

AGENDA for a hearing by the Policy & Regulatory Committee (to hear and consider submissions and make recommendations on the Proposed Waikato District Council Trade Waste Bylaw 2016) to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **WEDNESDAY 29 JUNE 2016** commencing at **9.00am**.

Information and recommendations are included in the reports to assist the Board in the decision making process and may not constitute Council's decision or policy until considered by the Board.

1. APOLOGIES AND LEAVE OF ABSENCE

2. CONFIRMATION OF STATUS OF AGENDA ITEMS

3. DISCLOSURES OF INTEREST

4. REPORT

4.1 Submissions on the Proposed Trade Waste and Wastewater Bylaw 2016 2

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CHIEF EXECUTIVE

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Open Meeting

To	Policy & Regulatory Committee
From	TN Harty General Manager Service Delivery
Date	13 June 2016
Prepared by	M Mould Waters Manager
Chief Executive Approved	Y
DWS Document Set #	1535351
Report Title	Submissions on the Proposed Trade Waste and Wastewater Bylaw 2016

I. EXECUTIVE SUMMARY

On 14 March 2016 Council resolved to consider and approve the Proposed Waikato District Council Trade Waste and Wastewater Bylaw 2016 for public notification and consultation. This was undertaken in accordance with section 83 of the Local Government Act 2002 (special consultative procedure provisions).

The proposed Bylaw was notified for public consultation on 23 March 2016 and submissions closed on 23 May 2016. Public notices to this effect were placed in the Waikato Times, North Waikato News, Franklin County News and Raglan Chronicle. In addition to this, a summary document and information on how to make a submission were sent to all trade waste consent holders within the district, and information was provided on Council's website.

In total, four submissions have been received on the proposed bylaw, with two submitters indicating that they wish to be heard. The Associate Minister of Health had no comments on the content of the bylaw and in accordance with section 148 of the Local Government Act 2002 (Trade Waste Bylaw) provisions did not require further parties to be consulted. Other changes to the bylaw are proposed to retain consistency with Hamilton City Council's Trade Waste and Wastewater Bylaw.

The purpose of the Committee meeting to be held on 29 June 2016 is to hear and consider submissions on the Proposed Waikato District Trade Waste and Wastewater Bylaw 2016.

The following documents are included as appendices to this report:

- Appendix 1 - A summary report incorporating staff comments on submissions to the Proposed Waikato District Council Trade Waste and Wastewater Bylaw 2016.
- Appendix 2 - Copies of Original Submissions on the Proposed Waikato District Council Trade Waste and Wastewater Bylaw 2016.

Appendix 3 - Revised Waikato District Council Trade Waste and Wastewater Bylaw 2016 (incorporating suggested changes as a result of submissions).

2. RECOMMENDATION

THAT the report of the General Manager Service Delivery be received;

AND THAT pursuant to sections 83 and 150 of the Local Government Act 2002, the Committee consider and, where requested, hear submissions on the notified Proposed Waikato District Council Trade Waste and Wastewater Bylaw 2016;

AND FURTHER THAT subject to any amendments, the proposed bylaw will be considered by the Committee at its meeting on 29 June 2016, with a view to recommending the Waikato District Council Trade Waste and Wastewater Bylaw 2016 for adoption at the Council meeting on 11 July 2016.

3. BACKGROUND

As a result of the amalgamation with part of the Franklin District Council in 2010, Council currently has two trade waste bylaws. There is currently no bylaw for wastewater. A bylaw to manage trade waste and wastewater in the District was determined to be the most appropriate way to address these issues identified:

- Controlling what is discharged - trade waste, tankered 'septage' waste and residential wastewater.
- Complying with resource consents.
- Minimising blockages and overflows.
- Providing capacity for growth.
- Encouraging waste minimisation and recovering costs.
- Reducing stormwater inflow and groundwater infiltration.
- Controlling deterioration of the network.
- Clarifying Customer/Contractor responsibilities.

The proposed bylaw has been developed in consultation with Hamilton City Council and with staff from Council's Strategy, Waters and Legal teams, as well as the Trade Waste Shared Services Team and key stakeholders.

3.1 CONTENT OF THE BYLAW

The bylaw is made under the Local Government Act 2002 and the Health Act 1956.

Section 145 of the Local Government Act 2002 provides for making of bylaws by local authorities for the purpose of:

- a) Protecting the public from nuisance;
- b) Protecting, promoting and maintaining public health and safety; and
- c) Minimising the potential for offensive behaviour in public places.

Section 146 of the Local Government Act 2002 provides for local authorities to make bylaws in relation to a) (iii) regulating trade wastes and b) (iii) managing, regulating against or protecting from damage, misuse, or loss or for preventing the use of infrastructure associated with wastewater.

Section 148 of the Local Government Act 2002 includes special requirements for bylaws relating to trade waste. The proposed bylaw needs to be provided to the Minister of Health for comment. The public consultation process needs to be at least two months. Copies of the proposed bylaw must be sent to owners/occupiers of trade premises.

The Health Act 1956 (s64 (1)) states that:

“Every local authority may, for the purposes of this Act, make bylaws for (a) improving, promoting, or protecting public health, and (y) generally, for the more effectual carrying out of any of the provisions for this Act relating to the powers and duties of local authorities.”

The Health Act also states (s23) that:

“Subject to the provisions of this Act, it shall be the duty of every local authority to improve, promote, and protect public health within its district, and for that purpose every local authority is hereby empowered and directed – (e) to make bylaws under and for the purposes of this Act or any other Act authorising the making of bylaws for the protection of public health.”

3.2 PRE-CONSULTATION CARRIED OUT

Feedback was sought from internal stakeholders, conditional trade waste consent holders, Hamilton City Council, Waipa District Council and Ministry of Health/Public Health Unit and Iwi representatives during the issues identification stage. This feedback informed the drafting of the proposed Trade Waste and Wastewater Bylaw 2016.

3.3 PROPOSED BYLAW

On 23 March 2016, the proposed bylaw was publicly notified in accordance with section 83 of the Local Government Act 2002, with submissions closing on 23 May 2016. During the submission period four submissions were received. All submissions were received electronically via Online Submissions.

A summary document was produced and distributed to trade waste consent holders, as well as key stakeholders, and it was available on Council’s website.

A copy of each submission for the proposed Trade Waste and Wastewater Bylaw 2016 is provided as Appendix I of this report in numerical order of submitter number with an accompanying staff comment.

Council must consider each submission, and make a determination on each of the issues raised. Each submitter is entitled to be informed of the outcome of their submission, including the reasons for the decision.

All submissions to the proposed Trade Waste and Wastewater Bylaw 2016 have been acknowledged and each submitter will receive a written response following Council’s adoption of the Trade Waste and Wastewater Bylaw 2016.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

The Trade Waste and Tankered Waste sections of the bylaw are based on the Standards NZ Model Trade Waste bylaw (2004) with clauses updated where necessary to reflect best practice and address current problems. The Standards NZ Wastewater Model Bylaw (1999) was not considered to adequately address the issues for Waikato District (as outlined in the pre determination report) and other more recent bylaws were used as a basis for the wastewater section (ie Auckland Water and Wastewater bylaw 2014, Hauraki Consolidated Bylaw 2014, and Waipa Wastewater Bylaw 2011).

Key changes include simplifying the bylaw and removing unnecessary schedules, adding new sections to address wastewater issues, and updating the trade waste and tankered waste sections to reflect best practice. Expected benefits of the proposed bylaw are improved consistency across the district and sub-region, clearer requirements, reduced blockages and overflows, better control over fat, oil and grease, and reduced damage to the wastewater system.

4.2 SUMMARY OF SUBMISSIONS RECEIVED

Submitters commented on a variety of issues included in the proposed bylaw. While each submission point is addressed in Appendix I, the main points of concern include:

- Wastewater causing malodourous gases prohibited.
- Removal of the reference to the liquid and hazardous waste code of practice for tankered waste disposal.
- Requirement for all trade waste dischargers to have a consent or approval notice.
- Unclear wording in the prohibited characteristics schedule.

Submissions to the Hamilton City Council Trade Waste and Wastewater Bylaw are due to be considered in July. To maintain consistency with the Hamilton City Council Trade Waste and Wastewater Bylaw the following other changes to our bylaw are proposed:

- Clarify that Table 5 in Schedule IA only applies to liquid waste from pharmacies.
- The timeframe for reporting non-compliances in clause 8.10 (g) is increased from one working day to three working days. Clarify that this does not apply to situations such as spills.
- Add to clause 8.13 (b) “For the avoidance of doubt, Schedule IA of this bylaw applies to existing consents except to the extent that the consent conditions specifically provide for a different limit”.
- Add mass limits for BOD and COD to Permitted Characteristics Schedule IA and add commentary “It is sufficient to comply with either the concentration limit or the mass limit”.
- Clarify that the grease trap sizing guide in Schedule 2 is relevant to food retailing businesses only.
- Remove “Heavy Solids which settle faster than 50mm/minute” from Prohibited Characteristics Schedule IB.

- Some parts of the bylaw are difficult to read and understand. Some wording changes are proposed to address this without changing the meaning of the clauses or the legal robustness of the bylaw.

Making the Bylaws consistent allows businesses to better operate within the sub region and the staff that apply the Bylaws provide more efficient service.

5. CONSIDERATION

5.1 FINANCIAL

It is not envisaged that the proposed Bylaw will require any extra funding over that which is currently provided in operational budgets.

Review of fees and charges associated with the bylaw will follow the special consultative procedure and will be incorporated into Council's fees and charges schedule.

5.2 LEGAL

Section 155 of the LGA requires a local authority to undertake an assessment before commencing the process of making a bylaw. The review process identified what the perceived problems were and determined that the use of a bylaw is an appropriate mechanism to assist in trade waste and wastewater management in the Waikato District.

Section 155A (2) of the Local Government Act 2002 compels the Council to consider whether a proposed bylaw is the most appropriate form of bylaw. The proposed bylaw has been shaped to focus on readily identifiable problems and customised to suit the particular circumstances of the Waikato District. It is therefore concluded that the proposed bylaw is the most appropriate form of bylaw.

Section 148 of the Local Government Act 2002 has special requirements for trade waste bylaws. The Associate Minister of Health, the Hon Peter Dunne, advised on 28 April 2016 that he had no comments on the content of the proposed bylaw and did not require any other parties to be consulted.

5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

Staff recommend that fees and charges associated with trade waste and wastewater within the district be solely managed through Council's Schedule of Fees and Charges.

Having bylaws aligned across the sub-region is a key objective of the Sub-Regional Three Waters Strategy. Bylaw consistency makes implementation by the Shared Services Trade Waste team more efficient and is less confusing for businesses with multiple sites.

5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

The Proposed Trade Waste and Wastewater Bylaw 2016 triggers Council's Significance and Engagement Policy as the Special Consultative Procedure was required and undertaken. The Engagement Plan is summarised in Table 1.

Table 1 – Engagement Plan Summary

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consent Holders Ministry of Health Hairdressers Waikato Tainui Other Councils	Specific letters were sent to key stakeholders including consent holders and hairdressers. Letter requesting approval was sent to Minister of Health. Public notices. Information was provided on website. Staff worked closely with Hamilton City Council staff.				

Table 2 summaries which external stakeholders have been engaged with.

Table 2 – External Stakeholder Summary

Planned	In Progress	Complete	
		✓	Internal
		✓	Waikato-Tainui/Local iwi
		✓	Ministry of Health
		✓	Trade Waste Consent Holders
		✓	Hairdressers
		✓	Hamilton City Council and Waipa District Council

6. CONCLUSION

The proposed Trade Waste and Wastewater Bylaw 2016 have been notified for public consultation. Four submissions were received and are summarised in this report. Changes to the bylaw under consideration by Hamilton City Council will also be considered to retain consistency between the bylaws within the sub-region. The Associate Minister of Health has approved the content of the bylaw and does not require any other parties to be consulted. Council will decide the final bylaw following consideration of all submissions.

7. ATTACHMENTS

The following documents are included as appendices to this report:

- Appendix 1 - A summary report incorporating staff comments on submissions to the Proposed Waikato District Council Trade Waste and Wastewater Bylaw 2016.
- Appendix 2 - Copies of Original Submissions on the Proposed Waikato District Council Trade Waste and Wastewater Bylaw 2016.
- Appendix 3 - Revised Waikato District Council Trade Waste and Wastewater Bylaw 2016 (incorporating suggested changes as a result of submissions).

(Appendix I)



Proposed Trade Waste and Wastewater Bylaw 2016

Staff Comments Report on Submissions

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Readers Guide

The proposed Trade Waste and Wastewater Bylaw 2016 was notified on 23 March 2016 with submissions closing on 23 May 2016.

Each submitter has been allocated a unique submitter number.

This report has two key sections. Each of these sections is outlined in detail below:

Submitter Index

This section outlines the list of submitters in submitter number order.

Staff report on submissions

This report provides staff comments on all issues/matters received by the submitters in relation to the proposed Trade Waste and Wastewater Bylaw 2016. This report is sorted by submitter number.

