

**Mayor and Councillors
COUNCIL**

24 JANUARY 2019

Meeting Status: **Public**

Purpose of Report: For Decision

ADOPTION OF THE TRADE WASTE BYLAW

PURPOSE OF REPORT

- 1 This report seeks Council's approval to:
 - a) revoke the Kāpiti Coast District Council Trade Waste Bylaw 2007; and
 - b) adopt the Kāpiti Coast District Council Trade Waste Bylaw 2019 as its replacement (Appendix 1).

DELEGATION

- 2 Under Section A2 of the Governance Structure and Delegations for the 2016-2019 Triennium, Council has responsibility for making Bylaws:

The review of the bylaw was undertaken by the Strategy and Policy Committee that has responsibility for the development and review of strategies, plans, policies and bylaws under Section B1 of the Governance Structure and Delegations for the 2016-2019 Triennium.

BACKGROUND

- 3 The Trade Waste Bylaw 2007 was adopted on 14 November 2007 and came into force on 1 January 2008, replacing the previous Trade Waste Bylaw 2000.
- 4 The Local Government Act 2002 (LGA2002) requires the 2007 Bylaw to be reviewed 10 years from the date it was adopted and a new Bylaw adopted within a further 2 years (by 14 November 2019) to avoid it being revoked.
- 5 Following a review of the 2007 Bylaw the Strategy and Policy Committee approved the release of the Statement of Proposal to adopt the Draft Kāpiti Coast District Council Trade Waste Bylaw 2018 as part of a special consultative procedure on 6 September 2018 (refer to SP-18-601).
- 6 Under Sections 83 and 85 of the Local Government Act 2002, Council undertook a special consultative procedure from 13 September 2018 to 13 November 2018.
- 7 A total of two submissions were received and one asked speak to Council on the content of their submission with a hearing held on 29 November 2018. No submitters spoke to their submission at the hearing.

ISSUES AND OPTIONS

- 8 This section provides information on:
 - a) The purpose of the Bylaw;
 - b) The proposed amendments to the 2007 Bylaw;

- c) Consideration of the submissions received;
- d) The determinations required in Section 155; and
- e) Special requirements of Section 148 of the LGA 2002 for bylaws relating to trade wastes.

The purpose of the Bylaw

- 9 The Trade Waste Bylaw 2007 allows for the management of Trade Waste discharges into the Council's Wastewater system to protect the environment, staff, public health, infrastructure and Kāpiti Coast District Council's (Council) ability to meet its Resource Management Act 1991 requirements, provide equitable spread of costs and promote the use of waste minimisation and cleaner production techniques.
- 10 The stated purpose of the 2007 Trade Waste Bylaw is to:
 - a) Ensure the protection of Council staff and the general public.
 - b) Protect the ability of the Council to meet the requirements of the Resource Management Act 1991 and, in particular, resource consents held by it for the discharge of treated sewage and also the placement of biosolids on land.
 - c) Provide for an equitable spread of costs between domestic and trade waste discharges.
 - d) Protect the investment in the existing and any future infrastructure, treatment plant and disposal facilities.
 - e) Ensure compatibility between liquid, solid and gaseous phases of trade waste discharges.
 - f) Ensure trade waste discharges consider, where appropriate and practicable to implement, waste minimisation and cleaner production techniques to reduce the quantity and improve the quality of trade waste discharges, thereby helping the Council meet the target of the New Zealand Waste Strategy.

The proposed amendments to the 2007 Bylaw;

- 11 The proposed amendments to the 2007 Bylaw were presented to the Strategy and Policy Committee meeting on 6 September 2018 (refer IS-18-601) and are summarised below.
 - Addition of a new 'controlled' trade waste discharge classification - This allows for discharges that present a low risk to be classified separately and managed accordingly.
 - Compulsory and explicit reporting requirement in the bylaw – Minor amendment to make reporting of compliance records and results a stated requirement.
 - Statement of costs considerable in future charge setting – The description of the costs that could be considered in a future charge setting has been amended to explicitly include all costs associated with the provision of the

wastewater activity to avoid confusion with operational and administrative costs only.

- Refinement of definitions for consistency and clarity - Changes to a number of definitions to remove variances with other similar bylaws and minor inconsistencies and their use.

Consideration of the submissions received

- 12 A total of two submissions were received and one asked to speak to Council on the content of their submission with a hearing held on 29 November 2018 (refer IS-18-685). However, no submitters were available to speak to their submission at the hearing. The consideration of submissions relating to the proposed amendments to the Bylaw are set out below.
- 13 In Te Āti Awa ki Whakarongotai Charitable Trust's submission a wider position on the Bylaw was set out in addition to responding to the specific amendments proposed. These matters have been further considered under Tāngata whenua considerations section.
- 14 Both submissions were supportive of the need for a Bylaw to manage trade wastes and the associated proposed amendments to the Bylaw. This support has been noted.
- 15 Both submissions advocated a "polluter/user pays" approach to recovery of the cost of the Wastewater activity. This support has been noted and is consistent with Council approach to reviewing the trade waste charges.
- 16 One submission suggested improved community awareness of the wastewater systems effectiveness in protecting the environment through public reporting and the contribution of trade waste discharges at least in summary form.

The determinations required in Section 155 of the LGA 2002

- 17 When making or reviewing bylaws, Council is required by section 155 of the LGA to make three determinations to ensure that the bylaw:
 - is necessary;
 - is the most appropriate form of a bylaw; and
 - considers any implications under the New Zealand Bill of Rights Act 1990 (NZBORA).
- 18 On 6 September 2018, the Strategy and Policy Committee considered that:
 - a bylaw continues to be the most appropriate way to address the perceived problems associated with the discharge of trade waste into the Council's waste water system;
 - the Draft Kāpiti Coast District Council Trade Waste Bylaw 2018 (refer IS-18-601) is the most appropriate form of bylaw subject to consultation; and
 - there was no inconsistency with the New Zealand Bill of Rights Act 1990.

Special requirements of Section 148 of the LGA 2002 for bylaws relating to trade wastes

- 19 Section 148 of the LGA02 outlines special requirements that must also be met in the review of bylaws relating to trade wastes. These requirements have been met by:
- Completion of the two months special consultative process on the Statement of Proposal to adopt the Draft Kāpiti Coast District Council Trade Waste Bylaw 2018 from 13 September 2018 to 13 November 2018.
 - Implementation of the communications plan.
 - Presentation of the two submissions received to the Strategy and Policy Committee on 29 November 2018 and their subsequent consideration in this report.
 - Issuing a copy of the proposed bylaw to the Minister of Health for comment on 8 January 2019.

CONSIDERATIONS

Policy considerations

- 20 There are no additional policy considerations with respect to the proposed draft 2018 Bylaw.

Legal considerations

- 21 The process for reviewing and adopting a Trade Waste Bylaw is prescribed by the LGA 2002.
- 22 Council's Legal Counsel has reviewed the 2019 Trade Waste Bylaw and consider it is consistent with the New Zealand Bill of Rights Act 1990.
- 23 References to the General Bylaw 1991 have been removed and any relevant provisions included in the 2019 Trade Waste Bylaw.

Financial considerations

- 24 Amendments to the bylaw seek to explicitly state the scope of costs that could be considered in future charge setting. Providing for an equitable spread of costs between domestic and trade waste discharges is a stated purpose of the bylaw and clarity and transparency of costs and their allocation is important.
- 25 Some trade waste discharges can place more load, by volume and concentration of contaminants, on our wastewater system than domestic wastewater. These additional loads cost more to convey and treat accordingly.
- 26 The addition of new classification will also help us get a better picture (over the next year or so) of what contribution and affect trade waste has on the wastewater system and its operation. The result of this could mean a review of the charging for costs attributable to trade waste discharges. If this happened, it would be part of the 2020/21 annual plan process.

Tāngata whenua considerations

- 27 It is acknowledged that the management of wastes is of significance to tāngata whenua and engagement in the bylaw review process is important. Representatives of all three Kāpiti Iwi were advised of the Council's bylaw review, the proposed formal consultation process and initial interests and views sought on the matter.
- 28 Te Whakaminenga o Kāpiti was briefed on the review on 28 August 2018 and staff worked with Iwi representatives to support their consideration of the Draft Kāpiti Coast District Council Trade Waste Bylaw 2018.
- 29 For Mana Whenua the Partnership and Treaty articulates their status with respect to the environment and in particular the relationship with land and water.

Te Āti Awa ki Whakarongotai Charitable Trust's submission matters

- 30 Te Āti Awa ki Whakarongotai Charitable Trust (The Trust) made a submission however were unavailable to speak to it at the hearing. The Trust's submission set out a broader position in addition to responding to the specific Bylaw amendments proposed. A summary the consideration of key points of the position is set out below and a copy of the submission is included in Appendix 2
- 31 The Trust's submission asks Council to consider its following positions:
- Interconnectedness of Water - water quality in the district should be considered as whole and the Bylaw addresses the management of Trade waste in isolation. The Trust also requested confirmation as to how Council is holistically considering management of water across the district;
 - Offensive discharges - the Bylaw should specifically address the effects of cultural offensive discharges;
 - Mana Whenua inclusion in Trade waste decision making processes - the Bylaw should explicitly enable inclusion of the Trust or consideration of mana whenua values in decision making processes. The Trust also requested clarification if it has the ability to review Trade waste consent applications through a process similar to that for non-notified consents; and
 - Requirement to consider new technologies – applicants and Council should consider new technologies to reduce quantity and improve quality of Trade waste discharges and has suggested commissioning an independent international review of technologies is required.
- 32 Further consideration was given by the Trust to involvement in Trade waste decision making processes in three areas:
- The Trust has indicated it is reviewing organisational partnership arrangements to facilitate involvement, however the review was not yet complete and should not hold up the adoption of the Bylaw. It is also considered that specific methods and conditions to manage medical and funeral wastes would be developed through such arrangements.
 - Participation in the assessment of Trade waste applications in regards to the relationship of Maori culture and traditions with water. They indicate this could be on a case-by-case basis and/or as a whole when renewals are being considered. It is noted costs for assessments could be recovered through the trade waste charges.

