

**Chairperson and Committee Members**  
STRATEGY AND POLICY COMMITTEE

6 SEPTEMBER 2018

Meeting Status: **Public**

Purpose of Report: For Decision

## **REVIEW OF THE TRADE WASTE BYLAW**

### **PURPOSE OF REPORT**

- 1 This report seeks the Committee's approval for:
  - a) Proposed amendments to the Trade Waste Bylaw 2007 to create a draft Kāpiti Coast District Council Trade Waste Bylaw 2018; and
  - b) Publicly notifying the draft Statement of Proposal for the draft 2018 Bylaw using the special consultative procedure (see Appendix 1).

### **DELEGATION**

- 2 Under Section B1 of the Governance Structure and Delegations for the 2016-2019 Triennium, the Strategy and Policy Committee is responsible for the development and review of strategies, plans, policies and bylaws.

### **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 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 requirements, provide equitable spread of costs and promote the use of waste minimisation and cleaner production techniques.
- 5 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.
- 6 While undertaking this review, the Local Government Act 2002 (LGA 2002) requires Council to consider whether the bylaw:
  - a) is necessary and is the most appropriate way of addressing the potential problems from the discharge of trade waste to the wastewater system;
  - b) is still the most appropriate form of bylaw; and/or
  - c) gives rise to any implications under the New Zealand Bill of Rights Act 1990 (NZBORA).
- 7 The LGA 2002 also requires that Council consult with the community on the proposed bylaw, and give public notice of when the new bylaw comes into operation.

- 8 To enable public understanding of the bylaw review process and the proposed amendments, Section 83 of the LGA 2002 requires Council to present a Statement of Proposal along with the bylaw for consultation.

## **ISSUES AND OPTIONS**

### **Issues**

- 9 This section provides information on:
- a) The purpose of the 2007 Bylaw;
  - b) The review process;
  - c) The proposed amendments to the 2007 Bylaw; and
  - d) The determinations required in Section 155 of the LGA 2002.

### **Purpose of the 2007 Trade Waste Bylaw**

- 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 review process**

- 11 In order to assess whether the 2007 bylaw has been successfully meeting its purpose, we carried out a review that included:
- a) a review of the content of the 2007 bylaw, including the legislation and other documents cited and the current approach for establishing trade waste charges;
  - b) a comparison of the 2007 bylaw with those of other Councils;
  - c) a review of all current trade waste consents in the district;
  - d) discussions with a number of consented trade waste dischargers in the district; and

- e) a review of complaints or non-compliance in relation to trade waste in the district.

## The proposed amendments to the 2007 Bylaw

- 12 We are proposing only a few key amendments to the bylaw and these are summarised below. A comparison of the existing 2007 bylaw and the draft 2018 bylaw, can be found in Appendix 3:
- a) Add a new trade waste discharge classification – we are proposing to add a ‘controlled’ classification to the three existing classifications. This would allow for discharges that present a low risk to be classified separately and managed accordingly. While not presenting a significant risk to the wastewater system, health and safety and resource consent compliance such discharges could cause localised disruption, nuisance and additional operational costs if not appropriately managed.
  - b) Make reporting compulsory and explicit in the bylaw – it is not explicitly stated in the bylaw that trade waste dischargers need to report back to us with their compliance records and results. We are proposing a minor amendment to make this a stated requirement under the bylaw.
  - c) State the scope of costs that could be considered in future charge setting explicitly - charge setting is provided for in the scope of the bylaw to allow consideration of equitable spread of costs between domestic and trade waste discharges. 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.
  - d) Refinement of definitions for consistency and clarity - the review highlighted definition variances between other similar bylaws and minor inconsistencies with the use of terminology in the bylaw. The review has proposed changes to a number of definitions and amended their use accordingly.