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Staff report on submissions received

Submitter No	Submitter Name	Organisation/On Behalf Of	
1	John Lawson		
Submission:		Staff Comment	
<p>Yes there clauses in the bylaw that are of concern - There seems to be an error in that 7.2b says, 'No Person may introduce or discharge or allow to be introduced or discharged Wastewater that has any of the prohibited Characteristics set out in Schedule IB into the Wastewater System.' and Schedule IB says, 'Any discharge has prohibited Characteristics if it has any solid, liquid or gaseous matters, or any combination, or mixture of such matters which by themselves or in combination with any other matters will immediately or in the course of time: e) Cause malodorous gases'. It is not limited to trade waste, so seemingly bans the waste which sewage systems were mainly set up to treat.</p>		<p>Issue: Sewage causing malodorous gases prohibited. The typical odour associated with domestic sewage and trade waste is not intended to be prohibited in terms of Schedule IB. This wording in this schedule is consistent with the Standards NZ model trade waste bylaw and other bylaws around the country. Some substances if discharged in trade waste could react in the wastewater system and produce significant strong smelling gases that would be difficult to control e.g. at pump stations or treatment plants. Schedule IB Prohibited Characteristics gives Council control over substances causing excessive odour should it be needed.</p> <p><u>Recommendation: No change to bylaw.</u></p>	
Question: Are you a Trade Waste Consent Holder?			
No			

Submitter No	Submitter Name	Organisation/On Behalf Of	
2	Geoff Young	New Zealand Trade and Industrial Waters Forum	
Submission		Staff Comment	
<p>Yes there clauses in the bylaw that are of concern - Section 6.4.4 of the Waikato District Council Trade Waste Bylaw 2008 should be included in the new Waikato District Council Proposed Trade Waste and Wastewater Bylaw 2016. Section 6.4.4 deals with wastes carried and disposed of by liquid waste tankers. 6.4.4 Tankered Wastes 'Tankered wastes shall not be discharged into WWA's sewerage system by any Person or Consent Holder not compliant with the Liquid & Hazardous Waste Code of Practice.' The Liquid & Hazardous Code of Practice is an industry driven standard that is administered and overseen by The New Zealand Trade and Industrial Waters Forum (NZTIWF) and its industry-based Certification Council. To become code compliant with the Liquid & Hazardous Code of Practice an audit of the liquid waste contracting company is undertaken by a trained systems auditor. The audit of the company is to ensure that the company is complying with all sections of the Code of Practice. If the company meets the requirements that are set out in the Code of Practice a recommendation for that company to become code compliant is sent to the Certification Council for formal acceptance. The Certification Council reviews recommendations for code compliancy. The Liquid and Hazardous Waste Operators Certification Council Code Compliancy Programme has been developed to accredit providers and to certify services. Consumers can be confident that services supplied from Liquid and Hazardous Waste Operators Certification Council registered companies are reliable and of high quality and do not pose hazards to the environment, safety or personal welfare. WasteTRACK is one element of the Code. WasteTRACK is an internet-based database system which tracks liquid and hazardous wastes from generation, through transport to treatment and/or disposal (cradle to grave). Wastes are tracked from the generator to the ultimate disposal location, which is accurately documented in a secure database, with the data being readily accessible for select relevant Waikato Council personnel to review and check. Ensuring the continued use of WasteTRACK in the Waikato District would help to maintain a level playing field for liquid waste operators, throughout the neighbouring districts, in addition to helping maintain high standards of liquid waste management in Waikato District. WasteTRACK is successfully being used in other districts in the Waikato region. Together the Code Compliancy programme and WasteTRACK are being used throughout New Zealand as tools to raise the standards for the industry and maintain them to a high level. Incorporating Section 6.4.4 of the Waikato District Council Trade Waste Bylaw 2008 into the new Waikato District Council Proposed Trade Waste and Wastewater Bylaw 2016 would help to ensure that standards throughout the Waikato District can be raised to the same level as surrounding districts and throughout New Zealand. The NZTIWF and the Certification Council strongly believes that the introduction of the Code Compliancy Programme by Waikato District Council in the Trade Waste and Wastewater Bylaw 2016 will significantly reduce the risks of any adverse effects on the wastewater infrastructure, and reduce risks of harm to maintenance personnel. The continuation of WasteTRACK as part of the Code Compliancy Programme will also reduce the potential for any illegal disposal activities, which will benefit the wider Waikato region.</p>		<p>Issue: Removal of clause requiring Person or Consent Holder to be compliant with the Liquid & Hazardous Waste Code of Practice. The requirement for tankered waste dischargers to hold a conditional consent allows Council to set conditions around the disposal of tankered waste. Council staff support the requirement for businesses disposing of tankered waste at Council facilities to be certified compliant with the Liquid and Hazardous Waste Code of Practice and use the WasteTRACK system. During consultation with internal stakeholders it was preferred that compliance with the Liquid & Hazardous Waste Code of Practice and the details of the tracking system used be set as conditions of consent rather than directly in the bylaw. This gives Council flexibility to choose a solution appropriate for the local situation.</p> <p><u>Recommendation: No change to bylaw.</u></p>	
Question: Are you a Trade Waste Consent Holder?			
No			

Submitter No	Submitter Name	Organisation/On Behalf Of	
3	Bruce Holland	Liquid & Hazardous Waste Operators Group	
Submission		Staff Comment	
<p>My name is Bruce Holland. I am the chairman of the Liquid & Hazardous Waste Operators Group, an organisation operating under the secretariat of the New Zealand Trade & Industrial Waters Forum. We administer the Certification Council and waste tracking throughout New Zealand. We work closely with the Ministry for Environment to ensure their objectives are met. We propose that section 6.4.4 of the Waikato District Council Trade Waste Bylaw 2008 should be included in the new Waikato District Council Proposed Trade Waste and Wastewater Bylaw 2016. Section 6.4.4 deals with wastes carried and disposed of by liquid waste tankers. 6.4.4 Tankered Wastes 'Tankered wastes shall not be discharged into WWA's sewerage system by any Person or Consent Holder not compliant with the Liquid & Hazardous Waste Code of Practice.' The Liquid & Hazardous Code of Practice is an industry driven standard that is administered and overseen by The New Zealand Trade and Industrial Waters Forum (NZTIWF) and its industry-based Certification Council. To become code compliant with the Liquid & Hazardous Code of Practice an audit of the liquid waste contracting company is undertaken by a trained systems auditor. The audit of the company is to ensure that the company is complying with all sections of the Code of Practice. If the company meets the requirements that are set out in the Code of Practice a recommendation for that company to become code compliant is sent to the Certification Council for formal acceptance. The Certification Council reviews recommendations for code compliancy. The Liquid and Hazardous Waste Operators Certification Council Code Compliancy Programme has been developed to accredit providers and to certify services. Consumers can be confident that services supplied from Liquid and Hazardous Waste Operators Certification Council registered companies are reliable and of high quality and do not pose hazards to the environment, safety or personal welfare. WasteTRACK is one element of the Code. WasteTRACK is an internet-based database system which tracks liquid and hazardous wastes from generation, through transport to treatment and/or disposal (cradle to grave). Wastes are tracked from the generator to the ultimate disposal location, which is accurately documented in a secure database, with the data being readily accessible for select relevant Waikato Council personnel to review and check. Ensuring the continued use of WasteTRACK in the Waikato District would help to maintain a level playing field for liquid waste operators, throughout the neighbouring districts, in addition to helping maintain high standards of liquid waste management in Waikato District. WasteTRACK is successfully being used in other districts in the Waikato region. Together the Code Compliancy programme and WasteTRACK are being used throughout New Zealand as tools to raise the standards for the industry and maintain them to a high level. Incorporating Section 6.4.4 of the Waikato District Council Trade Waste Bylaw 2008 into the new Waikato District Council Proposed Trade Waste and Wastewater Bylaw 2016 would help to ensure that standards throughout the Waikato District can be raised to the same level as surrounding districts and throughout New Zealand. The NZTIWF and the Certification Council strongly believes that the introduction of the Code Compliancy Programme by Waikato District Council in the Trade Waste and Wastewater Bylaw 2016 will significantly reduce the risks of any adverse effects on the wastewater infrastructure, and reduce risks of harm to maintenance personnel. The continuation of WasteTRACK as part of the Code Compliancy Programme will also reduce the potential for any illegal disposal activities, which will benefit the wider Waikato region.</p>		<p>Issue: Removal of clause requiring Person or Consent Holder to be compliant with the Liquid & Hazardous Waste Code of Practice. The requirement for tankered waste dischargers to hold a conditional consent allows Council to set conditions around the disposal of tankered waste. Council staff support the requirement for businesses disposing of tankered waste at Council facilities to be certified compliant with the Liquid and Hazardous Waste Code of Practice and use the WasteTRACK system. During consultation with internal stakeholders it was preferred that compliance with the Liquid & Hazardous Waste Code of Practice and the details of the tracking system used be set as conditions of consent rather than directly in the bylaw. This gives Council flexibility to choose a solution appropriate for the local situation.</p> <p><u>Recommendation: No change to bylaw.</u></p>	

Submitter No	Submitter Name	Organisation/On Behalf Of	
4	Nadine Perera	Oil Companies	
Submission			Staff Comment
<p>The Bylaw sets out general requirements for a Permitted Wastewater (requiring an approval notice to be obtained) and maximum concentrations for common substances that may be contained in Wastewater.</p> <p>Oil Company sites have in the past often only required a trade waste permit for the operation of a car wash. Whether, or not, a trade waste is required even for a car wash generally relates to the volume of trade waste provided for under Bylaws for each local authority area. Under the proposed changes to the Waikato District Bylaw it is more than likely that every Service Station will require a trade waste approval of some sort whether, or not, it has a car wash facility. This represents a significant ongoing cost to business particularly as trade waste consents for each Service Station are required on an ongoing basis.</p> <p>The Bylaw as written sets up an approval process for all trade waste discharges. In this regard there is no appreciable difference between a permitted discharge and a conditional discharge. The only difference being duration of the consent. Council is still able to place conditions on approvals as well as consents. The process of requiring approval for permitted trade waste discharges that are subject to pre-treatment is vexatious and unnecessary.</p> <p>If the Council needs to know what is going on an appropriate procedure may be through a notification procedure. In such instances Council could be notified, and then, after inspecting the discharges in question could undertake enforcement action if needed. Although the Oil Companies do not see the need for a notification process either, it is an alternative to the situation outlined in the Bylaw. Another alternative is for the Council to audit specific industries where there may be concern rather than the broad brush approach of requiring all trade waste discharges to obtain approval.</p> <p>It is also not clear from the Bylaw whether the approval requirement, for permitted trade waste discharges, is to apply to new or existing permitted trade wastes retrospectively. If the trade waste approval process is to apply retrospectively there is no date by which existing dischargers are to comply. In addition those seeking consent for new trade waste discharges may be held up by Council staff processing retrospective consents.</p> <p>The proposed limits on physical and chemical characteristics in Schedule 1A and the Pre-treatment Requirements outlined in Schedule 2 provide for many of the typical trade waste discharges generated by facilities located on Service Station sites in accordance with industry best practice.</p> <p>By way of example modern car wash facilities recycle a high percentage of water such that the 24 hour outflow from a typical car wash averages 0.5 to 2m³ per day at a maximum rate of approximately 0.5L/s. These are clearly within the 5m³day and 2L/s rates proposed at Schedule 1A. The temperature of the trade waste is typically 14-15 degrees Celsius which complies with the proposed 40 degree limit. Removal of oil and solids is provided by standard treatment devices and adherence to the relevant limits for suspended solids (1,000g/m³)</p>			<p>Issue – provide a waiver for permitted wastewater.</p> <p>In order to protect both the wastewater network and the treatment process, Council needs to know where all trade waste dischargers are located and what pre-treatment systems they have in place. Low risk dischargers that meet the permitted criteria require a one-off application and inspection and then receive an approval notice. Most oil company sites would be low risk. The one-off application and inspection fee is currently \$160. Higher risk dischargers meeting the permitted criteria are inspected annually to check pre-treatment devices are operating correctly. The current cost of the annual inspection for permitted discharges is \$160. The bylaw provides a 12 week period for businesses with permitted discharges to apply for an approval notice if they do not hold one currently. Processing the additional applications is not expected to require additional resources or hold up other applications. Allowing for a waiver for consent could introduce inconsistencies between different businesses. The process of gaining an approval notice is simple with a low cost. All sites are different and a site specific inspection ensures any risks or issues are identified.</p> <p><u>Recommendation : No change to the bylaw</u></p>

and settleable solids (50ml/l) is able to be achieved. Controls requiring no free or floating layer of oil or grease nor discharge exceeding 200g/m³ are also able to be achieved as are pH values between 6 and 10.

Accordingly, and as demonstrated in the following table, actual trade waste discharge from a car wash facility is generally far below the permitted wastewater requirements of the Bylaw.

In addition to car wash facilities many sites are equipped with automatic coffee machines. These machines have the capacity to froth and dispense milk. Coffee machines produce small amounts of residual waste and wash water during cleaning and operation. This waste water may potentially contain residual dairy products. The volumes of wastewater generated by the coffee machine is low and unlikely to affect the biological oxygen demand (BOD) loading of discharge from a site. Some sites serve an array of food. Food preparation is minimal. All food is brought to the site pre-packaged. Notwithstanding this, screens on processing to control solids, are provided where necessary. Such pre-treatment is envisaged and required by the Bylaw in Schedule 2.

Other trade waste discharges from Service Station sites include discharges from the dewatering of a tank pit. Such discharges would be unlikely to comply with the limits of Schedule 1A, particularly with the controls on flow, suspended solids content and potentially limits on organic compounds. It is accepted that these dewatering discharges would require a consent, unless waived by the Council (see submission section 3.0 below) or subject to a Trade Waste Agreement.

2.2 Activity Status - Relief Sought

Given that the actual discharge levels for Car Wash facilities, sites where coffee machines are installed, and sites where cafes operate are far below the permitted wastewater requirements of Schedule 1A it would be practical to allow for these discharges associated with Service Stations to occur without the need for a trade waste approval notice being sought. The limits provided for in Schedules 1A and the Pre-treatment requirements of Schedule 2 are therefore supported on the basis that the Bylaw is amended to provide for trade waste discharges up to these limits, with the appropriate pre-treatment, without approval being required.

Where trade wastes meet the requirements of Schedule 1A and the pre-treatment requirements of Schedule 2 it is appropriate that they be provided for without the need for a trade waste approval. Having a certain level of trade waste provided for as permitted without the need for a trade waste approval, i.e. any form of Council consent, would provide an efficient and effective means of managing trade discharges from Oil Company Service Stations, Car Wash and Café facilities.

In order to provide for a certain level of discharge as permitted and not requiring any approval amendments will need to be made to the Bylaw. These amendments include, but are not limited to, the Definition of Permitted Trade Waste to include reference to Schedule 2 as well as Schedule 1A and amendments to Section 8.0 to delete the requirement for permitted trade wastes having to obtain an approval.

Question: The proposed bylaw includes both trade waste and wastewater. Do you support this?

The overall review of the Proposed Trade Waste Bylaw is supported particularly the risk management approach and consistency with the Model Bylaw. Your support is noted.

The definition of Trade Waste is also supported as it is specific to discharges from trade or industrial process

premises to the wastewater system. The definition as follows should be retained.