- Monitoring of Trade wastes discharges as an important function in addition to overall monitoring of impacts at the Wastewater Treatment Plants. It is noted costs for monitoring could be recovered through the trade waste charges.

Consideration of Trust's Submission Positions

Interconnectedness of Water

- 33 The appropriate management of Trade waste is one measure that mitigates potential adverse environmental effects of the Wastewater activity. It allows the control of Trade discharges to manage the risk of compromising the conveyance and treatment processes of the wastewater system and health and safety of staff and the public.
- 34 The Wastewater activity discharges to the environment are regulated through consents issued by the Greater Wellington Regional Council. The Greater Wellington Regional Council are also responsible for regulating the use of the region's natural resources in relation to activities such as coastal, stormwater and water supply through its regional policies, plans and resource consents.
- 35 The Greater Wellington Regional Council's has a Whaitua "catchment/space" programme that will establish a committee to look at water resources management in Kāpiti. This approach recognises the value of Ki Uta Ki Tai, the interconnectedness of nature, and sees the whole path of water, from mountains to sea, as something to be protected.
- 36 Each committee is responsible for creating a Whaitua Implementation Plan that then becomes a chapter in the proposed Natural Resources Plan. A Whaitua Committee is made up of mana whenua representatives, local community members, and local authorities and Greater Wellington.
- 37 Opportunities exist in Council's existing works programmes to work more closely with Tāngata whenua to progress an integrated approach to water management in the district ahead of the formal Greater Wellington Regional Council Kāpiti Whaitua process that is still a number of years away. This approach aligns well with the spirit of Memorandum of Partnership.

Mana Whenua inclusion in Trade waste decision making processes

- 38 The Trust's review of organisational partnership arrangements is acknowledged. Notwithstanding the outcomes of their review the Memorandum of Partnership (MoP) between Kāpiti Coast District Council and Te Āti Awa ki Whakarongotai contains objectives and principles that guide Council's Partnership with tangata whenua in addition to Council's obligations under the Treaty.
- 39 The Trusts submission has expressed an interest in effects of Trade waste discharges on their relationship with their taonga and the Trust sought the inclusion of following criteria in Council's consideration criteria of Trade waste applications under section 6.4 of the draft Bylaw:
 - *"the effects of the discharge on the relationship between mana whenua and their taonga including land and water. In considering these effects, it is acknowledged that only mana whenua can articulate that relationship."*
- 40 The Trust also sought clarification of their ability to review Trade waste consent applications through a process similar to that existing for non-notified resource consents applications to Council.

- 41 The development of a process to consult with mana whenua on issues of interest is considered to be aligned with the objectives and principles of the MoP. Resourcing would be required to scope such a process for Te Āti Awa ki Whakarongotai and other mana whenua involvement in Tradewastes discharges for Council consideration based on the consultation process already being used for resource consents. The Trusts submission suggesting a batch or case by case approach for this process could form part of such work.
- 42 It is proposed that specific criteria relating to consideration of mana whenua be added to the Bylaw under section 6.4 as follows
- *“The effect of trade waste discharge on the relationship between mana whenua and their taonga including land and water.”*
- 43 It is proposed that a process for consultation on Trade waste consents be investigated with mana whenua. The specific methods and conditions to manage medical and funeral wastes could also be developed through such a consultation process. It is considered that this approach would not prevent the adoption and use of the 2019 Bylaw which concurs with Trust’s submission.

Requirement to consider new technologies

- 44 The Draft Bylaw already incorporates a stated purpose for Trade waste dischargers to consider, and where appropriate and practicable implement, waste minimization and cleaner production techniques to reduce the quantity and improve the quality of their trade waste discharges. Cleaner production techniques and waste minimisation practices are part of the specified listed considerations for applications to discharge trade waste.
- 45 A review of technologies being used in the district and those commercially available could be undertaken with additional funding if available.

Strategic considerations

- 46 Toitū Kāpiti, our vision incorporates our deep connection to the natural environment through the ten year outcomes of an effective response to climate change and improved biodiversity and environment through sustainable practices.
- 47 The Trade Waste Bylaw supports our continued compliance with wastewater system resource consent requirements, protecting the environment and safe guarding the health of our waterways.

SIGNIFICANCE AND ENGAGEMENT

Significance policy

- 48 The adoption of the 2019 Bylaw is not a significant issue and is considered to have a low level of significance under the Council Policy. The Bylaw relates to approximately 270 existing registered Tradewaste dischargers.

Consultation already undertaken

- 49 Our pre-consultation communication involved:
- A letter to the Minister of Health to notify him of the bylaw review, advising of the scope of the consultation process and seeking confirmation if he required

any other parties to be consulted before making the bylaw. The Minister confirmed no additional specific parties were required to be consulted.

- An advisory letter to all trade waste dischargers with their 2018/19 renewals. The letter set out the intention to review the bylaw, the consultation process and invited dischargers to participate in the consultation.
 - The Trade Waste Officer discussing the bylaw review and changes to consent conditions with the larger trade waste dischargers in conjunction with ongoing 2017/18 compliance monitoring activities.
 - The Trade Waste Officer discussing the bylaw review with other various Trade Waste premises throughout the year.
- 50 Under Sections 83 and 85 of the Local Government Act 2002, Council undertook a special consultative procedure from 13 September 2018 to 13 November 2018.
- 51 The Consultation was publicised through public notices in the Kapiti News on 19 September 2018 and in the Kapiti Observer on 20 September 2018 and again on 31 October 2018 and 1 November 2018; advertisement of the consultation on Council's website and Facebook pages; a media release; pre-notification of the review and a reminder to all current Trade Waste customers.

Publicity

- 52 If Council chooses to adopt the Kāpiti Coast District Council Trade Waste Bylaw 2019:
- a) The new 2019 bylaw will be uploaded to the Council website; and
 - b) Council will give public notice of when the new bylaw will come into operation, as required by the LGA 2002.

RECOMMENDATIONS

- 53 That Council:
- a) revoke the Kāpiti Coast District Council Trade Waste Bylaw 2007; and
 - b) adopt the Kāpiti Coast District Council Trade Waste Bylaw 2019 as it's replacement (Appendix 1) which includes the addition of the following consideration criteria in section 6.4
 - a. *"The effect of trade waste discharge on the relationship between mana whenua and their taonga including land and water."*

Report prepared by Approved for submission Approved for submission

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ATTACHMENTS

- Appendix 1 Kāpiti Coast District Council Trade Waste Bylaw 2019
- Appendix 2 Te Āti Awa ki Whakarongotai submission

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1 TITLE AND COMMENCEMENT

This Bylaw may be cited as the Kapiti Coast District Council Trade Waste Bylaw 2018 and shall come into force on XX

This Bylaw is made pursuant to section 145 and 146(a)(iii) of the Local Government Act 2002 and any other Act or Authority enabling the Council in that behalf.

This Bylaw applies to the Kapiti Coast District.

This Bylaw replaces the Kapiti Coast District Council Trade Waste Bylaw 2007.

This Bylaw may be cited as the Kapiti Coast District Council Trade Waste Bylaw 2019 and shall come into force on XX .

2 TRADE WASTE BYLAW VALIDATION

The Kapiti Coast District Council Trade Waste Bylaw 2018 was approved at a meeting of the Kapiti Coast District Council held on XX after completion of a two month Special Consultative Procedure.

The Common Seal of the Kapiti Coast District Council was affixed hereto, pursuant to a resolution of the Council on XX in the presence of:

.....

Wayne Maxwell
Chief Executive

.....

K (Guru) Gurunathan
Mayor

.....

XX
Councillor

3 INTRODUCTION

This Bylaw regulates the discharge of trade waste to a wastewater system operated by the Kapiti Coast District Council.

The purpose of this Bylaw is to:

- (a) Ensure the protection of Council personnel and the general public;
- (b) Protect the ability of Council to meet the requirements of the Resource Management Act 1991 and, in particular, resource consents held by it for the discharge of treated wastewater and the placement of biosolids on land;
- (c) Provide for an equitable spread of costs between domestic and trade waste dischargers;
- (d) Protect the investment in the existing and any future infrastructure, treatment plant and disposal facilities;
- (e) Ensure compatibility between liquid, solid and gaseous phases of trade waste discharges (this compatibility can relate to such matters as meeting landfill acceptance criteria for solids and sludges and meeting resource consent conditions for emissions to air as well as the trade waste discharge itself into the wastewater system); and
- (f) Ensure trade waste discharges consider, and where appropriate and practicable implement, waste minimization and cleaner production techniques to reduce the quantity and improve the quality of their trade waste discharges, thereby assisting Council to meet the target of the New Zealand Waste Strategy.

4 SCOPE OF THE BYLAW

4.1 Scope

The Bylaw provides for the:

- (a) Acceptance of long-term, intermittent, or temporary discharge of trade waste to the Kapiti Coast District Council wastewater system;
- (b) Establishment of four grades of trade waste: permitted, controlled, conditional, and prohibited;
- (c) Evaluation of individual trade waste discharges against specified criteria;
- (d) Correct storage of materials in order to protect the wastewater systems from spillage;
- (e) Installation of flow meters, samplers or other devices to measure flow and quality of trade waste discharge;
- (f) Pre-treatment of waste before it is accepted for discharge to the Council's wastewater system;

- (g) Sampling, monitoring, and reporting on trade waste discharges to ensure compliance with the Bylaw;
- (h) Council to accept or refuse a trade waste discharge;
- (i) Charges to be set to cover the cost of conveying, treating and disposing of, or reusing, trade waste and the associated costs of managing the assets, including interest and depreciation, monitoring and administration/overheads;
- (j) Administrative mechanisms for the operation of the Bylaw; and
- (k) Establishment of waste minimisation and management programmes (including sludges) for trade waste producers.

