses. They are not to be taken as the only or complete interpretation of the corresponding clause, nor should they be used for determining in any way the mandatory requirements of compliance within this Standard. The Standard can be complied with if the comment is ignored.

2 COMPLIANCE WITH THE BYLAW

2.1 Control of discharges

2.1.1

No Person shall:

- (a) Discharge, or allow to be discharged, any Trade Waste to the Sewerage System except in accordance with the provisions of this bylaw;
- (b) Discharge, or allow to be discharged, a Prohibited Trade Waste into the Sewerage System;
- (c) Add or permit the addition of Condensing or Cooling Water to any Trade Waste which discharges into the Sewerage System unless specific Approval is given in a Consent; or
- (d) Add or permit the addition of Stormwater to any Trade Waste which discharges into the Sewerage System unless specific Approval is given in a Consent.

2.1.2

In the event of failure to comply with 2.1.1 (a) – (d) the WWA may physically prevent discharge to the Sewerage System if a reasonable alternative action cannot be established with the discharging party or parties.

2.1.3

Any Person discharging to the WWA Sewerage System shall also comply with requirements of the Hazardous Substances and New Organisms (HSNO) Act and the RMA.

2.2 Storage, transport, handling and use of hazardous or harmful materials

- (a) All Persons on Trade Premises shall take all reasonable steps to prevent the accidental entry of any of the materials listed in 2.2(c) of this bylaw from entry into the Sewerage System as a result of leakage, spillage or other mishap.
- (b) No Person shall store, transport, handle or use, or cause to be stored, transported, handled or used any hazardous substance as defined by HSNO or any of the materials listed in 2.2(c) in a manner that may cause the material to enter the Sewerage System and cause harmful effects.
- (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
 - (ii) Likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, when mixed with the wastewater stream
 - (iii) Likely to be deleterious to the health and safety of the WWA's staff, Approved contractors and the public or be harmful to the Sewerage System.

3 TRADE WASTE DISCHARGES AND CONSENTS

3.1 Classification of trade waste discharges



3.1.1

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

- (a) Permitted (Consent required if decided by the WWA);
- (b) Conditional (Consent required); or
- (c) Prohibited (not Consentable).

NOTE – See the definitions in 1.5.



3.1.2

The WWA is not obliged to accept any Trade Waste. No application for a Trade Waste Consent shall be Approved where the Trade Waste discharge would contain, or is likely to contain, Characteristics which are Prohibited.

3.1.3

No Person shall discharge, or cause to be discharged, any Trade Waste to the WWA Sewer except in accordance with the provisions of this bylaw.

3.2 Application for a trade waste consent



3.2.1 Formal application

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

- (a) Discharge into the Sewerage System any Trade Waste (either continuously, intermittently or temporarily); or
- (b) Vary the Characteristics of a Consent to discharge that has previously been granted; or
- (c) Vary the conditions of Consent to discharge that has previously been granted; or
- (d) Significantly change the method or means of Pre-treatment for discharge under an existing Consent shall if required by the WWA to complete an application in the prescribed form for the Consent of the WWA (see Appendix A), to the discharge of that Trade Waste, or to the proposed variations.



3.2.2

The WWA reserves the right to deal with the owner as well as the Occupier of any Trade Premises.

3.2.3

Where the Trade Premises produces Trade Waste from more than one area, a separate copy of the "Description of Trade Waste and Premises" (see Appendix B) shall be included in any application for Trade Waste discharge for each area. This applies whether or not the separate areas are part of a single or separate trade process.

3.2.4

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



3.2.5

The WWA may require an application to be supported by an independent report/statement completed by a suitably experienced and external auditor to verify any or all information supplied by the applicant, and this may include a Management Plan.

3.2.6

Every application shall be accompanied by a Trade Waste application fee in accordance with the WWA's Schedule of Rates and Charges.

3.3 Processing of an application

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

3.4 Information and analysis

3.4.1

On the receipt of any application for a Trade Waste Consent to discharge from any Premises or to alter an existing discharge, the WWA may:

- (a) Require the applicant to submit any additional information which it considers necessary to reach an informed decision;
- (b) Require the applicant to submit a Management Plan to the satisfaction of the WWA;
- (c) Whenever appropriate have the discharge investigated and analysed as provided for in 5.1 and 5.3 of this bylaw.