'Trade Waste' is any liquid, with or without matter in suspension or solution, that is or may be discharged from a Premises to the Wastewater 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; or Stormwater which cannot be practically separated.'

There are, however, a number of areas which could be improved to reflect best practice, provide increased certainty to those using the Bylaw and take a more pragmatic risk-based approach.

Amendment and Clarification is therefore required to the Bylaw as outlined in the following sections of this submission.

Question: Additional comments

SCHEDULE IB PROHIBITED WASTEWATER

Schedule IB establishes prohibited characteristics. It is not entirely clear that the exemption from this Schedule for those discharges complying with the permitted discharge levels of Schedule IA applies to oil, fuel and solvents rather than just solvents. An additional amendment is therefore sought to make it clear that the exception relates to oil, fuel and solvents and not just solvents.

Prohibited Wastewater – Relief Sought

Amend Schedule IB(2)(c) as follows (deletions in strikethrough, additions in underline):

(b) Except as allowed for in Schedule IA, ~~Liquid, solid or gas which could be flammable or explosive in the wastes, including oil, fuel, solvents, (except as allowed for in Schedule I), calcium carbide and any other material which is capable of giving rise to fire or explosion hazards either spontaneously or in combination with sewage.~~

Issue – unclear wording in the Prohibited Characteristics Schedule IB.

The suggestion to change the wording in Prohibited Characteristics Schedule IB to clarify that oil, fuel and solvents meeting permitted limits are not prohibited is supported as this is the intent of the requirement.

Recommendation: The wording in Prohibited Characteristics Schedule IB is changed to clarify wastewater meeting the permitted limits for oil, fuel and solvents is not prohibited.

(Appendix 2)



Proposed Trade Waste and Wastewater Bylaw 2016

Original submissions 1-4

From: Nadine Perera
Sent: 22 May 2016 22:44:40 +0000
To: consult
Subject:
Attachments: SUB Waikato DC Draft Trade Waste Bylaw Final.pdf

Please find attached a submission made on behalf of the Oil Companies on the proposed Trade Waste and Waste Water Bylaw for the Waikato District.

Please acknowledge receipt by return email and contact the undersigned if you have any queries.

Kind regards

Nadine Perera.

**SUBMISSION TO THE WAIKATO DISTRICT COUNCIL
PROPOSED TRADEWASTE AND WASTEWATER BYLAW
2016**

May 23 2016

To: Waikato District Council
15 Galileo Street
NGARUAWAHIA 3720

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	PO Box 2091	PO Box 99873
	WELLINGTON 6140	AUCKLAND 1149

Mobil Oil NZ Limited
PO Box 1709
AUCKLAND 1140

Hereafter, collectively referred to as the 'Oil Companies'

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Ref: 16/028

1.0 BACKGROUND

The Oil Companies receive, store and distribute refined petroleum products. The Oil Companies have commercial, shore and marine based, and aviation and bulk storage facilities and are also owners of retail outlets and suppliers of petroleum products to individually owned retail outlets.

Trade Waste Bylaws are of particular relevance to retail outlets with carwash facilities as these facilities discharge to sewer. The Oil Companies consider that such discharges should be permitted subject to appropriate controls.

The Oil Companies also occasionally seek to discharge treated tank pit dewatering water to sewer during short term retanking operations. These discharges would typically require a Conditional Trade Waste Discharge Consent.

2.0 PROPOSED TRADE WASTE BYLAW – OVERALL APPROACH

The overall review of the Proposed Trade Waste Bylaw is supported particularly the risk management approach and consistency with the Model Bylaw.

The definition of Trade Waste is also supported as it is specific to discharges from trade or industrial process premises to the wastewater system. The definition as follows should be retained.

‘Trade Waste’ is any liquid, with or without matter in suspension or solution, that is or may be discharged from a Premises to the Wastewater 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; or Stormwater which cannot be practically separated.’

There are, however, a number of areas which could be improved to reflect best practice, provide increased certainty to those using the Bylaw and take a more pragmatic risk-based approach.

Amendment and Clarification is therefore required to the Bylaw as outlined in the following sections of this submission.

2.0 ACTIVITY STATUS OF TRADE WASTE DISCHARGES

The Bylaw sets out general requirements for a Permitted Wastewater (requiring an approval notice to be obtained) and maximum concentrations for common substances that may be contained in Wastewater.

Oil Company sites have in the past often only required a trade waste permit for the operation of a car wash. Whether, or not, a trade waste is required even for a car wash generally relates to the volume of trade waste provided for under Bylaws for each local authority area. Under the proposed changes to the Waikato District Bylaw it is more than likely that every Service Station will require a trade waste approval of some sort whether, or not, it has a car wash facility. This represents a significant ongoing cost to business particularly as trade waste consents for each Service Station are required on an ongoing basis.

The Bylaw as written sets up an approval process for all trade waste discharges. In this regard there is no appreciable difference between a permitted discharge and a conditional discharge. The only difference being duration of the consent. Council is still able to place conditions on approvals as well as consents. The process of requiring approval for permitted trade waste discharges that are subject to pre-treatment is vexatious and unnecessary.

If the Council needs to know what is going on an appropriate procedure may be through a notification procedure. In such instances Council could be notified, and then, after inspecting the discharges in question could undertake enforcement action if needed. Although the Oil Companies do not see the need for a notification process either, it is an alternative to the situation outlined in the Bylaw. Another alternative is for the Council to audit specific industries where there may be concern rather than the broad brush approach of requiring all trade waste discharges to obtain approval.

It is also not clear from the Bylaw whether the approval requirement, for permitted trade waste discharges, is to apply to new or existing permitted trade wastes retrospectively. If the trade waste approval process is to apply retrospectively there is no date by which existing dischargers are to comply. In addition those seeking consent for new trade waste discharges may be held up by Council staff processing retrospective consents.

The proposed limits on physical and chemical characteristics in Schedule 1A and the Pre-treatment Requirements outlined in Schedule 2 provide for many of the typical trade waste discharges generated by facilities located on Service Station sites in accordance with industry best practice.

By way of example modern car wash facilities recycle a high percentage of water such that the 24 hour outflow from a typical car wash averages 0.5 to 2m³ per day at a maximum rate of approximately 0.5L/s. These are clearly within the 5m³day and 2L/s rates proposed at Schedule 1A. The temperature of the trade waste is typically 14-15 degrees Celsius which complies with the proposed 40 degree limit. Removal of oil and solids is provided by standard treatment devices and adherence to the relevant limits for suspended solids (1,000g/m³) and settleable solids (50ml/l) is able to be achieved. Controls requiring no free or floating layer of oil or grease nor discharge exceeding 200g/m³ are also able to be achieved as are pH values between 6 and 10.

Accordingly, and as demonstrated in the following table, actual trade waste discharge from a car wash facility is generally far below the permitted wastewater requirements of the Bylaw.

Parameter	Requirement	Actual Likely Discharge	
Bio Chemical Oxygen Demand BOD5	1000g/m ³ .	cBOD from <1.0 to 176.0 at different carwash sites.	Achieved
Flow	Maximum daily total flow 5m ³ . Instantaneous flow rate 2.0L/s.	0.5m ³ to 2.1m ³ per day at a maximum rate of 0.5L/s.	Actual less than requirement Achieved
Oil and Grease	200g/m ³ . (100g/m ³ for Pokeno and Tuakau). No free or floating layer	Less than 200g/m ³ . 90-95% removed.	Achieved.

PH	6.0-10.0.	Within range.	Achieved
Solvents or other organic liquids	No free or floating layer.	No free or floating layer.	Achieved
Settleable solids	50 ml/L.	Less than limit.	Achieved
Suspended solids	2000g/m ³ .	Less than 1000g/m ³ . Removed prior to discharge.	Achieved
Temperature	40 ^o C.	14-15 ^o C.	Achieved
Total Petroleum Hydrocarbons	C7-C14 30 g/m ³ C7-C36 50 g/m ³	1.0 max	Achieved

In addition to car wash facilities many sites are equipped with automatic coffee machines. These machines have the capacity to froth and dispense milk. Coffee machines produce small amounts of residual waste and wash water during cleaning and operation. This waste water may potentially contain residual dairy products. The volumes of wastewater generated by the coffee machine is low and unlikely to affect the biological oxygen demand (BOD) loading of discharge from a site. Some sites serve an array of food. Food preparation is minimal. All food is brought to the site pre-packaged. Notwithstanding this, screens on processing to control solids, are provided where necessary. Such pre-treatment is envisaged and required by the Bylaw in Schedule 2.

Other trade waste discharges from Service Station sites include discharges from the dewatering of a tank pit. Such discharges would be unlikely to comply with the limits of Schedule 1A, particularly with the controls on flow, suspended solids content and potentially limits on organic compounds. It is accepted that these dewatering discharges would require a consent, unless waived by the Council (see submission section 3.0 below) or subject to a Trade Waste Agreement.

2.1 Activity Status - Relief Sought

Given that the actual discharge levels for Car Wash facilities, sites where coffee machines are installed, and sites where cafes operate are far below the permitted wastewater requirements of Schedule 1A it would be practical to allow for these discharges associated with Service Stations to occur without the need for a trade waste approval notice being sought. The limits provided for in Schedules 1A and the Pre-treatment requirements of Schedule 2 are therefore supported on the basis that the Bylaw is amended to provide for trade waste discharges up to these limits, with the appropriate pre-treatment, without approval being required.

Where trade wastes meet the requirements of Schedule 1A and the pre-treatment requirements of Schedule 2 it is appropriate that they be provided for without the need for a trade waste approval. Having a certain level of trade waste provided for as permitted without the need for a trade waste approval, i.e. any form of Council consent, would provide an efficient and effective means of managing trade discharges from Oil Company Service Stations, Car Wash and Café facilities.

In order to provide for a certain level of discharge as permitted and not requiring any approval amendments will need to be made to the Bylaw. These amendments include, but are not limited to, the Definition of Permitted Trade Waste to include reference to Schedule 2 as well as Schedule 1A and amendments to Section 8.0 to delete the requirement for permitted trade wastes having to obtain an approval.

3.0 WAIVER OF TRADE WASTE

The Bylaw provides for Trade Waste Agreements and this is supported. It is also appropriate to provide for a trade waste discharger to have the ability to apply to Council with a view to waiving the requirement for a trade waste discharge consent. This has been undertaken in the newly released Wellington Trade Waste Bylaw and is a position that is supported by the Oil Companies.

In the Wellington Bylaw a waiver may be granted on the basis that due to the nature, volume or other circumstance/characteristic, a trade waste consent 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. The use of such a waiver system within the Waikato District Bylaw would provide an effective and efficient process for the management of trade waste discharges from Service Stations.

3.1 Waiver of Trade Waste – Relief Sought

A new section providing for applications to be made to waive the need for a trade waste discharge consent should be inserted in the Bylaw as follows (additions in underline):

Compliance Waiver

Application to waive need for trade waste discharge consent

An application to the Council can be made 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.

Decision of Council

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

- (a) Waive the need to observe the 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.

4.0 SCHEDULE 1B PROHIBITED WASTEWATER

Schedule 1B establishes prohibited characteristics. It is not entirely clear that the exemption from this Schedule for those discharges complying with the permitted discharge levels of Schedule 1A applies to oil, fuel and solvents rather than just solvents. An additional amendment is therefore sought to make it clear that the exception relates to oil, fuel and solvents and not just solvents.

4.1 Prohibited Wastewater – Relief Sought

Amend Schedule 1B(2)(c) as follows (deletions in strikethrough, additions in underline):

(b) Except as allowed for in Schedule 1A, liquid, solid or gas which could be flammable or explosive in the wastes, including oil, fuel, solvents, calcium carbide and any other material which is capable of giving rise to fire or explosion hazards either spontaneously or in combination with sewage. ~~(except as allowed for in Schedule 1),~~

5.0 ALTERNATE RELIEF

Adopt any other relief, including additions, deletions or consequential amendments necessary to give effect to these submissions as a result of the matters raised.

6.0 HEARING

The Oil Companies wish to be heard in support of their submission at the Hearing on 29 June 2016.

Signed for and on behalf of Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Limited



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Nadine Perera
Principal Planner

Dated this 23rd day of May 2016

Introduction

Waikato District Council is seeking feedback on the draft **Trade Waste and Wastewater Bylaw**.

The **bylaw** enables Council to protect public health and safety and the environment, and provide effective and efficient wastewater infrastructure.

The reasons for proposing to adopt the new Bylaw are to address the following problems:

- Controlling waste that is discharged to the wastewater system - trade waste, tankered; waste and residential wastewater,
- Complying with resource consents,
- Minimising blockages and overflows,
- Providing capacity for growth,
- Encouraging waste minimisation and cleaner production,
- Reducing stormwater inflow and groundwater infiltration,
- Controlling deterioration of the network,
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- Recovering additional costs of trade waste collection and treatment

Privacy Statement

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Submitter Details

First Name: **John**
 Last Name: **Lawson**
 Street: **51 Cliff St**
 Suburb:
 City: **Raglan**
 Country: **New Zealand**
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 eMail: **johnrag@vodafone.co.nz**

Resident or Ratepayer:

Ratepayer Resident Non-resident ratepayer Other

Which Community Board Area is your property in?

Awaroa ki Tuakau District Eureka Hukanui-Waerenga
 Huntly Newcastle Ngaruawahia Onewhero-Te Akau
 Outside of district Raglan Tamahere Unknown

Whangamarino

Wishes to be heard:

Yes

I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Preferred hearing location:

Trade Waste and Wastewater Bylaw - Wednesday, 29 June 2016 Council Chambers, Waikato District Council Office, 15 Galileo Street, Ngaruawahia

Hearing Needs:

Correspondence to:

Submitter

Agent

Both

Submission

Preferred method of contact

Email

Post

Not stated

Age

16-24

25-35

36-50

51-65

66+

Prefer not to say

Ethnicity

Comments

There seems to be an error in that 7.2b says, 'No Person may introduce or discharge or allow to be introduced or discharged Wastewater that has any of the prohibited Characteristics set out in Schedule 1B into the Wastewater System.' and Schedule 1B says, 'Any discharge has prohibited Characteristics if it has any solid, liquid or gaseous matters, or any combination, or mixture of such matters which by themselves or in combination with any other matters will immediately or in the course of time: e) Cause malodorous gases'. It is not limited to trade waste, so seemingly bans the waste which sewage systems were mainly set up to treat.