4.2 Compliance with other Acts

Nothing in this Bylaw shall derogate from any of the provisions of the Health Act 1956, the Health and Safety at Work Act 2015, the Resource Management Act 1991 (RMA), the Building Act 2004, the Hazardous Substances and New Organisms Act 1996 (HSNO) and its regulations, or any other relevant statutory or regulatory requirements including any Kapiti Coast District Council policies and procedures. Any person discharging in the wastewater system must comply with the requirements of any relevant legislation.

4.3 Application of the Bylaw

This Bylaw shall apply to all trade premises within the Kapiti Coast District where trade waste is discharged, or sought, or likely to be discharged to the wastewater system operated by the Council or its agents. The Bylaw shall also apply to tankered waste collected for the purpose of discharge to the wastewater system operated by the Council or its agents.

Pursuant to Section 196 of the Local Government Act 2002 (LGA) the Council may refuse to accept any type of trade waste which is not in accordance with this Bylaw.

4.4 Definitions

Unless the context otherwise requires, the following definitions shall apply:

ACCESS POINT is a place, compliant with all relevant legislation, where access may be made to a private drain for inspection (including sampling or measurement), cleaning, or maintenance.

ACT means the Local Government Act 2002

ANALYST means a testing laboratory approved in writing by an authorised officer on behalf of the Council.

APPROVAL or APPROVED means approval or approved in writing by the Council, either by resolution of the Council or by an authorised officer.

AUTHORISED OFFICER means any officer appointed by the Council as an enforcement officer under Section 177 of the Act, with powers of entry as prescribed by Sections 171-174 of the Act.

BIOSOLIDS means a sewage or sewage 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. Biosolids includes products containing biosolids (e.g. composts and blended products).

CHARACTERISTIC means any of the physical, biological or chemical characteristics of a trade waste and may include the level of a characteristic.

CHIEF EXECUTIVE means the Chief Executive of the Kapiti Coast District Council or a person acting under delegated authority on behalf of the Chief Executive.

CLEANER PRODUCTION means the implementation on trade premises of effective operations, methods and processes appropriate to the goal of reducing or eliminating the quantity and toxicity of wastes. This is required to minimize and manage trade waste by:

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

CONDENSING WATER or COOLING WATER means any water used in any trade, industry, or commercial process or operation in such a manner that it does not take up matter into solution or suspension.

CONDITIONAL TRADE WASTE means trade waste that has, or is likely to have, characteristics that exceed any of those in Schedule 1 and/or where the consequences of the failure of any pre-treatment are considered significant by the Council. Such activities include temporary discharges. A conditional trade waste consent may include characteristics outside these requirements, as provided for in Clause 1.1.1 in Schedule 1.

CONTROLLED TRADE WASTE means trade waste that has, or is likely to have, characteristics that exceed those in Schedule 1 and/or where the consequences of failure of any pre-treatment are considered low by the Council. A controlled trade waste may include characteristics outside these requirements, as provided for in Clause 1.1.1 in Schedule 1.

CONSENT means a consent in writing given by the Council and signed by an authorised officer approving a person to discharge trade waste to the wastewater system.

CONSENT HOLDER means the person who has obtained a consent to discharge or direct the manner of discharge of trade waste from any premises to the Council's wastewater system, and includes any person who does any act on behalf, or with the express or implied consent, of the consent holder (whether for reward or not) and any licensee of the consent holder.

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

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

or as described or contained in the RMA and HSNO Acts.

CONTINGENCY MANAGEMENT PROCEDURES means those procedures developed and used to avoid, remedy, or mitigate the actual and/or potential adverse effects of these activities on the environment from an unexpected or unscheduled event resulting in discharge, or potential discharge, of contaminants that could impact the wastewater system.

COUNCIL means the Kapiti Coast District Council or any Committee , Community Board, or an Officer authorized to exercise the authority of the Council.

DISCHARGER means any person, including a consent holder that discharges trade waste into the wastewater system.

DISCONNECTION means the physical cutting and sealing of any of the Council's water services, utilities, drains, or sewer for use by any person.

DOMESTIC SEWAGE means sewage (with or without matter in solution or suspension therein) discharged from premises used solely for residential purposes.

DRAIN means private drain.

ENFORCEMENT OFFICER means any person appointed by the Council to enforce the provisions of any Council Bylaw and who holds a warrant under section 177 of the Local Government Act 2002 or an appropriate section of any other Act.

HAZARDOUS MATERIALS means raw material, products or wastes containing corrosive, toxic, biocidal, radioactive, flammable, or explosive materials; or any material which when mixed with wastewater is likely to generate toxic, flammable, explosive or corrosive materials; or any other material likely to be deleterious to the Council sewer or the health and safety of Council staff and the public; or any hazardous substance as defined in the Hazardous Substances and New Organisms Act 1996.

MANAGEMENT PLAN means the plan for management of trade waste operations on the premises, and may include provision for cleaner production; waste minimization; monitoring, sampling, analyzing, recording, and reporting of discharges; contingency management procedures; and any relevant industry code of practice.

MASS LIMIT means the total mass of any characteristic that may be discharged to the wastewater system over any 24-hour period, or as Council may determine from time to time, 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.

NOTICE OF CONSENT (see section 5.6)

OCCUPIER means the person occupying trade premises connected to the wastewater system.

OWNER means the person owning the property from which trade wastes discharge is made

PERMITTED TRADE WASTE means a trade waste that meets the characteristics defined in Schedule 1 of this Bylaw and does not have any prohibited characteristics as defined in Schedule 2 and/or where the consequences of the failure of any pre-treatment are considered less than minor by the Council.

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

POINT OF DISCHARGE is the boundary between the public sewer and a private drain, but for the purposes of monitoring, sampling and analysis, will be as notified to the discharger.

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 trade waste consent.

PREMISES means either:

- (a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued; or
- (b) A building or part of a building that has been defined as an individual unit by a cross-lease, unit title, or company lease and for which a certificate of title is available; or
- (c) Land held in public ownership (e.g. reserve) for a particular purpose; or
- (d) Individual units in buildings which are separately leased or separately occupied.

PRIVATE DRAIN means that section of sewer between the premises and the point of discharge to the wastewater system. A private drain is owned and maintained by the owner or occupier.

PROHIBITED TRADE WASTE means a trade waste that has prohibited characteristics as defined in Schedule 2.

SANITATION means activities of washing and/or excretion carried out in a manner or condition such that the effect on health is minimized, with regard to dirt and infection.

SCHEDULE OF RATES AND CHARGES means the list of items, terms and prices for services associated with the discharge of trade waste as approved by the Council. (These rates and charges do not form part of this Bylaw).

SEWAGE means the discharge from any:

- (a) sanitary fixtures, which are any fixtures intended to be used for sanitation; or
- (b) sanitary appliance, meaning an appliance which is intended to be used for sanitation (including washing dishes and clothes) which is not a sanitary fixture.

SEWER means all wastewater pipes, tunnels, manholes, inspection chambers, whether privately owned or as part of the Council wastewater system.

STORMWATER means all surface water run-off resulting from precipitation.

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

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

TRADE PREMISES means:

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

- (d) Any other premises discharging other than domestic sewage to the wastewater system; and
- (e) Any land or premises wholly or mainly used for agricultural or horticultural purposes.

TRADE WASTE is any liquid or gas, with or without matter in suspension or solution, that is or may be discharged from a trade premises in the course of any trade, industrial process, or operation, or in the course of any activity or operation of a like nature; but does not include condensing or cooling water, stormwater, or domestic sewage. Condensing or cooling water and stormwater that cannot practically be separated from wastewater may be included subject to specific approval.

WASTEWATER means water or other liquid including sewage, trade waste and waste matter in solution or suspension, discharged from premises to a sewer.

WASTEWATER SLUDGE means the material settled out and removed from wastewater during the treatment process.

WASTEWATER SYSTEM means the system for reception, collection, treatment, and disposal of wastewater and trade waste, including all sewers, pumping stations, storage tanks, wastewater treatment plants, wetlands, outfalls, and other related structures owned by the Council.

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.

4.5 Abbreviations

Symbol	Description
°C	degrees Celsius
B	boron
BOD ₅	Biochemical Oxygen Demand
Br ₂	bromine
Cl ₂	chlorine
CN	cyanide
COD	Chemical Oxygen Demand

Symbol	Description
F	Fluoride
FOGs	fats, oils and greases
g/m ³	grams per cubic metre
GST	goods and services tax
H ₂ S	hydrogen sulphide
HSNO	Hazardous Substances and New Organisms Act 1996
hr	hour
kg/day	kilogram per day
L	litre
L/s	litre per second
LTCCP	long term council community plan
m ³	cubic metre
max.	maximum
mg/L	milligram per litre
mL/L	millilitre per litre
Mm	millimetres
MSDS	material safety data sheets
N	nitrogen
P	phosphorus
pH	measure of acidity/alkalinity
RMA	Resource Management Act 1991
s	second
s.	section
s. s	sections
SO ₄	sulphate
SUS	suspended solids concentration
UV	ultra violet
UVT	ultra violet transmission

4.6 General

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

The word 'shall' identifies a mandatory requirement for compliance with the Bylaw, while the word 'should' refers to practices, which are advised or recommended.

5 COMPLIANCE WITH THE BYLAW

5.1 Control of discharges

5.1.1 Restrictions on discharges of wastes

No Person shall:

- (a) Discharge, or allow to be discharged, any trade waste to the wastewater system except in accordance with the provisions of this Bylaw and any consent granted by the Council;
- (b) Discharge, or allow to be discharged, a prohibited trade waste into the wastewater system;
- (c) Add or permit the addition of condensing or cooling water to any trade waste which discharges into the wastewater system unless allowed by a conditional consent;
- (d) Add or permit the addition of stormwater to any trade waste which discharges into the wastewater system unless allowed by a conditional consent; or
- (e) Use refuse or garbage grinders, and macerators to dispose of solid waste from trade premises to the wastewater system unless specifically approved by a conditional consent.