3.4.2

The WWA shall notify the applicant of any requirement under this clause within 10 Working Days of receipt of the application.

3.5 Consideration of an application

Within 15 Working Days (or extended as necessary by the WWA) of receipt of an application complying with this bylaw and/or all requirements under 3.4, whichever is the later, the WWA shall, after considering the matters in 3.6 action one of the following in writing:

- (a) Grant the application as a Permitted Trade Waste and inform the applicant of the decision by issuing the appropriate notice;
- (b) Grant the application as a Conditional Trade Waste discharge Consent and inform the applicant of the decision and the conditions imposed on the discharge by issuing the appropriate notice of Consent to the discharge; or
- (c) Decline the application and notify the applicant of the decision giving a statement of the reasons for refusal.

3.6 Consideration criteria

In considering any application for a Trade Waste Consent to discharge from any Trade Premises or Tankered Waste into the Sewerage System and in imposing any conditions on such a Consent, the WWA shall take into consideration the quality, volume, and rate of discharge of the Trade Waste from such Premises or tanker in relation to:

- (a) The health and safety of WWA staff, Council's agents and the public;
- (b) The limits and/or maximum values for Characteristics of Trade Waste as specified in Schedules 1A and 1B of this bylaw;
- (c) The extent to which the Trade Waste may react with other Trade Waste or Foul Water to produce an undesirable effect, e.g. settlement of solids, production of odours, accelerated corrosion and deterioration of the Sewerage 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 Sewer or Sewers and the capacity of any Sewage treatment works, and other facilities;
- (f) The nature of any Sewage treatment process and the degree to which the Trade Waste is capable of being treated in the Sewage treatment works;
- (g) The timing and balancing of flows into the Sewerage 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 Sewerage 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 Sewerage System and the environment;
- (l) Consideration for other existing or future discharges;
- (m) Amenability of the Trade Waste to Pre-treatment;
- (n) Existing Pre-treatment works on the Premises and the potential for their future use;
- (o) Cleaner Production techniques and waste minimization practices;
- (p) Requirements and limitations related to Sewage Sludge disposal and reuse;
- (q) Control of Stormwater;
- (r) Management Plan; and
- (s) Tankered Waste being discharged at an Approved location/s.

NZS 9201:Part 23:2004

3.7 Conditions of trade waste consent

Any Trade Waste Consent to discharge may be granted subject to such conditions that the WWA may impose, including but 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 and 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 3.8;
- (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 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 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 by, and at the expense of, the Consent Holder 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 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) At times specified, the provision in a WWA Approved format by the Consent Holder to the WWA of all flow and/or volume records and results of analyses (including Pre-treatment by-products e.g. Sewage Sludge disposal);
- (n) The provision and implementation of a Management Plan;
- (o) Risk assessment of damage to the environment due to an accidental discharge of a chemical;
- (p) Waste minimization and management;
- (q) Cleaner Production techniques;

- (r) Remote control of discharges;
- (s) Third party treatment, carriage, discharge or disposal of by-products of Pre-treatment of Trade Waste (including Sewage Sludge disposal);
- (t) Requirement to provide a bond or insurance in favour of the WWA where failure to comply with the Consent could result in damage to the WWA's Sewerage System, its treatment plants, or could result in the WWA being in breach of any statutory obligation; and
- (u) Remote monitoring of discharges.

3.8 Duration

3.8.1 Permitted discharges

Permitted Discharges shall remain in force indefinitely until either:

- (a) Cancellation under 2.1.2 or 3.10;
- (b) The quantity and nature of the discharge changes significantly. For a temporary discharge see Appendix C;
- (c) If in the opinion of the WWA the discharge changes or is likely to change to such an extent that it becomes a Conditional or Prohibited Trade Waste;
- (d) The WWA changes the Trade Waste management procedures by implementation of changed Trade Waste Bylaw conditions or any amendment to, or replacement of, its Trade Waste Bylaw; or
- (e) The conditions on resource consents for the Sewerage System and the residuals from it change.