Are you a Trade Waste Consent Holder?

Yes

No

Not stated

Are there clauses in the bylaw that are of concern?

- Yes
 - No
 - Don't know
-

Please tell us which clauses and why

Comments
7.2b as above

The proposed bylaw includes both trade waste and wastewater. Do you support this?

Comments

Are there any issues or problems with trade waste or wastewater that haven't been addressed by the bylaw? Please tell us what the issue is and what you would like the bylaw to include

Comments

Additional comments

Comments

Attached Documents

File
No records to display.

Introduction

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Submitter Details

First Name: **Geoff**
 Last Name: **Young**
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 On behalf of: **New Zealand Trade and Industrial Waters Forum**
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 City: **Hamilton**
 Country: **New Zealand**
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 eMail: **geoff.young@bpoltd.co.nz**

Resident or Ratepayer:

Ratepayer Resident Non-resident ratepayer Other

Which Community Board Area is your property in?

Trade Waste and Wastewater Bylaw from Young, Geoff organisation: New Zealand Trade and Industrial Waters Forum behalf of: New

- | | | | |
|---|---------------------------------|-----------------------------------|--|
| <input type="radio"/> Awaroa ki Tuakau | <input type="radio"/> District | <input type="radio"/> Eureka | <input type="radio"/> Hukanui-Waerenga |
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- 66+
- Prefer not to say

Ethnicity

Comments

Are you a Trade Waste Consent Holder?

- Yes
- No
- Not stated

Are there clauses in the bylaw that are of concern?

- Yes
- No
- Don't know

Please tell us which clauses and why

Comments

Section 6.4.4 of the Waikato District Council Trade Waste Bylaw 2008 should be included in the new Waikato District Council Proposed Trade Waste and Wastewater Bylaw 2016. Section 6.4.4 deals with wastes carried and disposed of by liquid waste tankers. 6.4.4 Tankered Wastes 'Tankered wastes shall not be discharged into WWA's sewerage system by any Person or Consent Holder not compliant with the Liquid & Hazardous Waste Code of Practice.' The Liquid & Hazardous Code of Practice is an industry driven standard that is administered and overseen by The New Zealand Trade and Industrial Waters Forum (NZTIWF) and its industry-based Certification Council. To become code compliant with the Liquid & Hazardous Code of Practice an audit of the liquid waste contracting company is undertaken by a trained systems auditor. The audit of the company is to ensure that the company is complying with all sections of the Code of Practice. If the company meets the requirements that are set out in the Code of Practice a recommendation for that company to become code compliant is sent to the Certification Council for formal acceptance. The Certification Council reviews recommendations for code compliancy. The Liquid and Hazardous Waste Operators Certification Council Code Compliancy Programme has been developed to accredit providers and to certify services. Consumers can be confident that services supplied from Liquid and Hazardous Waste Operators Certification Council registered companies are reliable and of high quality and do not pose hazards to the environment, safety or personal welfare. WasteTRACK is one element of the Code. WasteTRACK is an internet-based database system which tracks liquid and hazardous wastes from generation, through transport to treatment and/or disposal (cradle to grave). Wastes are tracked from the generator to the ultimate disposal location, which is accurately documented in a secure database, with the data being readily accessible for select relevant Waikato Council personnel to review and check. Ensuring the continued use of WasteTRACK in the Waikato District would help to maintain a level playing field for liquid waste operators, throughout the neighbouring districts, in addition to helping maintain high standards of liquid waste management in Waikato District. WasteTRACK is successfully being used in other districts in the Waikato region. Together the Code Compliancy programme and WasteTRACK are being used throughout New Zealand as tools to raise the standards for the industry and maintain them to a high level. Incorporating Section 6.4.4 of the Waikato District Council Trade Waste Bylaw 2008 into the new Waikato District Council Proposed Trade Waste and Wastewater Bylaw 2016 would help to ensure that standards throughout the Waikato District can be raised to the same level as surrounding districts and throughout New Zealand. The NZTIWF and the Certification Council strongly believes that the introduction of the Code Compliancy Programme by Waikato District Council in the Trade Waste and Wastewater Bylaw 2016 will significantly reduce the risks of any adverse effects on the wastewater infrastructure, and reduce risks of harm to maintenance personnel. The continuation of WasteTRACK as part of the Code Compliancy Programme will also reduce the potential for any illegal disposal activities, which will benefit the wider Waikato region.

The proposed bylaw includes both trade waste and wastewater. Do you support this?

Comments

Are there any issues or problems with trade waste or wastewater that haven't been addressed by the bylaw? Please tell us what the issue is and what you would like the bylaw to include

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Submitter Details

First Name: **Bruce**
 Last Name: **Holland**
 On behalf of: **Liquid & Hazardous Waste Operators Group**
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 Suburb:
 City:
 Country:
 PostCode: **2121**
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 Mobile: **0274961278**
 eMail: **bruce.holland@pandh.co.nz**

Resident or Ratepayer:

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Which Community Board Area is your property in?

Awaroa ki Tuakau District Eureka Hukanui-Waerenga

- | | | | |
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- 16-24
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 - 51-65
 - 66+
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-

Ethnicity

Comments

Kiwi

Are you a Trade Waste Consent Holder?

- Yes
 - No
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-

Are there clauses in the bylaw that are of concern?

- Yes
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Please tell us which clauses and why

Comments

My name is Bruce Holland. I am the chairman of the Liquid & Hazardous Waste Operators Group, an organisation operating under the secretariat of the New Zealand Trade & Industrial Waters Forum. We administer the Certification Council and waste tracking throughout New Zealand. We work closely with the Ministry for Environment to ensure their objectives are met. We propose that section 6.4.4 of the Waikato District Council Trade Waste Bylaw 2008 should be included in the new Waikato District Council Proposed Trade Waste and Wastewater Bylaw 2016. Section 6.4.4 deals with wastes carried and disposed of by liquid waste tankers. 6.4.4 Tankered Wastes 'Tankered wastes shall not be discharged into WWA's sewerage system by any Person or Consent Holder not compliant with the Liquid & Hazardous Waste Code of Practice.' The Liquid & Hazardous Code of Practice is an industry driven standard that is administered and overseen by The New Zealand Trade and Industrial Waters Forum (NZTIWF) and its industry-based Certification Council. To become code compliant with the Liquid & Hazardous Code of Practice an audit of the liquid waste contracting company is undertaken by a trained systems auditor. The audit of the company is to ensure that the company is complying with all sections of the Code of Practice. If the company meets the requirements that are set out in the Code of Practice a recommendation for that company to become code compliant is sent to the Certification Council for formal acceptance. The Certification Council reviews recommendations for code compliance. The Liquid and Hazardous Waste Operators Certification Council Code Compliance Programme has been developed to accredit providers and to certify services. Consumers can be confident that services supplied from Liquid and Hazardous Waste Operators Certification Council registered companies are reliable and of high quality and do not pose hazards to the environment, safety or personal welfare. WasteTRACK is one element of the Code. WasteTRACK is an internet-based database system which tracks liquid and hazardous wastes from generation, through transport to treatment and/or disposal (cradle to grave). Wastes are tracked from the generator to the ultimate disposal location, which is accurately documented in a secure database, with the data being readily accessible for select relevant Waikato Council personnel to review and check. Ensuring the continued use of WasteTRACK in the Waikato District would help to maintain a level playing field for liquid waste operators, throughout the neighbouring districts, in addition to helping maintain high standards of liquid waste management in Waikato District. WasteTRACK is successfully being used in other districts in the Waikato region. Together the Code Compliance programme and WasteTRACK are being used throughout New Zealand as tools to raise the standards for the industry and maintain them to a high level. Incorporating Section 6.4.4 of the Waikato District Council Trade Waste Bylaw 2008 into the new Waikato District Council Proposed Trade Waste and Wastewater Bylaw 2016 would help to ensure that standards throughout the Waikato District can be raised to the same level as surrounding districts and throughout New Zealand. The NZTIWF and the Certification Council strongly believes that the introduction of the Code Compliance Programme by Waikato District Council in the Trade Waste and Wastewater Bylaw 2016 will significantly reduce the risks of any adverse effects on the wastewater infrastructure, and reduce risks of harm to maintenance personnel. The continuation of WasteTRACK as part of the Code Compliance Programme will also reduce the potential for any illegal disposal activities, which will benefit the wider Waikato region.

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Are there any issues or problems with trade waste or wastewater that haven't been addressed by the bylaw? Please tell us what the issue is and what you would like the bylaw to include

Comments

My name is Bruce Holland. I am the chairman of the Liquid & Hazardous Waste Operators Group, an organisation operating under the secretariat of the New Zealand Trade & Industrial Waters Forum. We administer the Certification Council and waste tracking throughout New Zealand. We work closely with the Ministry for Environment to ensure their objectives are met. We propose that section 6.4.4 of the Waikato District Council Trade Waste Bylaw 2008 should be included in the new Waikato District Council Proposed Trade Waste and Wastewater Bylaw 2016. Section 6.4.4 deals with wastes carried and disposed of by liquid waste tankers. 6.4.4 Tankered Wastes 'Tankered wastes shall not be discharged into WWA's sewerage system by any Person or Consent Holder not compliant with the Liquid & Hazardous Waste Code of Practice.' The Liquid & Hazardous Code of Practice is an industry driven standard that is administered and overseen by The New Zealand Trade and Industrial Waters Forum (NZTIWF) and its industry-based Certification Council. To become code compliant with the Liquid & Hazardous Code of Practice an audit of the liquid waste contracting company is undertaken by a trained systems auditor. The audit of the company is to ensure that the company is complying with all sections of the Code of Practice. If the company meets the requirements that are set out in the Code of Practice a recommendation for that company to become code compliant is sent to the Certification Council for formal acceptance. The Certification Council reviews recommendations for code compliance. The Liquid and Hazardous Waste Operators Certification Council Code Compliance Programme has been developed to accredit providers and to certify services. Consumers can be confident that services supplied from Liquid and Hazardous Waste Operators Certification Council registered companies are reliable and of high quality and do not pose hazards to the environment, safety or personal

welfare. WasteTRACK is one element of the Code. WasteTRACK is an internet-based database system which tracks liquid and hazardous wastes from generation, through transport to treatment and/or disposal (cradle to grave). Wastes are tracked from the generator to the ultimate disposal location, which is accurately documented in a secure database, with the data being readily accessible for select relevant Waikato Council personnel to review and check. Ensuring the continued use of WasteTRACK in the Waikato District would help to maintain a level playing field for liquid waste operators, throughout the neighbouring districts, in addition to helping maintain high standards of liquid waste management in Waikato District. WasteTRACK is successfully being used in other districts in the Waikato region. Together the Code Compliancy programme and WasteTRACK are being used throughout New Zealand as tools to raise the standards for the industry and maintain them to a high level. Incorporating Section 6.4.4 of the Waikato District Council Trade Waste Bylaw 2008 into the new Waikato District Council Proposed Trade Waste and Wastewater Bylaw 2016 would help to ensure that standards throughout the Waikato District can be raised to the same level as surrounding districts and throughout New Zealand. The NZTIWF and the Certification Council strongly believes that the introduction of the Code Compliancy Programme by Waikato District Council in the Trade Waste and Wastewater Bylaw 2016 will significantly reduce the risks of any adverse effects on the wastewater infrastructure, and reduce risks of harm to maintenance personnel. The continuation of WasteTRACK as part of the Code Compliancy Programme will also reduce the potential for any illegal disposal activities, which will benefit the wider Waikato region.

Additional comments

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Attached Documents

File
No records to display.

(Appendix 3)



Proposed Trade Waste and Wastewater Bylaw 2016

Bylaw including tracked changes

Waikato District Council

~~Proposed~~ Trade Waste and Wastewater Bylaw 2016

Waikato District Council, in exercise of its powers under the Local Government Act 2002, and the Health Act 1956 and their respective amendments, and all other relevant powers, hereby makes the following bylaw.

1.0 Introduction

- 1.1. Waikato District Council has the ability to make bylaws for regulating and protecting wastewater drainage and Trade Waste. Under Section 10 of the Local Government Act, Council needs to provide effective and efficient wastewater infrastructure. The regulation of Trade Waste allows Council to control the quality and quantity of Trade Waste and recover the additional costs of Trade Waste collection and treatment. The management of wastewater assists in protecting wastewater infrastructure from damage, removing substances that could affect the environment, and controlling Stormwater discharges to the Wastewater System.

(Note: the above introduction does not form part of this bylaw and is intended to be read as an introductory note)

2.0 Short title, commencement and application

- 2.1 The bylaw shall be known as the "Waikato District Council Trade Waste and Wastewater bylaw 2016".
- 2.2 The bylaw shall apply to the Waikato District.
- 2.3 The bylaw shall come into force on 1 September 2016.

3.0 Revocation

- 3.1 The following bylaws are hereby revoked from the day this new bylaw comes into force: "Waikato District Council Trade Waste bylaw 2008 " and the "Franklin District Council Trade Waste bylaw 2007".

4.0 Purpose

- 4.1 The purpose of this bylaw is to enable Council to:
- Protect the health and safety of ~~all~~ people using or working in the Wastewater System.
 - Protect the Wastewater System from damage and misuse.
 - Protect the environment from adverse effects of harmful substances discharged to the Wastewater System.
 - Produce Wastewater and Biosolids of a consistent quality.
 - Encourage waste minimisation, Cleaner Production, efficient recycling and reuse of waste streams ~~at-by~~ businesses ~~es~~ Premises.

- f) Ensure that businesses ~~es Premises~~ maintain Trade Waste discharges within agreed ~~and consented flow and Characteristic~~ levels.

5.0 Compliance with Other Acts and Codes

- 5.1. This bylaw has been developed in accordance with all relevant legislation and guidance documents.
- 5.2. Compliance with the requirements of this bylaw does not remove the need to comply with the requirements of any Act, regulation or other bylaw.