5.1.2 Consequences of non-compliance

In the event of failure to comply with Clauses 5.1.1 (a) – (e), Council may physically prevent discharge to the wastewater system if a reasonable alternative action cannot be established with the discharging party or parties and, in addition to the powers under Clause 6.9, may cancel any trade waste discharge consent granted under Clause 6.5.

5.1.3 Other requirements may apply

Any person discharging to the wastewater system shall also comply with requirements of the HSNO and the RMA.

5.2 Storage, transport, handling and use of hazardous materials

- (a) All persons on trade premises will take all reasonable steps to prevent the accidental entry of any of the materials listed in Clause 5.2(c) of this Bylaw from entry into the wastewater system as a result of leakage, spillage or other mishap.

- (b) No person will store, transport, handle or use, or cause to be stored, transported, handled or used any hazardous materials or any of the materials listed in Clause 5.2(c) in a manner that may cause the material to enter the wastewater system and cause harmful effects.
- (c) Materials referred to in Clause 5.2 (a) and (b) are those:
 - (i) Products or wastes containing corrosive, toxic, biocidal, radioactive, flammable or explosive materials; or are
 - (ii) Likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, when mixed with wastewater; or are
 - (iii) Likely to be detrimental to the health, or prejudicial to the safety, of any person or be harmful to the wastewater system.

6 TRADE WASTE DISCHARGES AND CONSENTS

6.1 Classification and registration of trade waste discharges

6.1.1 Classification

Trade Waste discharges are classified as one of the following types:

- (a) Permitted (registration by Council is required); or
- (b) Controlled (consent, subject to conditions, by Council is required); or
- (c) Conditional (consent, subject to conditions, by Council is required); or
- (d) Prohibited (not consentable).

Note: See the definitions in Clause 4.4.

6.1.2 Registration of all dischargers

All dischargers, including permitted dischargers, must be registered with the Council. For permitted dischargers, such registration shall be in a form prescribed by the Council. For controlled or conditional trade wastes the consent itself will serve as the required registration.

6.2 Application for a trade waste consent

6.2.1 Formal application

Every person who does, proposes to, or is likely to do one of the following (3.2.1 a – d) shall apply in the prescribed form for the consent of the Council for the discharge of the trade waste or for consent to the variations:

- (a) discharge into the wastewater system any trade waste (either continuously, intermittently or temporarily) that is not a permitted discharge; or
- (b) vary the characteristics of a discharge where a consent has previously been granted or vary the characteristics of a permitted discharge to the extent where it may fail to meet the requirements of a permitted discharge; or
- (c) vary the conditions of a consent that has previously been granted, including any change to the method or means of pre-treatment of a discharge; or
- (d) discharge into the wastewater system any tankered trade waste.

6.2.2 No obligation to accept trade waste

The Council is not obliged to accept any trade waste. No application for a trade waste consent will be granted where the trade waste discharge would contain, or is likely to contain, characteristics which are prohibited unless the

prohibited characteristic can be treated so as to allow a controlled or conditional trade waste consent to be granted.

6.2.3 Several trade waste discharges

Where the trade premises produce trade waste from more than one area, each area shall be described separately in any application for consent. This applies whether or not the separate areas are part of a single or separate trade process. Should the premises discharge trade waste to the wastewater system at more than one point of discharge, then a separate application shall be required for each point of discharge.

6.2.4 Payment of trade waste application fee

Every application for consent shall be accompanied by a trade waste application fee in accordance with the Council's Schedule of Fees and Charges. The fee must be paid before the Council processes the application.

6.2.5 Council dealing with owner

For the purposes of this Bylaw, the Council reserves the right to communicate with the owner as well as the occupier of any trade premises.

6.3 Information and analysis

6.3.1 Requirement for further information

On the receipt of any application for consent to discharge from any premises or to alter an existing discharge, the Council may:

- (a) Require the applicant to submit any additional information which it considers necessary to reach an informed decision;
- (b) Require an application to be supported by an independent report/statement completed by a suitably experienced and external auditor to verify any or all information supplied by the applicant;
- (c) Require the applicant to submit a management plan to the satisfaction of Council; and
- (d) Whenever appropriate, have the discharge investigated and analysed as provided for in Clauses 8.1 and 8.3 of this Bylaw.

6.3.2 Timeframe for notification of further information

The Council will notify the applicant of any requirement under this Clause within 10 working days of receipt of the application.

6.4 Consideration criteria

In considering any application for a trade waste consent to discharge from any trade premises or to discharge tankered waste into the wastewater system and in imposing any conditions on such a consent, the Council will take into consideration the submissions of the applicant as well as the quality, volume, and rate of discharge of the trade waste from such premises or tanker in relation to:

- (a) The health and safety of Council staff, Council's agents and the public;

- (b) The limits and/or maximum values for characteristics of trade waste as specified in Schedules 1 and 2 of this Bylaw;
- (c) The extent to which the trade waste may react with other trade waste or wastewater to produce an undesirable effect, e.g. settlement of solids, production of odours, accelerated corrosion, and deterioration of the wastewater system, etc.;
- (d) The flows and velocities in the sewer(s), and the material or construction of the sewer(s);
- (e) The capacity of the sewer(s) and the capacity of any sewage treatment works and other facilities;
- (f) The nature of any sewage treatment processes and the degree to which the trade waste is capable of being treated in the sewage treatment plant;
- (g) The timing and balancing of flows into the wastewater system;
- (h) Any statutory requirements relating to the discharge of raw or treated wastewater to receiving waters, the disposal of sewage sludges, beneficial use of biosolids, and any discharge to air (including the necessity for compliance with any resource consent, discharge permit, or water classification);
- (i) The effect of trade waste discharge on the relationship between mana whenua and their taonga including land and water;
- (j) The effect of the trade waste discharge on the ultimate receiving environment;
- (k) The conditions on resource consents for the wastewater system and the residuals from it;
- (l) The possibility of unscheduled, unexpected, or accidental events and the degree of risk these could cause to humans, the wastewater system, and the environment;
- (m) Consideration for other existing or future discharges;
- (n) The amenability of the trade waste to pre-treatment;
- (o) Any existing pre-treatment works on the premises and the potential for their future use;
- (p) Cleaner production techniques and waste minimisation practices;
- (q) The requirements and limitations related to sewage sludge disposal and reuse;
- (r) The control of stormwater;
- (s) Any management plan;
- (t) Tankered waste being discharged at an approved location(s); and
- (u) The availability of alternative collection and disposal systems for putrescible wastes.

6.5 Decision on an application

Within 20 working days (or extended as necessary by the Council) of receipt of an application complying with this Bylaw and/or all requirements under

Clause 6.3, whichever is the later, the Council shall, after considering the matters in Clause 6.4, do any one or more of the following:

- (a) Acknowledge the trade waste discharge in the application is a permitted discharge and inform the applicant of the decision.
- (b) Grant the application as a controlled or conditional trade waste consent and inform the applicant of the decision and the conditions imposed on the discharge by issuing the appropriate notice of consent; or
- (c) Decline the application and notify the applicant of the decision giving a statement of the reasons for refusal.

Granting consent or permitting any discharge under this Bylaw does not relieve the discharger from any obligations to obtain any other consent or permission for the discharge under any other statutory requirement or obligation of the discharger.

6.6 Conditions of consent

Any consent may be granted subject to such conditions that the Council may impose, including but not limited to:

- (a) The particular public sewer(s) to which the discharge will be made;
- (b) The maximum daily volume of the discharge, the maximum rate of discharge, and the duration of maximum discharge;
- (c) The maximum limit or permissible range of any specified characteristics of the discharge, including concentrations and/or mass limits determined in accordance with Clause 7.3;
- (d) The period(s) of the day during which the discharge, or a particular concentration or volume of discharge, may be made;
- (e) The degree of acidity or alkalinity of the discharge at the time of discharge;
- (f) The temperature of the trade waste at the time of discharge;
- (g) The provision by or for the consent holder, at the consent holder's expense, of screens, grease traps, silt traps, or other pre-treatment required to control trade waste discharge characteristics to the consented levels;
- (h) The provision and maintenance at the consent holder's expense of inspection chambers, manholes, or other apparatus or devices to provide safe and reasonable access to drains for monitoring, sampling, and/or inspection;
- (i) The provision and maintenance of a sampling and analysis programme, and flow measurement requirements, at the consent holder's expense;
- (j) The method(s) to be used for measuring flow rates and/or volume 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;
- (k) The provision and maintenance by, and at the expense of, the consent holder of such meters, samplers, or devices as may be required to

measure the volume, flow rate, or characteristics of any trade waste being discharged from the premises, and for the calibration of such meters or devices;

- (l) The provision and maintenance, at the consent holder's expense of such services (whether electricity, water or compressed air or otherwise), which may be required, in order to operate meters or other measurement/sampling devices and similar devices, including safe sampling points of access as may be required;
- (m) At times specified, the provision in a Council-approved format by the consent holder to the Council of all flow, volume, and/or characteristic measurements and records and results of analyses;
- (n) Risk assessment of damage to the sewer system and/or environment due to an accidental discharge of a chemical;
- (o) The provision and implementation of a Management Plan including Contingency Management Procedures ;
- (p) Waste minimisation and management;
- (q) Cleaner Production Techniques;
- (r) Remote monitoring and/or control of discharges;
- (s) Third party treatment, carriage, discharge, or disposal of by-products of pre-treatment of trade waste (including sewage sludge disposal);
- (t) Requirement to provide a bond or insurance in favour of the Council where failure to comply with the consent could result in damage to the Council's wastewater system or its treatment plants, or could result in the Council being in breach of any statutory obligation; and
- (u) The amount, if any, of cooling water, condensing water, or stormwater which cannot practically be separated from trade wastes, that may be included with the discharge;
- (v) The cessation of a consent to discharge putrescible wastes to the sewer when the Council has provided or arranged an alternative commercial collection and disposal system.