In all cases, after appropriate consultation, the Person shall apply within 10 Working Days of this change occurring for a conditional Consent, in accordance with 3.2 of this bylaw. This application shall be Approved prior to the occurrence of any new discharge.

3.8.2 Conditional consents

Subject to 3.10 and 6.1 conditional Consents under this bylaw shall expire at the end of a term fixed by the WWA subject to the following:

- (a) Conditional Consents may be given for a term not exceeding five years to a Consent Holder who at the time of application satisfies the WWA that:
 - (i) The nature of the trade activity, or the process design and/or management of the Premises are such that the Consent Holder has a demonstrated ability to meet the conditions of the Consent during its term; and/or
 - (ii) Cleaner Production techniques are successfully being utilized, or that a responsible investment in Cleaner Production equipment or techniques is being made; and/or
 - (iii) Significant investment in Pre-treatment facilities has been made, such that a longer period of certainty for the amortizing of this investment is considered reasonable; and/or
 - (iv) The reissuing of a Consent can not be unreasonably withheld.

Notwithstanding the above the WWA retains the right to review the conditions at an earlier time. The reasons for such an earlier review could include:

- (A) The level of Consent Holder compliance, including any accidents including spills or process mishaps.
 - (B) Matters pertaining to the WWA's resource consents for the Sewerage System.
 - (C) Matters pertaining to the WWA's environmental policies and outcomes.
 - (D) New control and treatment technologies and processes.
 - (E) Any of the matters outlined in section 4.
 - (F) Matters pertaining to the WWA's legal obligations.
- (b) In all other cases the term of a Conditional Trade Waste Consent should not exceed two years;
- (c) In all cases where either the Consent Holder or the owner of the Premises changes, or there is a change of use, a new application for a Conditional Trade Waste Consent shall be made. It shall be the responsibility of the Consent Holder to lodge the new application; and
- (d) The conditions on resource consents for the Sewerage System and the residuals from it change.

3.9 Technical review and variation



3.9.1

The WWA at any time may require a Person undertaking a Permitted Discharge to apply for a Consent in accordance with 3.8.1.

3.9.2

The WWA may at any time during the term of a Trade Waste Consent, by written notice to the Consent Holder (following a reasonable period of consultation), vary any condition to such an extent as the WWA considers necessary following a review of the technical issues considered when setting conditions of Consent. This is due to new information becoming available or to meet any new resource consent imposed on the discharge from the WWA's treatment plant, or with any other legal requirements imposed on the WWA.

3.9.3

A Consent Holder may at any time during the term of a Consent, by written application to the WWA, seek to vary any condition of Consent, as provided for in 3.7 of this bylaw.

3.10 Cancellation of the right to discharge

3.10.1 Suspension or cancellation on notice

The WWA may suspend or cancel any Consent or right to discharge at any time following 20 Working Days' (during which consultation has occurred) notice to the Consent Holder or Person discharging any Trade Waste:

- (a) For the failure to comply with any condition of the Consent;
- (b) For the failure to maintain effective control over the discharge;

- (c) For the failure to limit in accordance with the requirements of a Consent the volume, nature, or composition of Trade Waste being discharged;
- (d) In the event of any negligence which, in the opinion of the WWA, threatens the safety of, or threatens to cause damage to any part of the Sewer System or the treatment plant or threatens the health or safety of any Person;
- (e) If any occurrence happens that, in the opinion of the WWA, poses a serious threat to the environment;
- (f) In the event of any breach of a resource consent held by the Council issued under the Resource Management Act 1991;
- (g) Failure to provide and when appropriate update a Management Plan as required for a conditional Consent;
- (h) Failure to follow the Management Plan provisions at the time of an unexpected, unscheduled or accidental occurrence;
- (i) Failure to pay any charges under this bylaw; or
- (j) If any other circumstances arise which, in the opinion of the WWA, render it necessary in the public interest to cancel the right to discharge.

If any process changes require more than 20 Working Days, reasonable time may be given to comply with the Consent conditions.