6.0 Definitions

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

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 must be in accordance with the New Zealand Building Code.
Alternative Grease Removal System	Refers to a grease removal system other than a Grease Trap. Includes, but is not limited to, grease converters and mechanical grease removal systems.
Approval or Approved	Means Approved in writing by Council, either by resolution of the Council or by any Authorised Officer of the Council.
Approval Notice	Means an Approval given by Council and signed by an Authorised Officer authorising a Person to discharge Permitted Trade Waste to the Wastewater System.
Authorised Officer	Means an employee, agent or contractor of Council, appointed by Council as an enforcement officer under section 171 of the Local Government Act 2002.
Biosolids	Means wastewater sludge derived from a Wastewater Treatment Plant that has been treated and/or stabilised to the extent that it is able to be safely and beneficially applied to land or reused, and does not include products derived solely from industrial Wastewater Treatment Plants. The term Biosolid/s is used generically throughout this document to include products containing Biosolids (eg composts).
Characteristics	Means any of the physical or chemical properties of a Wastewater and may include the level of a Characteristic.
Cleaner Production	Means the implementation on Premises of effective operations, methods and processes appropriate to achieve the reduction or elimination of the quantity and toxicity of wastes. This is required to minimise and manage Trade Waste by: <ul style="list-style-type: none"> a) Using energy and resources efficiently, thereby avoiding or reducing the amount of waste produced; b) Producing environmentally sound products and services; c) Achieving less waste, fewer costs and higher profits.

Condensing 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 Consent	Means an Approval given by Council and signed by an Authorised Officer authorising a Person to discharge Conditional Trade Waste to the Wastewater System.
Conditional Trade Waste	Means a Trade Waste discharge which exceeds the physical and chemical Characteristics defined in Schedule IA of this bylaw, and which is not a Prohibited Trade Waste.
Consent	Means an Approval Notice or Conditional Consent.
Consent Holder	Means the Person occupying Premises who has obtained a Consent or Trade Waste Agreement 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.
Council	Means Waikato District Council or an employee, agent or contractor of Council appointed to carry out duties relating to Trade Waste and Wastewater management.
Defect Notice	Means a notice issued in accordance with clause 13.1.
Disconnection	Means the physical cutting and sealing of any of Council's water services, utilities, drains or Wastewater System to prevent use by any Person.
Domestic Wastewater	Means liquid wastes (with or without matter in solution or suspension) discharged from Premises used solely for residential purposes and which complies with the physical and chemical Characteristics defined in Schedule IA of this bylaw, or wastes with the same volume and Characteristic discharged from other Premises; but does not include any solids, liquids or gases that cannot lawfully be discharged into the Wastewater System.
Grease Trap	Means a separation tank that reduces the amount of fat, oil and grease in Trade Waste prior to it being discharged into the Wastewater System.
Hazardous Materials	Means raw materials, products or wastes containing corrosive, toxic, biocidal, radioactive, flammable or explosive materials, or any materials which when mixed with Wastewater, are likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous to the health and safety of any Person or harmful to the Wastewater System, and includes hazardous substances as defined by the Hazardous Substances and New Organisms Act 1996.
Independently Qualified Person	Means a Person with appropriate qualifications, Approved by Council and who is independent of the Consent Holder.
Infiltration	Means ground or surface water entering the Wastewater System or a Private Drain connected to the Wastewater System through defects such as, but not limited to, poor joints and cracks in pipes or manholes. It does not include Inflow.
Inflow	Means water discharged into the Wastewater System or a Private

	Drain connected to the Wastewater System from non-complying connections. It includes Stormwater entering through illegal down pipe connections or from low gully traps.
Management Plan	Means a plan which shows how the Consent Holder will manage their operations and discharge to comply with their Consent. It may include provision for flow and quality monitoring, sampling and testing, Cleaner Production, waste minimisation, discharge, contingency management procedures, or any relevant industry Code of Practice.
Mass Limit	Means the total mass of any Characteristic that may be discharged to the Wastewater 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 Premises connected to the Wastewater System.
Permitted Trade Waste	Means a Trade Waste discharge that complies with the physical and chemical Characteristics defined in Schedule IA 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 Wastewater System and a Private Drain but for the purposes of monitoring, sampling and testing, must be as designated in the Consent.
Pre -Treatment	Means any processing of Trade Waste designed to reduce or vary any Characteristic in a waste before discharge to the Wastewater System in order to comply with a Consent or this bylaw.
Private Drain	Means that section of drain between the Premises and the point of connection to the Wastewater System.
Premises	Means the physical location to which a Wastewater service is provided and includes: <ul style="list-style-type: none"> a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued; b) A building or part of a building that has been defined as an individual unit by a cross-lease, unit title or company lease; c) Land held in public ownership for a particular purpose; or d) Individual units in buildings, which are separately leased or separately occupied. <p>Allotment means the same as defined in the Land Transfer Act 1952.</p>
Prohibited Trade Waste	Means a Trade Waste discharge that has any of the prohibited Characteristics as defined in Schedule IB of this bylaw.
Stormwater	Means surface water runoff that: <ul style="list-style-type: none"> a) Enters or may enter the Stormwater system as a result of a rain event; and b) Contains any substance where the type and concentration of

the substance is consistent with the contributing catchments land use(s) and that of the receiving environment.

Tanker Waste	Is water or other liquid, including waste matter in solution or suspension, which is conveyed by vehicle for disposal, excluding Domestic Wastewater discharged directly from house buses, caravans, buses and similar vehicles.
Temporary Discharge	Means any discharge of an intermittent or short duration. Such discharges include the short-term discharge of an unusual waste from Premises subject to an existing Consent.
Trade Waste	Is any liquid, with or without matter in suspension or solution, that is or may be discharged from a Premises to the Wastewater 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; or Stormwater which cannot be practically separated.
Trade Waste Agreement	Is a written agreement between Council and a Person discharging Trade Waste, authorising the Person to discharge Conditional Trade Waste to the Wastewater System, that outlines both parties' rights and responsibilities.
Wastewater	Means water or other liquid waste, including sewage and waste matter in solution or suspension, discharged to the Wastewater System. This includes Domestic Wastewater and Trade Wastes.
Wastewater System	Includes all infrastructure, including pipes, fittings, manholes, pumps, pump stations; and any land, buildings, and treatment works which are under the control of the Council <u>or any other Council</u> and used for the purpose of providing a Wastewater service.
Wastewater Treatment Plant	Means the processes and facilities involved in treating Wastewater.
Waters Manager	Means the Waters Manager employed by Council, and if that role has been disestablished, means the appropriate equivalent Council officer, or if there is no such equivalent position, means the Council officer authorised by Council to act in that position for the purposes of this bylaw.
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.

7.0 Wastewater

7.1 Connecting to the Wastewater System

- a) No Person may, without Council's Approval
 - i. Connect to the Wastewater System;
 - ii. Disconnect from the Wastewater System;
 - iii. Carry out any other works on, or in relation to , the Wastewater System; or
 - iv. Open any manhole, chamber, Access Point on, or otherwise tamper with the Wastewater System.
- b) Any Person wishing to connect to, ~~or disconnect from,~~ or work on the Wastewater System, ~~or to otherwise carry out works on such a system,~~ must make a written write to Council for Approval and provide any information specified by Council. ~~application for Approval to Council, and must provide with that application all information relating to the application as is specified by Council.~~
- c) Council may grant Approval to such connection, Disconnection or other works, ~~as the case may be,~~ and may impose conditions, ~~which must be complied with in the exercise of the Approval.~~
- d) Without limiting subclause (c), a condition imposed under that subclause may require that the connection, Disconnection or works comply with any relevant code of practice.
- e) Council may refuse an application for Approval to connect to a system where:
 - i. The applicant has not paid fees or charges associated with the connection (including development charges) ~~that have been required by Council~~ or has refused to provide Council with specified information relating to the application such information relating to the application as has been specified by Council;
 - ii. In Council's reasonable opinion, there is insufficient capacity in the system to accommodate the connection;
 - iii. In Council's reasonable opinion, the connection would compromise its ability to maintain levels of service in relation to the Wastewater System;
 - iv. The connection is outside the area currently served by the Wastewater System, regardless of its proximity to any specific component of the Wastewater System; or
 - v. In Council's reasonable opinion, refusal is necessary to protect the Wastewater System, the health and safety of any Person, or the environment.

7.2 Control of Discharges

- a) A Person must not discharge, or allow to be discharged any Wastewater into the Wastewater System except in accordance with this bylaw and ~~in accordance~~ with the provisions of a Consent or Trade Waste Agreement.
- b) No Person may introduce or discharge or allow to be introduced or discharged Wastewater that has any of the prohibited Characteristics set out in Schedule 1B into the Wastewater System.
- c) No Person may cause or allow Stormwater to enter the Wastewater System unless specific Approval is given.

- d) No Person may introduce or discharge Condensing water, Cooling water, disinfected or super-chlorinated water into the Wastewater System unless specific Approval is given.

NOTE: (this note does not form part of the bylaw) condensing, cooling, disinfected or super-chlorinated water must not be discharged to the Stormwater system without specific Approval.

- e) When any Person fails to comply with clauses 7.2 (a) – (d), and a reasonable alternative method cannot be agreed with the discharging party, the Council may physically prevent discharge into the Wastewater System.
- f) Domestic Wastewater must comply with the physical and chemical Characteristics in Schedule IA.
- g) The maximum instantaneous flow rate discharged from any Premises solely used for residential purposes must not exceed 2.0 litres/second.

7.3 Hazardous Materials

- a) A Person must take all practicable steps to store, handle, transport and use Hazardous Materials in a way that prevents Wastewater with prohibited Characteristics as described in Schedule IB entering the Wastewater System.
- b) Any Person who knows of the entry or imminent entry of Wastewater with prohibited Characteristics as set out in Schedule IB to the Wastewater System must inform an Authorised Officer or Council as soon as reasonably practicable.
- c) Any Person who causes or allows the discharge of Wastewater with prohibited Characteristics as set out in Schedule IB to the Wastewater System must:
- i. Immediately take all practicable steps to stop the imminent entry or further entry of ~~any this~~ Wastewater ~~with prohibited Characteristics~~ to the Wastewater System; and
 - ii. Inform an Authorised Officer or Council as soon as reasonably practicable.

7.4 Protection of Wastewater System

- a) No Person may cause or allow to be caused any damage to, or modification, stoppage, or obstruction of, or interference with the Wastewater System, except as Approved by Council.
- b) Every Person excavating or working around the Wastewater System must take due care to ensure that the ~~excavation or work is carried out in a manner that~~ does not damage and/or compromise the integrity of the Wastewater System.
- c) Any Person who knows of any serious or substantial damage to the Wastewater System must inform an Authorised Officer or Council as soon as reasonably practicable.
- d) Any person who causes or allows any damage to the Wastewater System must inform an Authorised Officer or Council as soon as reasonably practicable.
- e) No Person may place any additional material over or near a Wastewater System without Approval.
- f) No Person may cover an Access Point without Approval. Regardless of who covered an Access Point, removal of any covering material or adjustment of the Access Point will be at the property owner's expense.

7.5 Private Drains

- a) Council may require an owner to fix or upgrade Private Drains, at the owner's cost, to meet original design specifications.

- b) Owners of Premises must ensure that all Private Drains on the Premises are kept and maintained in a state which is free of cracks and other defects that may allow Infiltration.
- c) Occupiers and Owners of Premises must ensure that Stormwater is excluded from the Wastewater System and any Private Drain by ensuring that:
 - i. There is no direct connection of any Stormwater pipe or drain to the Wastewater System;
 - ii. Gully trap surrounds are set above Stormwater ponding levels (refer New Zealand Building Code G13), or secondary overland flow path flood levels;
 - iii. Inspection covers are in place and are appropriately sealed.
- d) An Occupier or owner whose Private Drain is overflowing or has other reasons to suspect a blockage, must immediately call a drainlayer to clear and remove any blockage in the Private Drain, at the Occupier or Owner's expense. If the drainlayer considers that the blockage originates within the Wastewater System, then the drainlayer must contact Council.
- e) Council will reimburse the owner of the Private Drain for the reasonable cost of unblocking work for which the owner has paid, provided that Council is satisfied that:
 - i. The blockage originated in the Wastewater System;
 - ii. The blockage was not forced downstream into the Wastewater System in the act of clearing the Private Drain; and
 - iii. The owner or occupier of the Premises has not caused or permitted a discharge which does not comply with this bylaw, a Consent or a Trade Waste Agreement.
- f) Where the roots of a tree which is on private land enter or are likely to enter the Wastewater System, Council will follow the procedure set out in s 468 of the Local Government Act 1974.
- g) A Person with a pressure Wastewater System, or any other system that is connected to the Wastewater System, must use that system in accordance with any operating manual or guidelines for that system.

8.0 Trade Waste Discharges and Consents

8.1 Classification of Discharges

- a) Trade Waste discharges are classified as one of the following types:
 - i. Permitted Trade Waste, (in which case an Approval Notice must be obtained);
 - ii. Conditional Trade Waste, (in which case a Conditional Consent must be obtained or a Trade Waste Agreement be entered into); or
 - iii. Prohibited Trade Waste, (in which case no Consent will be granted and no Trade Waste Agreement will be entered into).
- b) No Person may discharge or cause to be discharged Trade Waste into the Wastewater System except in accordance with a Consent or a Trade Waste Agreement.
- c) Council is not obliged to accept any Trade Waste.
- d) Council may, at any time and at its complete discretion, enter into a Trade Waste Agreement for the discharge and reception of Trade Wastes with an Occupier. Any such agreement may be made in addition to or in place of a Consent and the Trade Waste Agreement and its terms will have the same force as if the agreement was a Consent issued under this bylaw.

- e) Circumstances where a Trade Waste Agreement may be appropriate include, but are not limited to, where, in the reasonable opinion of Council, the discharge is considered to have:
- i. Unique discharge Characteristics;
 - ii. A volume or loading of any Characteristic that may affect the operation of the Wastewater System or Treatment Plant;
 - iii. Potential discharge of hazardous or prohibited substances;
 - iv. Pre-Treatment systems;
 - v. The requirement for capacity to be reserved at the Wastewater Treatment Plant; and/or
 - vi. A history of non-compliance with a Consent or Trade Waste Agreement.