6.7 Duration

6.7.1 Permitted discharges

A permitted trade waste discharge is able to be discharged indefinitely until either:

- (a) The prevention of a discharge under Clause 5.1.2, or suspension or cancellation under Clause 6.8; or
- (b) The quantity and nature of the discharge changes significantly; or
- (c) In the opinion of the Council the discharge changes or is likely to change to such an extent that it becomes a controlled, conditional or prohibited trade waste; or
- (d) The Council changes the trade waste management procedures by any amendment to, or replacement of, its trade waste Bylaw; or
- (e) A change occurs in the conditions of resource consents held by the Council for the wastewater system and the residuals from it.

In all cases, after appropriate consultation, the discharger will apply within 10 working days of any of the events in Clause 6.7.1 (a)-(e) occurring for a controlled or conditional consent, in accordance with Clause 6.2 of this Bylaw. No new discharge is permitted before the granting of such consent.

6.7.2 Controlled or conditional consents

Subject to Clauses 6.9 and 9.1, controlled or conditional consents granted under this Bylaw expire at the end of a term fixed by the Council subject to the following:

- (a) Consents may be given for a term not exceeding five years to an applicant who at the time of application satisfies the Council that:
 - (i) The nature of the trade activity, or the process design, and/or management of the premises are such that the consent holder has a demonstrated ability to meet the conditions of the consent during its term; and/or
 - (ii) Cleaner production techniques are successfully being utilized, or that a responsible investment in cleaner production equipment or techniques is being made; and/or
 - (iii) Significant investment in pre-treatment facilities has been made, such that a longer than two-year period of certainty for the amortising of this investment is considered reasonable; and/or
 - (iv) The reissuing of the consent cannot be unreasonably withheld.

Notwithstanding the above, the Council retains the right to review the conditions at an earlier time. The reasons for such an earlier review may include:

- (A) The level of consent holder compliance, including any accidents including spills or process mishaps;
 - (B) Matters pertaining to the Council's resource consents for the wastewater system;
 - (C) Matters pertaining to the Council's environmental policies and outcomes;
 - (D) New control and treatment technologies and processes;
 - (E) Any of the matters outlined in Clause 7; or
 - (F) Matters pertaining to the Council's legal obligations.
- (b) In all other cases the term of a consent will not exceed two years;
 - (c) A change in the conditions of resource consents held by the Council for the wastewater system and the residuals from it.

6.7.3 Change resulting in termination

In all cases where either the consent holder or the occupier changes, or there is a change in the nature of the trade, business or activities of the consent holder or occupier, any trade waste consent shall be deemed to have been

cancelled, and a new application for a new waste discharge shall be made under Clause 6.2. It shall be the responsibility of the consent holder to lodge a new application.

6.8 Technical review and variation

6.8.1 Council may vary consents

Council may at any time during the term of any trade waste discharge consent, after consulting with the consent holder and by written notice to the consent holder, reclassify the discharge in terms of Clause 6.1.1 and/or vary, add or delete any condition of the consent having regard to issues such as:

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

6.8.2 Consent holder may vary consent(s)

A consent holder may at any time during the term of a trade waste discharge consent by written application to Council, seek to vary any condition of consent as provided for in Clause 6.2 of this Bylaw.

6.9 Suspension or cancellation of the right to discharge

6.9.1 Suspension or cancellation notice

The Council may suspend or cancel any consent or permitted trade waste discharge at any time following 15 working days' written notice to the consent holder or discharger:

- (a) For the failure to comply with any condition of the consent or any requirement in Schedule 1;
- (b) For the failure to maintain effective control over the discharge;
- (c) For the failure to limit in accordance with the requirements of a consent the volume, characteristics, nature, or composition of trade waste being discharged;
- (d) In the event of any negligence that, in the opinion of the Council, threatens the safety of, or threatens to cause damage to, any part of the wastewater system or threatens the health or safety of any person;
- (e) If any occurrence happens that, in the opinion of the Council, poses potential adverse effects on the environment;

- (f) In the event of any breach of a resource consent held by the Council issued under the RMA caused in whole or part by the trade waste discharger;
- (g) For a failure to provide and when appropriate update a management plan if this is required under the consent;
- (h) For a failure to follow the provisions of the certified management plan at any time;
- (i) For a failure to pay trade waste fees or charges; or
- (j) If any other circumstances arise which, in the opinion of the Council, render it necessary in the public or environmental interest to cancel the right to discharge.

During the 15 working day notice period the Council will consult with the consent holder or the discharger. If any process changes require more than 20 working days, reasonable time may be given to comply with the consent conditions.

6.9.2 Immediate suspension or cancellation

Notwithstanding Clause 6.9.1, any consent or permitted discharge may at any time be immediately suspended or cancelled by the Council on giving to the consent holder or discharger written notice of that suspension or cancellation if:

- (a) Any prohibited substance is discharged;
- (b) The Council is lawfully directed to withdraw or otherwise to terminate the consent summarily;
- (c) Any trade waste is unlawfully discharged;
- (d) If the continuance of discharge is, in the opinion of the Council, a threat to the environment, safety of individuals or public health;
- (e) If the continuance of discharge may, in the opinion of the Council, result in a breach of a resource consent held by the Council; or
- (f) If in the opinion of the Council, the continuance of the discharge puts at risk the ability of the Council to comply with conditions of a resource consent and/or requires identified additional treatment measures or costs to seek to avoid a breach of any such resource consent.

6.9.3 Council may physically prevent discharge

The Council reserves the right to physically prevent discharge to the sewer as part of the suspension or cancellation under either Clauses 6.9.1 or 6.9.2.

6.9.4 Written notice required to withdraw suspension

The Council must give written notice withdrawing a suspension before a consent holder or a discharger resume discharging from the premises.

6.9.5 Cancellation of consent if suspension not withdrawn

Any suspension that has not been withdrawn after 3 months since the suspension was imposed results in a cancellation of the consent or permitted discharge.

7 REQUIREMENTS TO MEET CERTAIN CONDITIONS OF CONSENT

7.1 Pre-treatment

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

Refuse or garbage grinders and macerators must not be used to dispose of solid waste from trade premises to the wastewater system unless approved by the Council as a controlled or conditional consent.

The discharger must not, unless approved by the Council as a controlled or conditional consent, add or permit the addition of any potable, condensing, cooling water or stormwater to any trade waste stream in order to vary the level of any characteristics of the waste.

7.2 Dental facilities

All dental facilities require a consent, which must include an approved amalgam trapping maintenance and disposal system where relevant.

7.3 Mass limits

A controlled or conditional trade waste consent may impose controls on a trade waste discharge by specifying mass limits for any characteristic.

Mass limits may be imposed for any characteristic. Any characteristic of a discharge with a mass limit imposed must also have a daily maximum concentration not exceeding the value scheduled in Schedule 1, unless approved otherwise.

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

- (a) The operational requirements of and risk to the wastewater system, and risks to occupational health and safety, public health, and the ultimate receiving environment;
- (b) Whether or not the levels proposed pose a threat to the planned or actual beneficial reuse of biosolids or sewage sludge;
- (c) Conditions in the wastewater system near the trade waste point of discharge and elsewhere in the wastewater system;
- (d) The extent to which the available capacity for trade waste was used in the last financial period and is expected to be used in the forthcoming period;
- (e) Whether or not the applicant uses cleaner production techniques within a period satisfactory to the Council;
- (f) Whether or not there is any net benefit to be gained by the increase of one characteristic concurrently with the decrease of another to justify any increased application for trade waste capacity;

- (g) Any requirements of the Council to reduce any contaminant discharge of the wastewater system;
- (h) How great a proportion the mass flow of a characteristic of the discharge will be of the total mass flow of that characteristic in the wastewater system;
- (i) The total mass of the characteristic allowable in the wastewater system, and the proportion (if any) to be reserved for future allocations; and
- (j) Whether or not there is an interaction with other characteristics which increases or decreases the effect of either characteristic on the sewer reticulation, treatment process, or receiving water or land.

8 SAMPLING ANALYSIS AND MONITORING

8.1 Flow metering

8.1.1 Requirement for flow metering

Flow metering will be required by the Council:

- (a) On discharges when there is not a consistent reliable relationship between a metered water supply to the premises, and the discharge of trade waste;
- (b) When the Council does not approve a method of flow estimation; or
- (c) When the discharge represents a significant proportion of the total flow/load received by the Council.

8.1.2 Consent holder is responsible for meters

The consent holder is responsible for the supply, installation, calibration, reading, and maintenance of any meter required by the Council for the measurement of the rate or quantity of discharge of trade waste. These devices are subject to the approval of the Council, but remain the property of the consent holder.

8.1.3 Flow metering records

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

8.1.4 Location of flow meters

Meters must be located in a position approved by the Council which provides the required degree of accuracy and is readily accessible for reading and maintenance. The meters must be located in the correct position according to the manufacturer's installation instructions.

8.1.5 Calibration of flow meters

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

8.1.6 Adjustments

Should any meter installed for the specific purpose of measuring a trade waste discharge, after being calibrated, be found to have an error greater than that specified in Clause 8.1.5 as a repeatable measurement, the Council may make an adjustment to the fee calculation in accordance with the results shown by such tests back-dated for a period at the discretion of the Council

but not exceeding 12 months, and the consent holder must pay or be credited a greater or lesser amount according to such adjustment.

8.2 Estimating discharge

8.2.1 Estimates where no meter is required

Where no meter or similar apparatus is required, Council may require a percentage of the water supplied to the premises (or other such basis as seems reasonable) be used for estimating the rate or quantity of flow for the purposes of charging. If this cannot be achieved then the Council has the right to require installation of a Council approved flow measurement at the consent holder's expense.

8.2.2 Estimates where meter is required

Should any meter be out of repair, cease to register, or be removed, the Council will estimate the discharge for the period since the previous reading of such meter (based on the average of the previous 12 months charged to the discharger), and the discharger must pay according to such estimate. In instances where the average of the previous 12 months would be an unreasonable estimate of the discharge because a large variation of discharge has occurred due to seasonal or other causes, then the Council may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the discharger must pay according to such an estimate.