3.10.2 *Summary cancellation*

Further to 3.10.1 any Trade Waste Consent or discharge may at any time be summarily cancelled by the WWA on giving to the Consent Holder or Person discharging written notice of summary cancellation if:

- (a) They discharge any Prohibited substance;
- (b) The WWA is lawfully directed to withdraw or otherwise to terminate the Consent summarily;
- (c) They discharge any Trade Waste unlawfully;
- (d) If the continuance of discharge is, in the opinion of the WWA, a threat to the environment or public health; -
- (e) If the continuance of discharge may, in the opinion of the WWA, result in a breach of a resource Consent held by the WWA; or
- (f) In the opinion of the WWA the continuance of the discharge puts at risk the ability of the WWA to comply with conditions of a resource Consent and/or requires identified additional treatment measures or costs to seek to avoid a breach of any such resource Consent.

4 TRADE WASTE APPROVAL CRITERIA



4.1 Pre-treatment

The WWA may approve a Trade Waste discharge (see Appendix D for appropriate form) subject to the provision of appropriate Pre-treatment systems to enable the Person discharging to comply with the bylaw. Such Pre-treatment systems shall be provided, operated and maintained by the Person discharging at their expense.

Refuse or garbage grinders, and macerators shall not be used to dispose of solid waste from Trade Premises to the Sewerage System unless Approved by the WWA.

The Person discharging shall not, unless Approved by the WWA, add or permit the addition of any potable, Condensing, Cooling Water or Stormwater to any Trade Waste stream in order to vary the level of any Characteristics of the waste.

NOTE – Condensing and Cooling Water should not be discharged as of right to a Stormwater drain or natural waterway without the Consent of the appropriate authority.

4.2 Mass limits

A Conditional Trade Waste Consent to discharge may impose controls on a Trade Waste discharge by specifying Mass Limits for any Characteristic.

Mass Limits may be imposed for any Characteristic. Any Characteristic permitted by Mass Limit shall also have its Maximum Concentration limited to the value scheduled unless Approved otherwise.

When setting Mass Limit allocations for a particular Characteristic the WWA shall consider:

- (a) The operational requirements of and risk to the Sewerage System, and risks to occupational health and safety, public health, and the ultimate receiving environment;
- (b) Whether or not the levels proposed pose a threat to the planned or actual beneficial reuse of Biosolids or Sewage Sludge;
- (c) Conditions in the Sewerage System near the Trade Waste discharge point and elsewhere in the Sewerage System;
- (d) The extent to which the available industrial capacity was used in the last financial period and is expected to be used in the forthcoming period;
- (e) Whether or not the applicant uses Cleaner Production techniques within a period satisfactory to the WWA;
- (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 WWA to reduce the pollutant discharge of the Sewerage 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 Sewerage System;
- (i) The total mass of the Characteristic allowable in the Sewerage System, and the proportion (if any) to be reserved for future allocations; and
- (j) Whether or not there is an interaction with other Characteristics which increases or decreases the effect of either Characteristic on the Sewer reticulation, treatment process, or receiving water (or land).

5 SAMPLING, TESTING AND MONITORING



5.1 Flow metering

5.1.1

Flow metering may be required by the WWA:

- (a) On discharges when there is not a reasonable relationship between a metered water supply to the Premises, and the discharge of Trade Waste;
- (b) When the WWA will not approve a method of flow estimation; or
- (c) When the discharge represents a significant proportion of the total flow/load received by the WWA.

5.1.2

The Consent Holder shall be responsible for the supply, installation, reading and maintenance of any meter required by the WWA for the measurement of the rate or quantity of discharge of Trade Waste. These devices shall be subject to the Approval of the WWA, but shall remain the property of the Consent Holder.

5.1.3

Records of flow and/or volume shall be available for viewing at any time by the WWA, and shall be submitted to the WWA at prescribed intervals by the Consent Holder in a format Approved by the WWA.

5.1.4

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

5.1.5

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

5.1.6

Should any meter, after being calibrated, be found to have an error greater than that specified in 5.1.5 as a repeatable measurement, the WWA may make an adjustment in accordance with the results shown by such tests back-dated for a period at the discretion of the WWA but not exceeding 12 months, and the Consent Holder shall pay or be credited a greater or lesser amount according to such adjustment.