8.2 Application for a Consent or Variation

- a) Every Person who does, proposes to, or is likely to:
 - i. Discharge into the Wastewater System any Trade Waste either continuously, intermittently or temporarily;
 - ii. Vary the Characteristics of a Permitted Trade Waste discharge in a manner which may cause it to fail to meet the standards for a Permitted Trade Waste;
 - iii. Vary the conditions of a Consent that has previously been granted; or
 - iv. Significantly change the method or means of Pre-Treatment for a discharge;
 must apply to Council, using the prescribed form, for a Consent for the discharge of that Trade Waste, or for consent to the proposed variations.
- b) Council reserves the right to deal with the owner as well as the Occupier of any Premises.
- c) Where the Premises produces Trade Waste from more than one area of the Premises, a separate description of the Trade Waste Characteristics must 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.
- d) The application and every document conveying required information must contain all the required information, be properly executed and accompanied by the application fee.
- e) The applicant is responsible for the correctness of the content of the application and any ~~annexure thereto~~ information attached, ~~adherence to the prescribed application process and compliance with all the requirements to obtain the Consent, Trade Waste Agreement or variation.~~
- f) Every act or omission done for, or on behalf of, the eventual Consent Holder (whether for reward or not) in making any such application is deemed to be an act of the Consent Holder.
- g) Council may require an application to be supported by a report or statement from an Independently Qualified Person, to verify information supplied by the applicant. All costs incurred must be paid by the applicant.

8.3 Processing an Application

- a) On receipt of an application, Council may:
 - i. Require the applicant to submit additional information which Council considers necessary to reach an informed decision;
 - ii. Require the applicant to submit a satisfactory Management Plan to Council's satisfaction; and/or
 - iii. Wherever appropriate, have the discharge investigated and analysed as provided for at clauses 8.8 and 8.10 of this bylaw at the applicant's cost.
- b) Council will then:

- i. Issue an Approval Notice and inform the Consent Holder of the conditions imposed;
 - ii. Grant a Conditional Consent and inform the Consent Holder of the conditions imposed;
 - iii. Advise the applicant that Council is willing to enter into a Trade Waste Agreement on terms acceptable to Council; or
 - iv. Decline the application and notify the applicant of the decision, giving a statement of the reasons for refusal.
- c) In considering any application for a Consent, Trade Waste Agreement or variation, Council must consider the Characteristics, volume, and rate of discharge of the Trade Waste from such Premises or tanker and any other matter that it considers, on reasonable grounds, to be relevant, which may include:
- i. The health and safety of Council staff, Council's agents and the public;
 - ii. The limits and/or maximum values for Characteristics of Trade Waste as specified in Schedules IA and IB of this Bylaw;
 - iii. The extent to which the Trade Waste may react with other Trade Waste or Wastewater to produce an undesirable effect, e.g. settlement of solids, production of odours, accelerated corrosion and deterioration of the Wastewater System, etc;
 - iv. The flows and velocities in the Wastewater System and the material or construction of the Wastewater System;
 - v. The capacity of the Wastewater System including the capacity of any Wastewater Treatment Plant, and other facilities;
 - vi. The nature of any wastewater treatment process and the degree to which the Trade Waste is capable of being treated in the Wastewater Treatment Plant;
 - vii. The timing and balancing of flows into the Wastewater System;
 - viii. Any statutory requirements relating to the discharge of raw or treated Wastewater to receiving waters, the disposal of Wastewater sludges, beneficial use of Biosolids, and any discharge to air. ~~This includes - (including the necessity for -~~ compliance with any resource consent, discharge permit or water classification);
 - ix. The possibility of unscheduled, unexpected or accidental events and the degree of risk these could pose to humans, the Wastewater System or the environment;
 - x. Consideration of other existing or future discharges;
 - xi. Existing Pre-Treatment works on the Premises;
 - xii. The use of Cleaner Production techniques and waste minimisation practices;
 - xiii. Control of Stormwater;
 - xiv. Any Management Plan;
 - xv. Tankered Waste being discharged at an Approved location/s; and
 - xvi. Whether it would be more appropriate for the discharge to be controlled pursuant to a Trade Waste Agreement.

8.4 Conditions of Consent

- a) Any Consent may be granted subject to such conditions that Council may impose, including, but not limited to:
 - i. ~~The particular location or locations to which~~ Where the discharge will be made;
 - ii. The maximum daily volume of the discharge and the maximum rate of discharge, and the duration of maximum discharge;
 - iii. The maximum limit or permissible range of any specified Characteristics of the discharge, including concentrations and/or Mass Limits determined in accordance with clause 8.4 (b) of this bylaw;

- iv. The ~~period or periods of the daytimes~~ during which the discharge, or a particular concentration, or volume of discharge may be made;
- v. 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;
- vi. 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;
- vii. The provision and maintenance of a sampling, analysis and testing programme and flow measurement, at the Consent Holder's expense;
- viii. The method or methods to be used for measuring flow rates and/or volume and/or Characteristics and taking samples of the discharge for use in determining compliance with the consent and for determining the amount of any Trade Waste charges applicable to that discharge;
- ix. The provision and maintenance by, and at the expense of, the Consent Holder of ~~any such meters or devices as may be~~ required to measure the volume or flow rate or Characteristics of any Trade Waste being discharged from the Premises, and for the calibration and/or validation of such ~~meters and~~ devices;
- x. 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;
- xi. At times specified, the provision in an Approved format of all flow and/or volume records, on-line monitoring readings, results of analyses (including Pre-Treatment by-products, e.g. Wastewater sludge disposal) and calibration/validation records;
- xii. The provision and implementation of a Management Plan;
- xiii. Risk assessment of damage to the environment due to an accidental discharge of a chemical;
- xiv. The investigation of waste minimisation and Cleaner Production techniques;
- xv. Remote monitoring or control of discharges and associated control, telemetry or SCADA systems;
- xvi. Third party treatment, carriage, discharge or disposal of by-products of Pre-Treatment of Trade Waste (including Wastewater sludge disposal);
- xvii. The provision of a bond or insurance in favour of Council where failure to comply with the consent could result in damage to the Wastewater System, the Wastewater Treatment Plants, or could result in Council being in breach of any statutory obligation or resource consent;
- xviii. Specific discharge related capital costs Council would incur for altering the Wastewater System and or Wastewater Treatment Plant in order to accommodate the discharge; and
- xix. Specific discharge related operational costs Council would incur for operating the Wastewater System and or Wastewater Treatment Plant in order to accommodate the discharge.

b) A Conditional Consent may impose controls on a Trade Waste discharge by specifying Mass Limits for any Characteristic. Any Characteristic permitted by Mass Limit must also have its maximum concentration limited to the value scheduled unless Approved otherwise.

b)c) When setting Mass Limit allocations for a particular Characteristic, Council may consider:

- i. The operational requirements of and risk to the Wastewater System, and risks to occupational health and safety, public health, and the ultimate receiving environment;

- ii. Whether or not the levels proposed pose a threat to the planned or actual beneficial reuse of Biosolids or Wastewater sludge;
- iii. Conditions in the Wastewater System near the Trade Waste discharge point and elsewhere in the Wastewater System;
- iv. 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;
- v. Whether or not the applicant uses waste minimisation and Cleaner Production techniques within a period satisfactory to Council;
- vi. Whether or not there is any net benefit to be gained by the increase of one Characteristic concurrently with the decrease of another;
- vii. Any requirements of Council to reduce the discharge of any Characteristic to the Wastewater System;
- viii. 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;
- ix. The total mass of the Characteristic allowable in the Wastewater System, and the proportion (if any) to be reserved for future allocations; and
- x. Whether or not there is an interaction with other Characteristics that increases or decreases the effect of either Characteristic on the Wastewater System, treatment process, or receiving water (or land).

8.5 Duration and Review

- a) Conditional Consents granted under this bylaw expire at the end of a term not exceeding 5 years. Shorter terms may be applied where, in the reasonable opinion of Council:
 - i. The applicant has a history of non-compliance with a Consent or Trade Waste Agreement;
 - ii. The flow or Characteristics of the discharge are uncertain; or
 - iii. The flow or Characteristics of the discharge may change over time.
- b) Approval Notices remain valid until:
 - i. Cancellation under clause 8.12;
 - ii. The discharge fails to comply with the physical and chemical characteristics defined in Schedule IA of this Bylaw (including any amendments to Schedule IA); or
 - iii. In the reasonable opinion of Council, the discharge changes or is likely to change to such an extent that it becomes a Conditional or Prohibited Trade Waste.
- ~~c) Council may at any time during the term of a Consent, by written notice to the Consent Holder (following a reasonable period of consultation), vary any condition to such an extent as Council considers necessary, following a review of the technical issues considered when setting conditions of Consent, or to meet any new Resource Consent imposed on the discharge from Council's Wastewater Treatment Plant, or with any other legal requirements imposed on Council.~~

(Note: This note does not form part of the bylaw. A condition could be varied if technical matters associated with the discharge have changed, to meet any new resource consent imposed on the discharges from Council's Wastewater Treatment Plant or to comply with any other legal requirements imposed on Council.)
- ~~e)d) A Consent Holder may at any time during the term of a Consent, by written application to Council, seek to vary any condition of Consent, as provided for in clause 8.2 (a) of this Bylaw.~~

8.6 Accidents and Spills

- a) A Person who discharges Trade Waste must inform the Council immediately upon becoming aware of:
 - i. An accident;
 - ii. Spillage;
 - iii. A defect in the process discharging Trade Waste; or
 - iv. A risk to the health and safety of the public or the environment; that may cause a breach of this bylaw.
- b) A Person who reports an accident, spillage or defect as provided for in clause 8.6 (a) or the Consent Holder for a Premises must disclose any information that may contribute to:
 - i. The restoration of the integrity of the Wastewater System,
 - ii. The cleaning of any spillage; or
 - iii. The determination of the risks associated with the Trade Waste.
- c) In the event of any accident, spillage or defect referred to in clause 8.6 (a) from Premises where a Consent Holder has a Conditional Consent, Council may:
 - i. Review the Consent under clause 8.5; or
 - ii. Require the Consent Holder to review the contingency management procedures and resubmit the Management Plan to the Council for its Approval.
- d) In the event of any accident, spillage or defect referred to in clause 8.6 (a) from Premises where a Consent Holder has an Approval Notice, Council may require the Consent Holder to apply for a Conditional Consent.

8.7 Pre-treatment Requirements

- a) Council may approve a Trade Waste discharge subject to the provision of appropriate Pre-Treatment systems to enable the Consent Holder to comply with this bylaw. Such Pre-Treatment systems must be provided, operated and maintained by the Person discharging, at their expense. Typical Pre-Treatment requirements are provided for common Trade Waste Premises in Schedule 2.
- a) Refuse or garbage grinders and macerators must not be used to dispose of solid waste from Trade Waste Premises to the Wastewater System unless Approved by Council.
- b) Grease Traps must:
 - i. Have a functional capacity of no less than 500 litres;
 - ii. Be sized according to the greatest volume as specified in Table I contained in Schedule 2;
 - iii. Be cleaned out at least once every 6 months or more frequently as specified in Consent conditions. The frequency with which Grease Traps are required to be cleaned out may be determined through a visual inspection and/or sample testing from the device outlet by Council.
- c) Shared Grease Traps, such as those operated by a body corporate or food court, must be sized appropriate to the total inputs. This must be no less than a functional capacity of 500 litres for each connected Premises.
- d) A Consent Holder whose Premises has existing Grease Traps with a functional capacity of less than 500 litres must apply for a Conditional Consent unless they can demonstrate compliance with the physical and chemical characteristics set out in Schedule IA to Council's satisfaction.
- e) Alternative Grease Removal Systems must be:

- i. Operated in accordance with the manufacturer's instructions;
 - ii. Serviced and/or cleaned out by a contractor Approved by Council as specified in Consent conditions;
 - iii. Sized according to manufacturer's recommendation; and
 - iv. May only be used with Council's Approval.
- f) The frequency with which Alternative Grease Removal Systems are required to be serviced and/or cleaned out in accordance with sub-clause 8.7 (f) may vary. This will be determined by Council after a visual inspection and/or sample testing from the device outlet.
- g) Alternative Grease Removal Systems which do not meet the requirements contained in this bylaw must be replaced at the Consent Holder's expense.

8.8 Flow Metering

- a) Where flow and/or volume metering of any Trade Waste discharge is required as a condition of a Consent the Consent Holder is responsible, at their own expense, for the supply, installation, reading and maintenance of ~~any meter, required by Council for the measurement of the rate or quantity of discharge of Trade Waste.~~ These devices are subject to the Approval of Council, but remain the property of the Consent Holder.
- b) Records of flow and/or volume must be available for viewing at any time by the Council, and must be submitted to Council at prescribed intervals by the Consent Holder in a format Approved by Council.
- c) Meters must be located in a position Approved by Council that provides the required degree of accuracy and should be readily accessible for reading and maintenance. The meters must be located in the correct position according to the manufacturer's installation instructions.
- d) The Consent Holder must arrange for in situ calibration and verification of the flow metering equipment and instrumentation by an Independent Qualified Person and method Approved by Council upon installation, and at least ~~once a year thereafter annually after that,~~ to ensure its performance. The meter accuracy should be $\pm 10\%$, but with no greater a deviation from the previous meter calibration than $\pm 5\%$. A copy of the independent certification of each calibration and verification must be submitted to Council.
- e) Should any meter, ~~after being calibrated or verified,~~ be found to have an error greater than that specified in clause 8.8 (d) of this bylaw, ~~as a repeatable measurement,~~ Council may make an adjustment in accordance with the results shown by such tests. The adjustment may be back-dated for a period at the discretion of Council, but not exceeding 12 months. The Consent Holder must pay or be credited a greater or lesser amount according to such adjustment.
- f) Where in the reasonable opinion of Council, a meter has been tampered with, Council (without prejudice to the other remedies available) may declare the reading void and estimate discharge as provided in clause 8.9(a) of this bylaw.
- g) Measurement of flow and/or volume must be carried out by or on behalf of the Consent Holder in accordance with British Standard (BS)3680: Part IIA, BS 3680: Part IIB and BS 5728: Part 3, or another Council Approved methodology.