8.2.3 Estimates where a meter is tampered with

Where in the opinion of the Council, a meter has been tampered with, the Council (without prejudice to the other remedies available) may declare the reading void and estimate the discharge as provided above in Clauses 8.2.1 or 8.2.2 .

8.3 Sampling and analysis by Council

8.3.1 Council may sample, test, and monitor

As determined by the Council, sampling, analysis, and monitoring may be undertaken to determine if:

- (a) A discharge complies with the provisions of this Bylaw;
- (b) A discharge is to be classified as permitted, controlled, conditional, or prohibited (refer to Clause 6.1);
- (c) A discharge complies with the provisions of Schedule 1 for permitted discharge and any consent to discharge; and
- (d) Trade waste charges are applicable to that discharge.

8.3.2 Person discharging responsible for all reasonable costs

- (a) The sampling, preservation, transportation, analysis, and reporting of the sample will be undertaken by an authorised officer or agent of the

Council, or the person discharging in accordance with accepted standard methods, or by a method specifically approved by the Council. The person discharging shall be responsible for all reasonable costs. Where a dispute arises as to the validity of the methods or procedures used for sampling or analysis, the dispute may be submitted to a mutually agreed independent arbitrator.

- (b) Where a dispute arises as to the results from analyses used for charging purposes, the Council may estimate the characteristics for the billing period based on the average results for the based on the previous 12 months billing of the discharger. In instances where the previous 12 months billing could be unreasonable due to seasonal or other causes, then the Council may take into consideration other relevant evidence for the purpose of arriving at reasonable results, and the discharger must pay according to such an estimate.

8.3.3 Entry into premises

All authorised officers or authorised agents of the Council, or any analyst, may enter any premises believed to be discharging trade waste at any time in order to determine any characteristics of any actual or potential discharge by:

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

of any solid, liquid, or gaseous material or any combination or mixture of such materials that could potentially be discharged.

Authorization for entry to premises is given under the ACT.

8.4 Monitoring and audit by Council

8.4.1 Monitoring for compliance

The Council is entitled to monitor and audit any trade waste discharge for compliance. Whether for a permitted or consented discharge, monitoring may be carried out as follows:

- (a) The Council or its authorised agent will take the sample with appropriate preservation, and arrange for this sample to be analysed by an analyst by approved analytical methods. The sampling procedure will be appropriate to the trade waste and the analytical method to be used;
- (b) The Council may audit the sampling and analysis carried out by a self-monitoring trade waste discharger. Analysis will be performed by an analyst. Inter-laboratory proficiency programmes are to be part of this process;
- (c) The Council may audit the compliance with trade waste consent conditions, including any management plans.

At the discretion of the Council, all costs of monitoring and audit will be met by the discharger either through direct payment to the laboratory or in

accordance with Council's Schedule of Fees and Charges.

8.4.2 Sampling methodology

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

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

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

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

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

8.5 Tankered waste

- (a) No person may discharge tankered waste into the wastewater system except in accordance with this Bylaw, the Liquid and Hazardous Wastes Code of Practice (2012), and as approved by Council.
- (b) A person who wishes to discharge tankered wastes consisting of domestic sewage from septic tanks or short term portable facilities, such as portable toilets, or trade waste directly to the wastewater system may apply for Consent in accordance with the provisions of Clause 6.2 of this Bylaw.
- (c) Subject to Clause 8.4.3(b), other discharges of tankered wastes directly to the wastewater system will not be permitted and must be disposed of in an approved commercial waste treatment facility.
- (d) Tankers used for the discharge of domestic wastes to approved locations shall not convey trade wastes.

Any person illegally disposing of, or causing to be disposed, tankered waste either by incorrect disclosure of contents (characteristics and/or amount) or dumping into the wastewater system at other than the prescribed location will be in breach of this Bylaw.

8.6 Disinfected / super-chlorinated water

Any water used during the repair and construction of water mains will be de-chlorinated prior to discharge into the wastewater system. A person who wishes to discharge such water shall apply for consent in accordance with the provisions of Clause 6.2 of this Bylaw.

9 BYLAW ADMINISTRATION

9.1 Review of decisions

If any person is dissatisfied with any decision by an Authorized Officer made under this Bylaw, that person may, by notice delivered to the Chief Executive of the Council not later than 20 working days after the decision by the Authorised Officer is served upon that person, request the Chief Executive to review any such decision and the Chief Executive Officer's decision will be final.

9.2 Accident reporting and corrective action

The discharger will inform the Council immediately on discovery of any accident, including spills or process mishaps which may cause a breach of this Bylaw.

In the event of any accident occurring on premises for which there is a consent, then the Council may review the consent under Clause 6.8 or may require the consent holder, within 20 working days of the date such requirement is notified to the consent holder in writing, to review the contingency management procedures and re-submit for approval the management plan with the Council.

In the event of an accident occurring on the premises of a permitted trade waste discharge, the Council may require the discharger to apply for a trade waste discharge consent (controlled or conditional).

9.3 Charges and payments

9.3.1 Charges

The Council may recover fees and charges in accordance with the ACT and in accordance with Council's Schedule of Fees and Charges.

9.3.2 Invoicing

All charges referred to in Clause 9.3.1 or otherwise recoverable under this Bylaw, shall be invoiced in accordance with Council's standard commercial practice. The invoice will provide each discharger with a copy of the information and calculations used to determine the extent of any charges and fees due in regard to a discharge.

9.3.3 Cease to discharge

The discharger will be deemed to be continuing the discharge of trade waste and will be liable for all charges, until a notice of disconnection is provided to Council.

9.3.4 Failure to pay

All fees and charges payable under this Bylaw will be recoverable as a debt. If the person discharging fails to pay any fees and charges under this Bylaw the Council may cancel the right to discharge in accordance with Clause 6.9.

9.3.5 Recovery of costs

In all cases the Council may recover costs associated with damage to the wastewater system and/or breach of this Bylaw in accordance with s.175 and s.176 of the ACT.

9.4 Authorised officers

All authorised officers of the Council, or other persons authorised under s.174, s.177, or paragraph 32 of Schedule 7 of the ACT will possess and produce on request warrants of authority and evidence of identity.

9.5 Transfer or termination of rights and responsibilities

9.5.1 Restrictions

A trade waste consent to discharge will be issued in the name of the consent holder. The consent holder will not, unless written approval is obtained from the Council:

- (a) Transfer to any other party the rights and responsibilities provided for under this Bylaw, and under the consent;
- (b) Allow a point of discharge to serve another premise or the private drain to that point to extend by pipe or any other means to serve another premise or
- (c) In particular and not in limitation of the above, allow trade waste from any other party to be discharged at their point of discharge.

9.5.2 Disconnection

The discharger will give two (2) working days' notice in writing to the Council of their requirement for disconnection of the discharge connection and/or termination of the discharge consent, except where demolition or relaying of the discharge drain is required, in which case the notice will be within seven (7) working days. The discharger will notify the Council of the new address details for final invoicing.

On permanent disconnection and/or termination, the discharger may at the Council's discretion be liable for trade waste charges to the end of the current charging period.

9.5.3 Cessation of occupation

When a discharger ceases to occupy premises from which trade wastes are discharged into the wastewater system, any consent granted will terminate but without relieving the discharger from any obligations existing at the date of termination.

9.6 Service of documents

9.6.1 Delivery or post

Any notice or other document required to be given, served, or delivered under this Bylaw to the discharger may (in addition to any other method permitted by law) be given, served, or delivered by being:

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

9.6.2 Service

If any notice or other document is:

- (a) Sent by post, it will be deemed received on the first day (excluding weekends and public holidays) after posting;
- (b) Sent by facsimile or email and the sender's facsimile or email machine produces a transmission report indicating that the facsimile or email was sent to the addressee, the report will be *prima facie* evidence that the facsimile or email was received by the addressee in a legible form at the time indicated on that report; or
- (c) Sent by courier and the courier:
 - (i) obtains a receipt or records delivery on a courier run sheet, the receipt or record of delivery on a courier run sheet will be *prima facie* evidence that the communication was received by the addressee at the time indicated on the receipt or courier run sheet; or
 - (ii) left at a conspicuous place at the trade premises or is handed to a designated person(s) nominated by the consent holder, then that will be deemed to be service on, or delivery to, the consent holder at that time.

9.6.3 Signature

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

9.7 Offences

Every discharger, owner, or occupier of trade premises who:

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

commits an offence under section 239 of the Act, and is liable to a fine as specified in section.242 of the Act or the issue of an infringement notice pursuant to Regulations made under section 259 of the Act. .

In all cases, Council may recover costs associated with damage to the wastewater system and/or breach of this Bylaw in accordance with section.175 and section.176 of the Act.

9.8 Transitional Provisions

9.8.1 Applications

Any application for consent to discharge trade waste made under the 2007 Bylaw for which consent has not yet been granted at the time of this new Bylaw coming into force will be deemed to be an application made under Clause 6.2 of this Bylaw.

9.8.2 Existing trade waste consents

Every existing trade waste consent granted under the 2000 or 2007 Bylaw will continue in force as if it were consented under this Bylaw until it reaches its expiry date, provided that no consent will run beyond 1 December 2019.

SCHEDULE 1 - PERMITTED DISCHARGE CHARACTERISTICS

1.1 Introduction

1.1.1 Compliance

The nature and levels of the characteristics of any trade waste discharged to the wastewater system must at all times comply with the following requirements, except where the nature and levels of such characteristics are varied by the Council as part of a consent to discharge a trade waste. If a discharge characteristic is not specifically mentioned in this Schedule and it is not referred to in Schedule 2, it can be the subject of a conditional trade waste consent.

The Council will take into consideration the combined effects of trade waste discharges and may

1.1.2 Criteria

The Council will take into consideration the combined effects of trade waste discharges and may make any modifications to the following acceptable characteristics for individual discharges the Council believes are appropriate.