5.2 Estimating discharge

5.2.1

Where no meter or similar apparatus is warranted, the WWA may require that a percentage of the water supplied to the Premises (or other such basis as seems reasonable) be used for estimating the rate or quantity of flow for the purposes of charging.

5.2.2

Should any meter be out of repair or cease to register, or be removed, the WWA shall estimate the discharge for the period since the previous reading of such meter, (based on the average of the previous 12 months charged to the Person discharging) and they shall pay according to such estimate. Provided that when by reason of a large variation of discharge due to seasonal or other causes, the average of the previous 12 months would be an unreasonable estimate of the discharge, then the WWA may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the Person discharging shall pay according to such an estimate.

5.2.3

Where in the opinion of the WWA, a meter has been tampered with, the WWA (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

As determined by the WWA sampling, testing and monitoring may be undertaken to determine if:

- (a) A discharge complies with the provisions of this bylaw;
- (b) A discharge is to be classified as a Permitted, Conditional, or Prohibited, refer to 3.1;
- (c) A discharge complies with the provisions of Schedule 1A for Permitted Discharge and any Consent to discharge; and
- (d) Trade Waste Consent charges are applicable to that discharge.

5.3.2

The taking, preservation, transportation and analysis of the sample shall be undertaken by an Authorized Officer or agent of the WWA, or the Person discharging in accordance with accepted industry standard methods, or by a method specifically Approved by the WWA. The Person discharging shall be responsible for all reasonable costs. Where a dispute arises as to the validity of the methods or procedures used for sampling or analysis, the dispute may be submitted to a mutually agreed independent arbitrator.

5.3.3



All Authorized Officers or authorized agents of the WWA, or any Analyst may enter any Premises believed to be discharging Trade Waste at any time in order to determine any Characteristics of any actual or potential discharge by:

- (a) Taking readings and measurements;
- (b) Carrying out an inspection; and/or
- (c) Taking samples for testing,

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

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

5.4 Monitoring



5.4.1 Monitoring for compliance

The WWA is entitled to monitor and audit any Trade Waste discharge for compliance. Whether for a Permitted Discharge or a conditional Consent discharge monitoring may be carried out as follows:

- (a) The WWA or its authorized agent will take the sample and arrange for this sample to be analysed in an Approved laboratory by agreed/approved analytical methods;
- (b) The sampling procedure will be appropriate to the Trade Waste and the analysis;
- (c) The WWA will audit the sampling and analysis carried out by a self-monitoring Trade Waste discharger. Analysis will be performed by an Approved laboratory. Inter-laboratory checks are to be part of this process;
- (d) The WWA will audit the sampling and analysis carried out by an Analyst. Analysis will be performed by an Approved laboratory. Inter-laboratory checks are to be part of this process; and
- (e) The WWA will audit the Trade Waste Consent conditions including any Management Plans.

At the discretion of the WWA all costs of monitoring shall be met by the discharger either through direct payment to the laboratory or to the WWA.



5.4.2 Sampling methodology

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

- (a) One portion of the sample goes to the Trade Waste discharger for appropriate analysis and/or storage;
- (b) A second portion of the sample shall be analysed at a laboratory Approved by the WWA;
- (c) A third portion of the sample is retained by the WWA for 20 Working Days, for additional analysis if required.

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.

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

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



5.4.3 Tankered wastes

Tankered Wastes shall not be discharged into the WWA's Sewerage System by any Person or Consent Holder not compliant with the Liquid and Hazardous Wastes Code of Practice.

The WWA may accept Tankered Wastes for discharge at an Approved location. Tankered Wastes shall:

- (a) Be transported by a Consent Holder to discharge domestic septic tank or industrial wastes;
- (b) Have material safety data sheets (MSDS) supplied to the WWA detailing the contents of a waste; ➤

NZS 9201:Part 23:2004

- (c) Be tested to determine their character if the contents of the waste are not known. Specialist advice on Pre-treatment or acceptance may be required. The cost of all testing and advice shall be borne by the Consent Holder;
- (d) Not be picked up and transported to the disposal site until appropriate arrangements and method for disposal have been determined by the WWA;
- (e) To prevent cross-contamination between tanker loads, the tanker shall be thoroughly washed prior to collecting a load for disposal into the Sewerage System; and
- (f) Have 24 hours notice given for the disposal of wastes other than those sourced from domestic septic tanks.