8.9 Estimating Discharge

- a) Where no flow meter or similar device is required or where no flow or sample results have been supplied by the Consent Holder, Council may estimate the discharge of Trade Waste for charging purposes based on:

- i. The volume of water supplied to the Premises, taking into account the proportion of that volume which is estimated to be discharged to the Wastewater System;
- ii. The flow or characteristics of the discharge measured by the Consent Holder at a previous time during similar operating conditions; and/or
- iii. The flow or characteristics measured by Council during the most recent audit sample.

8.10 Sampling, Testing and Monitoring

- a) Council may undertake sampling, testing, monitoring and audit inspections to determine if:
 - i. A discharge complies with the provisions of this bylaw;
 - ii. A discharge is to be classified as Permitted, Conditional, or Prohibited (refer to clause 8.1 of this bylaw);
 - iii. A discharge complies with any condition of a Consent or Trade Waste Agreement including a Management Plan; and
 - iv. Trade Waste Consent charges are applicable to that discharge.
- b) Where monitoring of any Trade Waste discharge is required as a condition of a Consent to ensure compliance with other conditions of the Consent:
 - i. The Consent Holder must monitor the discharge of Trade Waste; and
 - ii. Council may independently monitor the discharge of Trade Waste.
- c) The Consent Holder is responsible for all costs of monitoring, sampling and testing.
- d) The taking, preservation, transportation and analysis of the samples must be undertaken by an Authorised Officer or agent of Council, or the Consent Holder in accordance with accepted industry standard methods or another methodology Approved by Council.
- e) Any sample analysis must use methods or procedures in accordance with, or validated against, the latest version of the AWWA Standard methods for the examination of Water and Wastewater” or by such alternative method or procedure Approved by Council. Analysis must be undertaken by a laboratory accredited by IANZ, or a laboratory Approved by Council.
- f) The Consent Holder must provide to Council or an Authorised Officer the results of any sampling, analysis, flow measurements or other monitoring requirements such as Pre-Treatment system maintenance, within one Working Day of any request by Council.
- g) ~~Where clause 8.6 does not apply, but there is~~~~in the case of~~ non-compliance with the conditions of a Consent or a Trade Waste Agreement or where an anomalous result is obtained, the Consent Holder must report the results of the analysis to Council as soon as practicable and in all cases within ~~one~~~~three~~ Working Days.

8.11 Review of Decisions

- a) If any Person is dissatisfied with any decision by an Authorised Officer made under this bylaw, that Person may, ~~by notice delivered to the Waters Manager of Council, not later than 20 Working Days after the decision by the Authorised Officer is served upon that Person,~~ request in writing that the Waters Manager review any such decision. The request must be made no later than 20 Working Days after the decision by the Authorised Officer. The Waters Manager’s decision is final.

- b) Nothing in this clause affects any right of appeal under the Local Government Act 2002.

8.12 Transfer or Termination

- a) A Trade Waste Consent must be issued in the name of the given Consent Holder. The Consent Holder must not, without Council Approval:
- i. Transfer to any other party the rights and responsibilities provided for under this bylaw, and under the Consent;
 - ii. 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
 - iii. In particular and not in limitation of the above, allow Wastewater from any other party to be discharged at their Point of Discharge.
- b) Council may suspend or cancel any Consent at any time following not less than 20 Working Days (during which consultation has occurred) notice to the Consent Holder or Person discharging any Trade Waste:
- i. For the failure to comply with any condition of the Consent or to maintain effective control over the discharge;
 - ii. For the failure to comply with the requirements of this bylaw or a Consent in respect of the volume, nature or composition of Trade Waste being discharged;
 - ~~iii. In the event of any negligence which, in the opinion of Council, threatens the safety of, or threatens to cause damage to any part of the Wastewater System or the Wastewater Treatment Plant, or threatens the health or safety of any Person or poses a serious threat to the environment;~~
 - ~~iv.~~iii. In the event of any breach of a Resource Consent held by Council issued under the Resource Management Act caused in whole or in part by the Trade Waste discharge;
 - ~~v.~~iv. Failure to provide and when appropriate update a Management Plan as required for a Conditional Consent;
 - ~~vi.~~v. Failure to follow the Management Plan provisions;
 - ~~vii.~~vi. Failure to pay any Trade Waste charges;
 - ~~viii.~~vii. If new information becomes available on the nature or Characteristics of the Trade Waste discharge; or
 - ~~ix.~~viii. If any other circumstances arise which, in the opinion of Council, render it necessary in the public interest to cancel the right to discharge.
- c) Further to clause 8.12 (b) of this bylaw, any Consent may at any time be **summarily immediately** suspended or cancelled by Council, on giving to the Consent Holder, written notice, if:
- i. They discharge any Wastewater with prohibited Characteristics as set out in Schedule IB;
 - ii. Council is lawfully directed to withdraw or otherwise to terminate the Consent summarily;
 - iii. The discharge of Trade Waste is unlawful;
 - ~~iv.~~ iv. If the ~~continuance of the~~ discharge is, in the opinion of Council, a threat to the environment or public health;
 - ~~v.~~ v. In the event of any negligence which, in the opinion of Council, threatens the operation of the Wastewater System; or
 - ~~vi.~~ vi. In the opinion of Council, the ~~continuance of the~~ discharge puts at risk the ability of Council to comply with the conditions of a Resource Consent and/or requires identified additional treatment measures or costs to avoid a breach of any such Resource Consent.

- d) Council may require a Consent Holder, at their expense, to disconnect the Premises from the Wastewater System where:
 - i. The Consent has expired;
 - ii. Council suspends or cancels a Consent; or
 - iii. The Consent Holder breaches clauses 7.2 (a) to (d).
- e) If the Consent Holder fails to comply with any such requirement to disconnect, Council may ~~at its discretion, and~~ at the Consent Holder's expense, access the Premises in accordance with section 171 of the Local Government Act 2002 ~~and clause 10.1 of this bylaw~~ in order to disconnect it from the Wastewater System. Council may and carry out such works as it considers necessary to prevent the further discharge of Trade Waste into the Wastewater System.

8.13 Transitional provisions

- a) Any application for a Consent made under Council's Trade Waste Bylaw 2006, for which a Consent has not been granted at the time of this new bylaw coming into force, is deemed to be an application made under clause 8.2 of this bylaw.
- b) Every existing Consent continues in force as if it were a Consent under this bylaw until it reaches its expiry date, provided that no Consent runs beyond 31 August 2021. For the avoidance of doubt, Schedule 1A of this bylaw applies to existing consents except to the extent that the consent conditions specifically provide for a different limit.
- c) Subject to clause 8.13 (d) of this bylaw, every existing duly executed Trade Waste Agreement ~~between an Occupier and Council for the discharge and reception of Trade Waste between an Occupier and Council existing which is current~~ at the date this bylaw comes into force continues ~~in force~~ on the same terms and conditions as if ~~the Trade Waste Agreement~~ it was a Trade Waste Agreement issued under this bylaw.
- d) Where an existing Trade Waste Agreement is silent as to its term, that agreement will be terminable on six months' written notice by Council and the Occupier shall ~~thereafter~~ be required to apply for a Consent or Trade Waste Agreement in accordance with this bylaw.
- e) A Person who proposes to continue a discharge of Permitted Trade Waste who does not have an Approval Notice must apply for an Approval Notice within twelve weeks of this bylaw coming into force. ~~If Council declines the application for an Approval Notice, the Person must cease discharging Permitted Trade Waste immediately upon receipt of notice of Council's decision.~~

9.0 Tankered Waste

- 9.1 Any Person wishing to discharge Tankered Waste into the Wastewater System must hold a Consent under this bylaw.
- 9.2 Council may accept Tankered Waste for discharge at an Approved location.
- 9.3 Consent Holders must supply the following information to Council before discharging Tankered Waste to the Wastewater System:
 - a) A description of the type of waste;
 - b) The source of waste and location;
 - c) The date and time of collection;
 - d) The volume of waste collected;

- e) The tracking Identification number and vehicle registration number; and
 - f) A representative sample of the tanker load.
- 9.4 Tankered Waste will only be accepted during working hours on Working Days, or as advised by Council.
- 9.5 Tankered Waste is not to be collected and transported to the disposal site until appropriate arrangements, documentation and method for disposal have been Approved by Council.
- 9.6 To prevent cross-contamination between tanker loads, the tanker must be washed prior to collecting a load for disposal into the Wastewater System.
- 9.7 A Consent Holder must give Council 24 hours' notice of a proposed discharge of Tankered Waste.
- 9.8 Council may require analysis of Tankered Waste to confirm its Characteristics.
- 9.9 Council may require the Consent Holder to obtain specialist advice on Pre-Treatment or acceptance.
- 9.10 The cost of all sampling, analysis and advice must be met by the Consent Holder.
- 9.11 The Consent Holder must ensure that Tankered Waste is treated in accordance with the conditions of the Consent before disposal.

10.0 Access

- 10.1 In accordance with section 171 of the Local Government Act 2002, an Authorised Officer may enter and inspect any land or building (other than a dwelling house) for routine inspection or monitoring or for post breach monitoring. The Authorised Officer must give at least 24 hours notice of the intended entry.
- 10.2 In accordance with section 172 of the Local Government Act 2002, an Authorised Officer may enter and inspect any land for the purpose of detecting a breach of this bylaw if the Authorised Officer has reasonable grounds for suspecting that a breach has occurred or is occurring on the land. The Authorised Officer must give reasonable notice unless the giving of notice would defeat the purpose of entry. To use this power to enter a dwelling house, the Authorised Officer must comply with section 172(3) of the Local Government Act 2002.
- 10.3 In accordance with section 173 of the Local Government Act 2002, in the event of a sudden emergency causing or likely to cause damage to property or the environment or where there is danger to any works or adjoining property, an Authorised Officer may enter occupied land or buildings. Notice is not required.

11.0 Fees and Charges

11.1 In accordance with sections 150 and 151 of the Local Government Act 2002, Council may ~~from time to time~~, by resolution using the procedures required by the Act, fix ~~administrative~~ charges payable by Consent Holders and applicants for the purposes of:

- a) ~~a~~Administering this bylaw;
- b) ~~a~~Administering Consent applications and Consents granted under this bylaw;
- c) ~~R~~recovering the cost~~the charges offer the~~ receiving, ~~treatment~~treating and ~~disposal~~disposing of Trade Waste by or on behalf of Council.

12.0 Breaches

- 12.1 It is a breach of this bylaw to:
- a) Fail to comply with any requirement of this bylaw;
 - b) Fail to comply with any Defect Notice issued by an Authorised Officer pursuant to this bylaw;
 - c) Obstruct an Authorised Officer in the performance of their function under this bylaw.
- 12.2 Any Consent Holder who incorrectly informs Council of the Characteristics or volume of Tankered Waste, or who discharges Tankered Waste other than in the prescribed location and in accordance with the Consent will be in breach of this bylaw.
- 12.3 Council may physically prevent discharge to the Wastewater System in the case of a non-compliance with this bylaw, a Consent or a Trade Waste Agreement.
- 12.4 An Authorised Officer may report breaches or imminent breaches to Waikato Regional Council and the Environment Protection Authority for further enforcement.
- 12.5 A Person is not in breach of this bylaw if that Person proves that the act or omission complained of was necessary to:
- a) Save or protect life or health or prevent injury; or
 - b) Comply with Council's obligations under the Health Act 1956 and any subsequent amendments; or
 - c) Prevent serious damage to property; or
 - d) Avoid actual or likely damage to the environment.

provided the conduct of the Person was reasonable in the circumstances and the effects of the act or omission were adequately remedied or mitigated by the Person after the breach occurred.

13.0 Remedial Works and Cost Recovery

- 13.1 In accordance with section 186 of the Local Government Act 2002, if an Authorised Officer serves a notice on the owner or Occupier requiring any works ~~to be carried out or materials to be provided~~ in connection with the Premises ~~in order~~ to comply with the requirements of this bylaw, a Consent, or Trade Waste Agreement, Council or an Authorised Officer may carry out the works ~~or provide the materials~~ where the owner or Occupier fails to comply with the notice, either:
- a) Within the time specified in the notice; or
 - b) Within 24 hours if the notice certifies that the work is urgent; or
 - c) If the owner or Occupier fails to proceed with the work with all reasonable speed.
- 13.2 In accordance with section 187 of the Local Government Act 2002, if an Authorised Officer serves a notice on any Person under this bylaw, and the Person fails to take the steps within the time specified, then Council or any Authorised Officer is authorised to take the steps set out in the notice. Council may recover the cost of doing the work, together with reasonable administrative and supervision charges.

- 13.3 In accordance with section 176 of the Local Government Act 2002, a Person who has been convicted of any offence against this bylaw is liable to pay to Council the costs of remedying any damage caused in the course of committing the offence. The costs must be assessed by a District Court Judge and are recoverable summarily as if they were a fine.
- 13.4 Costs recoverable under clause 13.3 are in addition to any other penalty for which the Person who committed the offence is liable.

14.0 Offences and Penalties

- 14.1 A Person who breaches this bylaw and is convicted of an offence is liable to a penalty not exceeding \$200,000 pursuant to section 242 under the Local Government Act 2002.

15.0 General

- 15.1 Any notice, order or other document which is required by this bylaw to be served or given or sent to any person shall be deemed to have been duly served given or sent if delivered to such person or left at his or her residence or workplace or posted to such person at his or her last known address.
- 15.2 Any resolution of the Council may be amended, rescinded or reinstated by a further resolution of the Council.

This bylaw was made pursuant to a resolution passed by the Waikato District Council on

THE COMMON SEAL of WAIKATO

DISTRICT COUNCIL was ~~hereto~~ affixed in the presence of:

Mayor

Chief Executive

Schedule IA - Permitted ~~Wastewater~~ Characteristics

The following tables set out general requirements and maximum concentrations for a ~~p~~Permitted ~~Trade Waste and Domestic Wastewater. Wastewater and Maximum Concentrations for common substances that may be contained in Wastewater discharged to the Wastewater System.~~

Conditional Consents and Trade Waste Agreements may contain lower or higher concentration limits and/or Mass Limits to control the total mass of a substance discharged.