1.1.3 Mass Limits

Mass limits for characteristics in Tables 1.1, 1.2 and 1.3 may be applied by Council as required (refer to Clause 7.3 of the Bylaw).

1.1.4 Variation

The nature and levels of any characteristic may be varied to meet any new resource consents or other legal requirements imposed on the Council, as provided for in Clause 6.8.

1.2 Physical characteristics

1.2.1 Flow

- (a) The 24-hour flow volume shall be less than 5m³.
- (b) The maximum instantaneous flow rate must be less than 2.0 L/s.

1.2.2 Temperature

The temperature must not exceed 40 °C.

1.2.3 Solids

- (a) Non-faecal gross solids will have a maximum dimension which must not exceed 15 mm.
- (b) The suspended solids content of any trade waste shall have a maximum concentration which shall not exceed 2000 g/m³. For significant industry, this may be reduced to 600g/m³.
- (c) The settleable solids content of any trade waste must not exceed 50 mL/L.
- (d) The total dissolved solids concentration in any trade waste will be subject to the approval of the Council having regard to the volume of

the waste to be discharged, and the suitability of the drainage system and the treatment plant to accept such waste.

- (e) Fibrous, woven, or sheet film, or any other materials which may adversely interfere with the free flow of sewage in the drainage system or treatment plant, must not be present.

1.2.4 Oil and grease

- (a) There shall be no free or floating layer of oil or grease.
- (b) A trade waste with mineral oil, fat, or grease unavoidably emulsified, which in the opinion of the Council is not biodegradable, shall not exceed 200 g/m³ as petroleum ether extractable matter when the emulsion is stable at a temperature of 15°C and when the emulsion is in contact with and diluted by a factor of 10 by raw sewage, throughout the range of pH 6.0 to pH 10.0.
- (c) A trade waste with oil, fat, or grease unavoidably emulsified, which in the opinion of the Council is biodegradable, shall not exceed 500 g/m³ when the emulsion is stable at a temperature of 15°C and when the emulsion is in contact with and diluted by a factor of 10 by raw sewage, throughout the range of pH 4.5 to pH 10.00.
- (d) Emulsified oil, fat, or grease shall not exceed 100 g/m³ as petroleum ether extractable matter when the emulsion is unstable at a temperature of 15°C and when the emulsion is in contact with and diluted by a factor of 10 by raw sewage, throughout the range of pH 4.5 to pH 10.0.

1.2.5 Solvents and other organic liquids

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

1.2.6 Emulsions of paint, latex, adhesive, rubber, plastic

- (a) Where such emulsions are not treatable, these may be discharged into the sewer subject to the total suspended solids not exceeding 1000 g/m³ or a concentration agreed with the Council.
- (b) The Council may determine that the need exists for pre-treatment of such emulsions if it considers that trade waste containing emulsions unreasonably interferes with the operation of the Council wastewater systems (e.g. reduces the percentage UVT (ultra violet transmission)).
- (c) Emulsions of both treatable and non-treatable types may only be discharged to the sewer at a concentration and pH range that prevents coagulation and blockage at the mixing zone in the public sewer.

For the purposes of this sub-clause:

‘Latex emulsion’ means an emulsion containing paint, adhesive, rubber, plastic or similar material.

‘Treatable’ in relation to emulsion wastewater, means the total organic carbon content of the waste decreases by 90% or more when the wastewater is subjected to a simulated wastewater treatment process which matches the Council’s treatment system.

1.2.7 Radioactivity

Radioactivity levels must not exceed Radiation Safety Regulations 2016.

1.2.8 Colour

No waste may have colour or colouring substance that causes the discharge to be coloured to the extent that it impairs wastewater treatment processes or compromises the treated sewage resource consent to discharge held by the Council.

1.2.9 Inhibitory substances

No trade waste may have any characteristics that could inhibit the performance of the wastewater treatment process, such that the Council is at risk or prevented from achieving its environmental statutory requirements

1.3 Chemical characteristics

1.3.1 pH value

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

1.3.2 Organic strength

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

Organic Strength – COD, BOD₅

COD	Mass Limit	5000 mg/sec
BOD ₅	Mass Limit	2000 mg/sec

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

COD	2500 g/m ³
BOD ₅	1000 g/m ³

Significant industry discharges may require additional limitations to the total daily mass of COD or BOD₅ discharged and the timings of discharges in order

to reduce the risk of adverse effects upon the wastewater system. Where this is necessary, the trade waste consent will specify the appropriate limits.

NOTE - For biological process inhibiting compounds, see Table 5 in the *Guidelines for Sewerage Systems: Acceptance of Trade Waste (Industrial Waste)*¹.

1.3.3 Maximum concentrations

The maximum concentrations permissible for the chemical characteristics of an acceptable discharge are set out in Tables 1.1, 1.2 and 1.3.

¹ Agriculture and Resource Management Council of Australia and New Zealand & Australian and New Zealand Environment and Conservation Council. November 1994. *Guidelines for Sewerage Systems: Acceptance of Trade Waste (Industrial Waste)*. NSW: Australian Water and Wastewater Association, page 48.

TABLE 1.1 – GENERAL CHEMICAL CHARACTERISTICS

Characteristic	Maximum Concentration (g/m³)
MBAS (Methylene blue active substances)	500
Ammonia (measured as N)	
- free ammonia	50
- ammonium salts	200
Kjeldahl nitrogen	500
Total phosphorus (as P)	50
Sulphate (measured as SO ₄)	500
Sulphate (measured as SO ₄) (with good mixing)	1500
Sulphite (measured as SO ₂)	15
Sulphide – as H ₂ S on acidification	5
Chlorine (measured as Cl ₂)	
- free chlorine	3
- Hypochlorite	30
Dissolved aluminium	300
Dissolved iron	100
Boron (as B)	25
Bromine (as Br ₂)	5
Fluoride (as F)	30
Cyanide – weak acid associable (as CN)	5

TABLE 1.2 – HEAVY METALS

(Mass limits may be imposed. Refer to Clause 7.3 for more information.)

Metal	Maximum Concentration (g/m³)
Antimony	10
Arsenic	5
Barium	10
Beryllium	0.005
Cadmium	0.5
Chromium (trivalent & hexavalent)*	5
Cobalt	10
Copper	10
Lead	10
Manganese	20
Mercury	0.05
Molybdenum	10
Nickel	10
Selenium	10
Silver	2
Thallium	10
Tin	20
Zinc	10

* The concentration for chromium includes all valent forms of the element. Chromium (vi) is considered to be more toxic than chromium (iii), and for a discharge where chromium (vi) makes up a large proportion of the characteristic, lower concentration limits may be imposed by Council.

TABLE 1.3 – ORGANIC COMPOUNDS AND PESTICIDES

(Mass limits may be imposed. Refer to Clause 7.3 for more information.)

Compound	Maximum Concentration (g/m3)
Formaldehyde (as HCHO)	50
Phenolic compounds (as phenols, but excluding chlorinated phenols)	50
Chlorinated phenols	0.02
Petroleum hydrocarbons	30
Halogenated aliphatic compounds	1
Monocyclic aromatic hydrocarbons	5
Polycyclic (or polynuclear) aromatic hydrocarbons (PAHs)	0.05
Halogenated aromatic hydrocarbons (HAHs)	0.002
Polychlorinated biphenyls (PCBs)	0.002
Polybrominated biphenyls (PBBs)	0.002 (each)
Pesticides (general) [includes insecticides, herbicides, and fungicides, and excludes organophosphate, organochlorine, and any pesticides not registered for use in New Zealand]	0.2 (in total)
Organophosphate pesticides	0.1

SCHEDULE 2 - PROHIBITED CHARACTERISTICS

2.1 Introduction

This schedule defines prohibited trade wastes.

2.2 Prohibited characteristics

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 sewage in the wastewater sSystem;
- (b) Damage any part of the wastewater system;
- (c) In any way, directly or indirectly, cause the quality of the treated sewage or residual biosolids and other solids from any wastewater treatment plant in the catchment to which the waste was discharged to breach the conditions of a consent issued under the Resource Management Act, a water right, a permit, or other governing legislation;
- (d) Prejudice the occupational health and safety risks faced by wastewater workers and sampling technicians;
- (e) After treatment be toxic to fish, animals or plant life in the receiving waters;
- (f) Cause malodorous gases or substances to form which are of a nature or sufficient quantity to create a public nuisance; or
- (g) Have a colour or colouring substance that causes the discharge from any wastewater treatment plant to receiving waters to be coloured.

2.3 Exceedance of Schedule 1 characteristics

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

2.4 Specific prohibitions

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) Liquid, solid, or gas which could be flammable or explosive in the wastes, including oil, fuel, solvents (except as allowed for in Schedule 1), calcium carbide, and any other material which is capable of giving rise to fire or explosion hazards either spontaneously or in combination with sewage;
- (c) Asbestos;
- (d) The following organo-metal compounds:
 - Tin (as tributyl and other organotin compounds);

- (e) Any organochlorine pesticides;
- (f) Any health care waste prohibited for discharge to the wastewater system by NZ Standard 4304² or any solid wastes from any hospital, clinic, office, or surgery of a medical or veterinary facility or laboratory, convalescent or nursing home, or health transport facility; including, but not limited to: hypodermic needles; syringes; instruments; utensils; swabs; dressings; bandages; or any paper or plastic item of a disposable nature; or any portions of human or animal anatomy; plus infectious or hazardous wastes deemed to pose a threat to public health and safety.
- (g) Radioactivity levels in excess of the Radiation Safety Regulations 2016.

² NZS 4304:2002 - Management of Healthcare Waste

SCHEDULE 3 - TRADE WASTE CHARGES

Fees and charges are set by Council resolution. This is done through the Annual Plan or other suitable process, in accordance with the ACT.

In the following table, Council states what categories they will charge, or may charge, under the tenure of this Bylaw.