Any Person illegally disposing of, or causing to be disposed, Tankered Waste either by incorrect disclosure of contents (Characteristics and/or amount) or dumping into the WWA's Sewerage System other than the prescribed location will be in breach of the bylaw.

5.4.4 *Disinfected/super chlorinated water*

Any water used during the repair and construction of water mains shall be de-chlorinated prior to the discharge into the Sewerage System. Application for a Temporary Discharge Consent shall be made. Such water shall not be disposed of to Stormwater or adjacent water courses without appropriate Approvals.

6 BYLAW ADMINISTRATION

6.1 Review of decisions

If any Person is dissatisfied with any decision by an Authorized Officer made under this bylaw, that Person may, by notice delivered to the Chief Executive Officer of the WWA not later than 20 Working Days after the decision by the Authorized Officer is served upon that Person, request the Chief Executive Officer to review any such decision and such a decision shall be final.

Nothing in this clause shall affect any right of appeal under the LGA.

6.2 Accidents and non-compliance

The Person discharging shall inform the WWA immediately on discovery of any accident including spills or process mishaps which may cause a breach of this bylaw.

In the event of any accident occurring when the Person holds a conditional Consent, then the WWA may review the Consent under 3.9 or may require the Consent Holder, within 20 Working Days of the date such requirement is notified to the Consent Holder in writing, to review the Contingency Management Procedures and re-submit for Approval the Management Plan with the WWA.

In the event of an accident occurring on the Premises of a Permitted Discharge, the WWA may require the Person discharging to apply for a conditional Consent.



6.3 Charges and payments

6.3.1 Charges

The WWA may recover fees and charges in accordance with the LGA. Schedule 1C outlines a regime of possible charges.

6.3.2 Invoicing

All charges determined in accordance with 6.3.1 shall be invoiced in accordance with WWA's standard commercial practice. The invoice shall provide each Person discharging with a copy of the information and calculations used to determine the extent of any charges and fees due, in regard to a discharge.

6.3.3 Cease to discharge

The Person discharging shall be deemed to be continuing the discharge of Trade Waste and shall be liable for all charges, until notice of Disconnection is given.

6.3.4 Failure to pay

All fees and charges payable under this bylaw shall be recoverable as a debt. If the Person discharging fails to pay any fees and charges under this bylaw the WWA may cancel the right to discharge in accordance with 3.10.

6.3.5 Recovery of costs

The WWA may recover costs under LGA relating to s. 150 and s. 151, wilful damage or negligent behaviour (s. 175) and remedying damage arising from breach of bylaw (s. 176).



6.4 Authorized officers

All Authorized Officers of the WWA, or other Persons authorized under s. 174 or s. 177 or paragraph 32 of schedule 7 of the LGA, shall possess and produce on request warrants of authority and evidence of identity.

Any Authorized Officers may at any reasonable time enter any Premises believed to be discharging Trade Wastes to determine any Characteristic of any discharge by:

- (a) Taking readings and measurements; or
- (b) Taking samples or any solids, liquids or gaseous material or any combination or mixtures of such materials being discharged; or
- (c) Observing accidental occurrences and clean-up.

The extent and level of delegation to Authorized Officers will be in accordance with the Council's Register of Statutory Delegations and Warrants.

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



6.5 Transfer or termination of rights and responsibilities

6.5.1

A Trade Waste Consent to discharge shall be issued in the name of the given Consent Holder. The Consent Holder shall not, unless written Approval is obtained from the WWA:

- (a) Transfer to any other party the rights and responsibilities provided for under this bylaw, and under the Consent;
- (b) Allow a Point of Discharge to serve another Premises, or the Private Drain to that point to extend by pipe or any other means to serve another Premises; or
- (c) In particular and not in limitation of the above, allow Sewage from any other party to be discharged at their Point of Discharge.

NOTE – This clause does not relate to Permitted Discharges.

6.5.2

Renewal of a Trade Waste Consent on change of ownership of Premises shall not be unreasonably withheld if the Characteristics of the Sewage remain unchanged.