Table 1 - General Characteristics

Parameter	Requirement <u>or limit</u>	Commentary
Bio-chemical Oxygen Demand (BOD5)	1,000 g/m ³ <u>or 5 kg/ day.</u>	<u>It is sufficient to comply with either the concentration limit or the mass limit.</u> High BOD can overload treatment plants.
Chemical Oxygen Demand (COD)	2,000 g/m ³ <u>or 10 kg/day.</u>	<u>It is sufficient to comply with either the concentration limit or the mass limit.</u> High COD can overload treatment plants.
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 Council is at risk of breaching resource consent conditions relating to discharge to the environment.	Some coloured substances can be difficult to remove in the treatment process.
Emulsions of paint, latex, adhesive, rubber, plastic or similar	Must not cause blockages or interfere with the operation of the Wastewater treatment system including treatment process.	Emulsions will coagulate when unstable and can sometimes cause blockages in the Wastewater System or interfere with the operation of the treatment process.
Flow	Maximum daily total flow 5m ³ . Instantaneous flowrate 2.0 L/s.	The total flow should be measured over any 24 hour period. Trade waste discharges with a daily flow greater than 5m ³ will require a Conditional Consent.
Gross solids (non-faecal)	15mm maximum dimension.	Gross solids can cause blockages in the Wastewater System.
Oil and Grease	200 g/m ³ . (100 g/m ³ for Pokeno and Tuakau). No free or floating layer.	Oils and greases can cause blockages in the Wastewater System, adversely affect the treatment process, and may impair the aesthetics of the receiving environment.

Parameter	Requirement <u>or limit</u>	Commentary
pH	6.0 to 10.0.	Low pH can cause corrosion of the Wastewater System, generate odours which could cause a public nuisance; release toxic H ₂ S gas which could endanger workers.
Radioactivity	Must not exceed the Office of Radiation Safety Code of Practice CSP1 for the Use of Unsealed Radioactive Material.	
Settleable Solids	50 ml/L.	Can cause blockages and overload the treatment process.
Solvents or other organic liquids	No free or floating layer.	Some organic liquids are denser than water and will settle in pipes and traps.
Suspended Solids	2,000 g/m ³ .	Can cause blockages and overload the treatment process.
Transmissivity	When diluted at 10:1 with distilled water and tested at 254nm, the result must have a transmissivity of 50% or more, equivalent to an absorbance of 0.3010 or less.	Poor transmissivity reduces the effectiveness of the UV light disinfection at treatment plants.
Temperature	40 °C.	High temperatures cause increased damage to structures, increase the potential for anaerobic conditions to form in the Wastewater, promote the release of toxic gases and can endanger workers. Conditional Consents may have a lower temperature limit.
Inhibitory Substances	Should any Characteristic of a discharge be found to inhibit the performance of the Wastewater treatment process, such that Council is at risk of breaching resource consent conditions, Council may limit the concentration of any inhibitory substance.	

Table 2 - Chemical Characteristics

Parameter	Limit g/m³	Commentary
Ammonia (as N)	50	May endanger workers; significantly contribute to the nutrient loading on the receiving environment.
Ammonium salts	200	May endanger workers; significantly contribute to the nutrient loading on the receiving environment.
Anionic Surfactants as methylene blue active substance (MBAS)	300	High MBAS can adversely affect the efficiency of activated sludge plants, cause foaming and impair the aesthetics of the receiving waters.
Boron	25	Boron is not removed by conventional Wastewater treatment.
Bromine as Br ₂	5	High concentrations could affect the health and safety of workers.
Chlorine (Cl ₂ free chlorine)	3	Can endanger workers, cause corrosion of the Wastewater collection system.
Cyanide as CN ⁻	1	Can produce toxic atmospheres and endanger workers.
Dissolved aluminium	100	Aluminium compounds, particularly in the presence of calcium salts, have the potential to precipitate as a scale, which may cause a blockage.
Dissolved iron	100	Iron salts may precipitate and cause a blockage. High concentrations of ferric iron may also present colour problems depending on local conditions.
Fluoride as F	30	Not removed by conventional Wastewater treatment.
Hypochlorite	30	Can endanger workers, cause corrosion of the Wastewater collection system.
Kjeldahl nitrogen	150	May significantly contribute to the nutrient load discharged to the receiving environment.
Sulphate (measured as SO ₄)	500. (200 for Pokeno and Tuakau).	May adversely affect Wastewater System, may increase the potential for the generation of sulphides.
Sulphite (measured as SO ₂)	15	Can endanger workers, cause corrosion of the Wastewater collection system.
Sulphide (as H ₂ S on acidification)	5	May cause corrosion of Wastewater System, particularly the non-wetted part of the Wastewater pipes; generate odours which could cause a public nuisance; release toxic H ₂ S gas which could endanger workers.
Total Phosphorus as P	50	May significantly contribute to the nutrient load discharged to the receiving environment.

Table 3 - Heavy Metals

Heavy metals can inhibit Wastewater treatment process and restrict the reuse of Biosolids. Mass Limits may be imposed – refer to clause 8.4 (b) of this bylaw.

Parameter	Limit g/m ³
Antimony	5
Arsenic	5
Barium	5
Beryllium	0.005
Cadmium	0.5
Chromium (Total)	5
Cobalt	5
Copper	5
Lead	5
Manganese	5
Mercury	0.005
Molybdenum	5
Nickel	5
Selenium	5
Silver	2
Thallium	5
Tin	5
Zinc	5

Table 4 - Organic Compounds

Organic compounds can endanger sewer workers and treatment processes.

Parameter	Limit g/m ³
Acetone	100
Benzene	1
Butanone	100
Chlorinated phenols	0.02
Ethylbenzene	5
Ethylene Glycol	50
Formaldehyde	30
Halogenated aliphatic compounds	1
Halogenated aromatic hydrocarbons (HAH's)	0.002
Organophosphate pesticides	0.1
Pesticides (includes insecticides, herbicides, fungicides and excludes organophosphate, organochlorine and any other pesticides not registered for use in New Zealand)	0.2 in total
Phenolic compounds (as phenols) excluding chlorinated phenols	50
Polybrominated biphenyls (PBBs)	0.002
Polychlorinated biphenyls (PCBs)	0.002
Polycyclic (or polynuclear) aromatic hydrocarbons (PAHs)	0.05
Total Petroleum Hydrocarbons	
C7 - C14	30
C7 – C36	50
Tri-methyl Benzene	5
Toluene	5
Xylene	5

Table 5 - Liquid ~~Waste from Pharmacies~~ Pharmaceutical Waste

Pharmacies must not discharge more liquid pharmaceutical waste per month than the volumes listed below. The volume limit is based on the concentration of active ingredients in the product. Liquid pharmaceutical waste including Liquid antibiotics.

Volume Limit (daily)	Active Concentration
10 Litres	125mg/5ml
5 Litres	250mg/5ml
3 Litres	Above 250mg/5ml

Schedule IB: Prohibited ~~Wastewater~~Characteristics

Prohibited ~~Wastewater-Trade Waste~~ has or is likely to have any of the prohibited Characteristics set out below. Prohibited Characteristics are present if their concentration exceeds background levels. The background level in relation to any substance means the extent to which that substance is present (if at all) in the municipal water supply used on the Premises, or in any other water supply that is Approved by Council for the purpose of discharging waste.

Prohibited Characteristics

1. Any discharge has prohibited Characteristics if it has any solid, liquid or gaseous matters, or any combination, or mixture of such matters which by themselves or in combination with any other matters will immediately or in the course of time:
 - a) Interfere with the free flow of Wastewater in the Wastewater System; or damage any part of the Wastewater System;
 - b) In any way, directly or indirectly, cause the quality of the effluent or Biosolids and other solids from any Wastewater Treatment Plant to breach the conditions of a permit issued under the Resource Management Act 1991, or water right, permit or other governing legislation;
 - c) Prejudice the occupational health and safety of any Person or people;
 - d) After treatment be toxic to fish, animal or plant life in the receiving waters;
 - e) Cause malodorous gases or
 - f) Contains substances that cause the discharge of any Wastewater Treatment Plant to receiving waters to be coloured.

2. A discharge has a prohibited Characteristic if it has any amount of:
 - a) Harmful solids, including dry solid wastes and materials which combine with water to form a cemented mass;
 - b) Dry solids, solids longer than 30mm, ~~heavy solids which settle faster than 50mm/minute,~~ fibrous material, sheet films, and anything which may react to form a solid mass;
 - c) ~~Except as allowed for in Schedule IA, L~~liquid, solid or gas which could be flammable or explosive in the wastes, including oil, fuel, ~~solvents (except as allowed for in Schedule IA),~~ calcium carbide and any other material which is capable of giving rise to fire or explosion hazards either spontaneously or in combination with sewage;
 - d) Asbestos;
 - e) The following organo-metal compounds:
 - i. tin (as tributyl and other organotin compounds); or
 - ii. chromium (as organic compounds);
 - f) (f) Genetic wastes, being all wastes that contain or are likely to contain genetically altered material from Premises where the genetic alteration of any material is conducted;
 - g) Any health care wastes covered by NZS 4304 or any pathological or histological wastes;
 - h) Radioactivity levels not compliant with the Office of Radiation Safety Code of Practice CSPI for the Use of Unsealed Radioactive Material;
 - i) Any pharmaceutical liquid waste containing cytotoxic ingredients. Cytotoxic waste means waste that is contaminated by a cytotoxic drug.

Schedule 2: Pre-treatment and Discharge Requirements

Table 6 – Typical requirements for businesses

Business	Typical Requirement
Aquariums	Must meet quarantine requirements.
Bakeries	Appropriate in-floor bucket trap and appropriate in-sink bucket trap.
Barber	Appropriate in-floor bucket trap and appropriate in-sink bucket trap.
Beauticians	Nil.
Building construction	No discharge to sewer permitted.
Business offices with minimal hot food	Nil.
Cafés / takeaways with minimal hot food	Appropriate in-floor bucket trap and appropriate in-sink bucket trap.
Carpet cleaners	20 micron filtration.
Chemists / pharmacists	Nil.
Churches with catering facilities	Appropriate in-floor bucket trap and appropriate in-sink bucket trap.
Community hall with minimal hot food	Nil.
Cooling towers	Discharge not to exceed 500 litres an hour.
Day care	Nil.
Delicatessen with no hot food	Nil.
Dental surgery	Amalgam trap and segregation of waste amalgam.
Dental technician	Plaster trap.
Doctors surgery	Nil.
Dog groomer	Appropriate in-floor bucket trap; appropriate in-sink bucket trap; no organophosphorus pesticide to the Wastewater System.
Dry cleaners	Screens to remove solids; solvent recovery unit.
Engineering workshops car wash / valet / automotive	Screens to remove solids; No open areas allowing discharge of rainwater to Wastewater System; appropriate in-ground water/oil separator; appropriate in-ground bucket trap; equipment maintenance requirements and discharge limits apply.
Florist	No herbicide to sewer; appropriate in-floor bucket trap; appropriate in-sink bucket trap.
Food business with minimal hot food preparation	Appropriate in-floor bucket trap and appropriate in-sink bucket trap.
Fruit and vegetable, retail	Appropriate in-floor bucket trap and appropriate in-sink bucket trap.
Funeral parlour	Nil.
General Retail (excluding food Premises, cafes, or coffee lounges)	Nil.
Hairdresser	Appropriate in-floor bucket trap and appropriate in-sink bucket trap.
Health industries, medical centres	Screens to remove solids; appropriate in-floor

Business	Typical Requirement
	bucket trap and appropriate in-sink bucket trap; plaster traps; equipment maintenance requirements and discharge limits apply.
Hotels and motels with catering facilities	Appropriate in-floor bucket trap and appropriate in-sink bucket trap.
Kitchens / dining halls	Appropriate in-floor bucket trap and appropriate in-sink bucket trap, Equipment maintenance requirements and discharge limits apply.
Laundries - small	Appropriate in-floor bucket trap and appropriate in-sink bucket trap; screens to remove lint and solids; equipment maintenance requirements and discharge limits apply.
Marae with catering facilities	Appropriate in-floor bucket trap and appropriate in-sink bucket trap.
Motels (without restaurant)	Nil
Optical processes	Appropriate solids settlement pit.
Paint and panel beaters	No open areas allowing discharge of rainwater to Wastewater System, appropriate in-ground water/oil/paint separator, appropriate in-ground bucket trap, equipment maintenance requirements and discharge limits apply.
Pet shop	Appropriate in-floor bucket trap and appropriate in-sink bucket trap.
Residential care facilities	Appropriate in-floor bucket trap and appropriate in-sink bucket trap.
Restaurants or school canteens	Appropriate in-floor bucket trap and appropriate in-sink bucket trap; equipment maintenance requirements and discharge limits apply.
Retail butchers and fishmongers	Appropriate in-floor bucket trap and appropriate in-sink bucket trap.
Sandwich shop, salad bar, juice bar, coffee shop, fast food or take-away bar	Appropriate in-floor bucket trap and appropriate in-sink bucket trap; equipment maintenance requirements and discharge limits apply.
Sanitary bin washing	Screening and temperature control.
Schools, polytechnics, universities (with laboratories / catering facilities)	Appropriate in-floor bucket trap and appropriate in-sink bucket trap.
Service Stations and Automotive servicing workshops / garages	No open areas allowing discharge of rainwater to Wastewater System; appropriate in-ground water/oil/paint separator; appropriate in-ground bucket trap; equipment maintenance requirements and discharge limits apply.
Swimming pool / spa (residential, hotel, or club)	No open areas draining rainwater to the Wastewater System; discharge must be less than 2 L/s.
Veterinary	Appropriate in-floor bucket trap and appropriate in-sink bucket trap; no

Business	Typical Requirement
	organophosphorus pesticide to the Wastewater System; no open areas draining rainwater to the Wastewater System.
X-ray (<10 standard x-ray films a day, e.g. small professional customers, chiropractors, veterinary clinics, dentists, GPs)	Dilute silver rich solutions may be discharged to the Wastewater System in quantities of less than 1 litre per day.

Grease Trap Sizing Guide for Food Retail Businesses

A conventional tank type Grease Trap must have a functional capacity of no less than 500 litres. It is recommended Grease Traps be sized based on:

- (a) 40 litres capacity per served meal per hour; or
- (b) litres capacity per seated person/served meals per day;

PLUS

- (c) an additional 25% capacity for peak flushes; and
- (d) an additional 250 litres capacity for each connected dishwasher.

Retention time within the Grease Trap must be a minimum of one hour in all cases.