A. Administrative charges

Category	Description
A1 Compliance monitoring	The cost of sampling and analysis of trade waste discharges
A2 Trade waste application fee	Payable on an application for a trade waste discharge
A3 Re-inspection fee	Payable for each re-inspection visit by Council where a notice served under this Bylaw has not been complied with by the trade waste discharger
A4 Special rates loan charges	Additional rates for servicing loans raised for the purposes of constructing or improving the Council wastewater system
A5 Temporary discharge fee	Payable prior to receipt of a temporary discharge
A6 Annual trade waste charges	<p>An annual management fee for a trade waste discharge to cover Council's costs associated with for example:</p> <ul style="list-style-type: none"> a) Administration; b) General compliance monitoring; c) General inspection of trade waste premises; and d) Use of the Council wastewater system. <p>This charge may vary depending on the trade waste sector and category of the discharger.</p>

B. Trade waste user charges

Category	Description
B1 Volume	Payment based on the volume discharged (\$/m ³)
B2 Suspended solids	Payment based on the mass of suspended solids (\$/kg)
B3 Organic loading	Payment based on the mass of Chemical Oxygen Demand (\$/kg)

B4 Metals	Payment based on the defined form(s) of the metal(s) (\$/kg)
B5 Transmissivity	A charge based on the inhibiting nature of the trade waste to UV light used by the Council's disinfection process
B6 Total Nitrogen	Payment based on the mass of nitrogen (\$/kg)

Admin only:

Date received	Submission number

2018 REVIEW OF THE TRADE WASTE BYLAW

Please refer to the current 2007 Bylaw, the draft 2018 Bylaw, and the Statement of Proposal.

Submissions close 5pm, Tuesday 13 November 2018

How to lodge your submission:


Online: consult.kapiticoast.govt.nz click on **Trade Waste Bylaw**




You can also email, post or deliver your submission as follows:

Email: submissions@kapiticoast.govt.nz
Post: Kāpiti Coast District Council
Private Bag 60-601,
PARAPARAUMU 5254
Deliver: Paraparaumu Service Centre, 175 Rimu Road,
Waikanae Service Centre, Mahara Place
Ōtaki Service Centre, 81-83 Main Street

If hand-writing, please write your contact details in clear **BLOCK CAPITAL** letters

Submitter details				
Is this an individual submission?		Yes		No
If this submission is on behalf of an organisation, please state the name of the organisation:				
Organisation:	Te Āhiawa ki Whakarongotai Charitable Trust			
Title (tick one)	Mr		Mrs	✓ Other (please specify)
First name:	Te Rangimarie			
Last name:	Williams			
Address (*indicate your preference for response)				
*Address:	PO Box 509			
	Waikanae 5250			
*Email: <i>Preference</i>	admin@teahiawaki.co.nz ; terangimarie@teahiawaki.co.nz			
Phone number:	04 293 1538		Mobile:	

Do you want to speak to the council about your submission at the consultation hearings?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Signature of submitter (or person authorised to sign on behalf of the submitter)		
		
Date: <u>13/11/18</u> 2018		
(Note: A signature is not required if you make your submission online or by email)		

Refer to the Statement of Proposal and previous bylaw for further information		
Background information		
Question 1: Do you agree with the proposed amendments to the Trade Waste Bylaw 2007?		
Please indicate	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Comments		
		
Question 2: Is there anything you would like to see added or removed from the draft Trade Waste Bylaw 2018?		
Please indicate	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Comments		
		
Need more room? You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.		
Question 3: Do you agree with the addition of the new 'Controlled' trade waste discharge classification to classify low-risk discharges separately and manage them accordingly.		
Please indicate	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Comments		
		
Need more room? You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.		

Question 4: Do you agree with the amended description of costs in the scope of the Bylaw.

Please indicate

☒ Yes☐ No

Comments

See attached

Need more room? You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.

Question 5: Do you agree with the explicit inclusion of the requirement to report

Please indicate

☒ Yes☐ No

Comments

See attached

Need more room? You can send us extra pages if there is not enough space on this form to give all the feedback you want to. Please make sure your name and contact information is included.

Privacy Statement: Please note that all submissions (including names and contact details) will be made publicly available. A summary of submissions including the name of the submitter may also be made publicly available and posted on the Kāpiti Coast District Council website. Personal information will be used for administration relating to the subject matter of the submissions, including notifying submitters of subsequent steps and decisions. All information will be held by the Kāpiti Coast District Council, with submitters having the right to access and correct personal information.



TE ĀTIAWA KI WHAKARONGOTAI CHARITABLE TRUST

Memorandum to Accompany Submission on Kāpiti Coast District Council's 2018 Review of Trade Waste Bylaw

13 November 2018

Introduction

1. This memorandum accompanies Te Ātiawa ki Whakarongotai Charitable Trust's (the **Trust**) Submission on Kāpiti Coast District Council's (**Council**) 2018 Review of Trade Waste Bylaw (the **Trust's Submission**).
2. This memorandum addresses issues that the Trust has with the Draft Trade Waste Bylaw (the **Bylaw**) and also addresses the questions that are listed in the Council's standard submission document. The Trust has been consulted on the Bylaw and we are continuing consultation with Council with a view to resolving the issues we raise below.

Te Ātiawa's Position on the Bylaw

3. The Trust is generally supportive of the amendments to the Bylaw and considers that the Bylaw is necessary. However, the Trust considers that the Bylaw:
 - a. Addresses the management of trade waste in isolation from the management of other water treatment processes such as the treatment of wastewater and stormwater. Te Ātiawa considers that water quality in the district should be addressed as a whole given the interconnectedness of the water systems.
 - b. Does not specifically address the cultural effects of the discharge of specific discharges that are offensive to Te Ātiawa ki Whakarongotai (**Te Ātiawa**).
 - c. Does not explicitly enable for the inclusion of the Trust or the consideration of mana whenua values in decision making processes.
 - d. Does not require applicants or Council to consider new technologies with respect to waste minimisation and cleaner production techniques to reduce the quantity and improve the quality of trade waste discharges.

Interconnectedness of Water

4. Te Ātiawa considers that the management of discharges to water should be considered and managed in conjunction with each other. This will enable a whole of district approach to be adopted with respect to water quality. However, at present it appears as though trade waste discharge is managed through the Bylaw and wastewater and

stormwater discharges are managed through separate processes. The Trust considers that this limits the ability to properly consider the effects of trade waste discharge when it is viewed separately from effects from wastewater and stormwater discharge. Te Ātiawa requests confirmation from Council as to how they are holistically considering the management of water across the district.

5. Related to the interconnectedness of water is the necessity to review multiple discharges on one trade premises cumulatively. Clause 6.2.3 requires that if a trade premises discharges trade waste to the wastewater system at more than one point of discharge, then a separate application shall be required for each point of discharge. The Trust considers that this should not prevent Council from considering the cumulative effects of all discharges from the trade premise when considering whether to grant consent. Although each individual discharge might meet the prescribed limits for contamination, cumulatively they may not which may generate significant effects to water.

Offensive Discharges

6. Trade waste includes funeral by-products that will include components of the human body. Te Ātiawa does not support the eventual discharge of these components into our waterbodies. Te Ātiawa is in conversations with Council at present to address these concerns within the Bylaw.

Mana Whenua Inclusion in Trade Waste Decision-Making Processes

7. The Trust considers that mana whenua should be provided space to be involved in the decision-making processes for granting resource consents for the discharge of trade waste. Currently, there is no provision for mana whenua values within the Bylaw. It is also unclear whether Te Ātiawa currently has an ability to review trade waste consent applications through the usual non-notified consent process Te Ātiawa follows with Council. Te Ātiawa requests confirmation of this process.
8. Clause 6.4 lists the criteria Council will consider when receiving and assessing an application for a trade waste discharge. Te Ātiawa considers that the following consideration should be added to this list to address the above concerns:

“the effects of the discharge on the relationship between mana whenua and their taonga including land and water. In considering these effects, it is acknowledged that only mana whenua can articulate that relationship.”

Requirement to Consider New Technologies

9. The Trust considers that trade waste consent holders and the Council should be required to review and consider new technologies with respect to waste minimisation and cleaner production techniques to reduce the quantity and improve the quality of trade waste discharges. Such a requirement could involve Council commissioning a report prepared by an independent body that compares Council and applicant processes against those adopted around the world.

Te Ātiawa’s Response to Council’s Standard Questions

Question 1: Do you agree with the proposed amendments to the Trade Waste Bylaw 2007?

10. Yes, the Trust agrees with the proposed amendments to the Bylaw.

Question 2: Is there anything you would like to see added or removed from the draft Trade Waste Bylaw 2018?

11. Please see above “Te Ātiawa’s Position on Bylaw”.

Question 3: Do you agree with the addition of the new ‘Controlled’ trade waste discharge classification to classify low-risk discharges separately and manage them accordingly.

12. Yes, the Trust agrees with the addition of the new ‘Controlled’ trade waste discharge classification. The discharges that would be included in this classification have the potential to cause localised disruption, nuisance and additional operational costs if they are not appropriately managed.

Question 4: Do you agree with the amended description of costs in the scope of the Bylaw.

13. Yes, the Trust agrees with the amended description of costs in the scope of the Bylaw. The Trust considers that a more comprehensive “user-pays” approach should be adopted which ensures that trade waste dischargers are paying the full amount of the costs that are associated with the discharge and treatment of trade waste.

Question 5: Do you agree with the explicit inclusion of the requirement to report

14. Yes, the Trust agrees with the explicit inclusion of the requirement to report. The Trust considers that reporting is critical to understanding the discharges, ensuring compliance and making amendments to the discharge should reporting deem this necessary.
15. The Trust also considers that “Permitted” trade waste discharges should be required to report to Council on the quality and quantity of trade waste discharges that are made. This will ensure that Council understands the full range of discharges to the trade waste treatment system notwithstanding that these discharges will continue to be permitted.

Conclusion

16. The Trust is generally supportive of the amendments to the Bylaw. However, the Trust considers that the above recommendations should also be incorporated into the Bylaw.