NOTE – This clause does not relate to Permitted Discharges.

6.5.3

The Person discharging shall give 48 hours notice in writing to the WWA of their requirement for Disconnection of the discharge connection and/or termination of the discharge Consent, except where demolition or relaying of the discharge drain is required, in which case the notice shall be within seven Working Days. The Person discharging shall notify the WWA of the new address details for final invoicing.

On permanent Disconnection and/or termination the Person discharging may at the WWA's discretion be liable for Trade Waste charges to the end of the current charging period.

6.5.4

When a Person discharging ceases to occupy Premises from which Trade Wastes are discharged into the Sewerage System any Consent granted shall terminate but without relieving the Person discharging from any obligations existing at the date of termination.

6.6 Service of documents

6.6.1 Delivery or post

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

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

6.6.2 Service

If any notice or other document is:

- (a) Sent by post it will be deemed received on the first day (excluding weekends and public holidays) after posting;
- (b) Sent by facsimile or email and the sender's facsimile or email machine produces a transmission report indicating that the facsimile or email was sent to the addressee, the report 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 shall be deemed to be service on, or delivery to the Consent Holder at that time.

NOTE – It should be verified that notice has been served on the correct Person.

6.6.3 Signature

Any notice or document to be given, served or delivered shall be signed by an Authorized Officer.



6.7 Offences

Every Person or Consent Holder or owner or Occupier of Trade Premises who:

- (a) Fails to comply with or acts in contravention of any provision of this bylaw;
- (b) Breaches the conditions of any Consent to discharge granted pursuant to this bylaw; or
- (c) Fails to comply with a notice served under this bylaw,

commits an offence under s. 239 of the LGA, and is liable to a fine as specified in s. 242 of the LGA, or the issue of an Infringement notice under s. 245 of the LGA.

In all cases the WWA may recover costs associated with damage to the WWA Sewerage System and/or breach of this bylaw in accordance with s. 175 and s. 176 of the LGA respectively.

6.8 Transitional provisions


6.8.1 Applications

Any application for a Consent to discharge Trade Waste made under the
(previous) bylaw for which a Consent has not been granted at the time of this new bylaw coming into force shall be deemed to be an application made under 3.2 of this bylaw.

6.8.2 Existing trade waste consents

Every existing Trade Waste Consent shall continue in force as if it were a Consent under this bylaw until it reaches its expiry date provided that no Consent shall run beyond

APPENDIX A
APPLICATION FOR TRADE WASTE DISCHARGE
 (Normative)

THE WASTEWATER AUTHORITY OF THE Council APPLICATION FOR TRADE WASTE DISCHARGE	
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PLEASE PRINT CLEARLY

TRADE NAME AND STREET ADDRESS OF TRADE PREMISES Phone: Fax: After hours contact: Phone:	VALUATION NUMBER LOT NUMBER DP NUMBER
POSTAL ADDRESS OF CUSTOMER FOR CHARGING Name: Address:	ARE THE PREMISES ALREADY CONNECTED TO PUBLIC SEWER? <input type="checkbox"/> Yes <input type="checkbox"/> No
OWNER OF PREMISES (if different from above) Name: Address:	CONNECTIONS REQUIRED Size: No.: Size: No.: <i>Note - Minimum size 100 mm.</i>
TERM OF CONSENT SOUGHT From: For a period of: <input type="checkbox"/> 1 year <input type="checkbox"/> 2 years <input type="checkbox"/> 5 years <input type="checkbox"/> Other (specify)	DESCRIPTION OF MAIN TRADE ACTIVITY
ADDRESS FOR SERVICE FOR FURTHER ENQUIRIES CONCERNING THIS APPLICATION Name: Address: Phone: Fax:	DIAGRAM FOR CONNECTION LOCATION (Show distances from boundaries, kerbs, buildings)
THIS APPLICATION RELATES TO: <input type="checkbox"/> Proposed new discharge <input type="checkbox"/> An existing discharge for which no consent exists Current point or place of discharge: <input type="checkbox"/> Renewal of a consent <input type="checkbox"/> Variation to an existing consent Nature of variation: <p style="text-align: center;"><i>Use and attach additional sheets as required</i></p>	