## The determinations required in Section 155 of the LGA 2002

- 13 When making or reviewing bylaws, Council is required by section 155 of the LGA to make three determinations to ensure that the bylaw:
- a) is necessary;
  - b) is the most appropriate form of a bylaw; and
  - c) considers any implications under the New Zealand Bill of Rights Act 1990 (NZBORA).
- 14 The bylaw is considered necessary and the most appropriate way of addressing the problem because:
- a) it requires all trade premises that meet specified criteria to register and apply for a trade waste consents that manage discharges to an acceptable standard;
  - b) it allows the Council to address breaches and enforce the rules; and
  - c) trade waste bylaws are specifically identified by the LGA2002 in Section 146(a), and establishes specific guidelines for trade waste bylaws.

- 15 Wastewater discharges from trade premises, also known as trade waste, can place more load, by volume and concentration of contaminants, on our wastewater system than domestic wastewater. As a result, we have a consent process to manage the impacts of these discharges and allow for equitable allocation of the costs for their collection, treatment and disposal.
- 16 Without a trade waste bylaw, we would not be able to control and regulate discharges from trade premises. We are ultimately responsible for meeting the conditions of our resource consents and for the health and safety of our staff and contractors, so the regulation of these discharges is vital.
- 17 We have determined that the draft 2018 Bylaw is unlikely to give rise to any implications with NZBORA.

## **CONSIDERATIONS**

### **Policy considerations**

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

### **Legal considerations**

- 19 The process for reviewing and adopting a Trade Waste Bylaw is prescribed by the LGA 2002.
- 20 Council's Legal Counsel has reviewed the proposed bylaw and statement of proposal.

### **Financial considerations**

- 21 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.
- 22 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.
- 23 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**

- 24 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.
- 25 Te Whakaminenga o Kāpiti was formally briefed on the review on 28 August 2018 and staff are working with Iwi representatives to scope how best to involve and incorporate Iwi interests and views on the management of trade waste.

## Strategic considerations

- 26 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.
- 27 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

- 28 The acceptance of a draft 2018 Bylaw for consultation is not a significant issue and is considered to have a low level of significance under the Council Policy.

### Consultation already undertaken

- 29 Our pre-consultation communication involved:
  - a) 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.
  - b) 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.
  - c) 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.
  - d) The Trade Waste Officer discussing the bylaw review with other various Trade Waste premises throughout the year.

### Engagement planning

- 30 A communications plan has been developed for this project, and a range of communications channels are proposed to be used to inform key stakeholders and audiences such as:
  - a) targeted: identifying and alerting key stakeholders (eg. existing and potential trade waste dischargers);
  - b) digital: Council webpages, Objective (Council's online consultation platform), and social media updates; and
  - c) media: releases and/or advisories, and public ads and notices.

### Publicity

- 31 Should the Council decide to proceed, it is required to use the special consultative procedure to seek public feedback on the draft 2018 Bylaw.

- 32 A Statement of Proposal has been prepared which sets out information on the review process, what is being proposed, and how to make a formal submission.
- 33 If Council agrees with the recommendations to (i) adopt for consultation the Statement of Proposal and (ii) make it publicly available as part of a special consultative procedure under sections 83 and 86 of the LGA 2002, Council will implement a communications plan that uses a variety of channels to publicise the consultation to the public and the trade waste customers.

## RECOMMENDATIONS

- 34 That the Strategy and Policy Committee:
- a) determines 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;
  - b) determines, subject to consultation, that the Draft Kāpiti Coast District Council Trade Waste Bylaw 2018 (Included in Appendix 1) is the most appropriate form of bylaw and that there is no inconsistency with the New Zealand Bill of Rights Act 1990;
  - c) adopts for consultation the Statement of Proposal to adopt the Draft Kāpiti Coast District Council Trade Waste Bylaw 2018 (Appendix 1); and
  - d) agrees to making the Statement of Proposal to adopt the Draft Kāpiti Coast District Council Trade Waste Bylaw 2018 publicly available as part of a special consultative procedure under sections 83 and 86 of the Local Government Act 2002.

<b>Report prepared by</b>	<b>Approved for submission</b>	<b>Approved for submission</b>
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Martyn Cole

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## ATTACHMENTS

Appendix 1: Statement of Proposal to adopt the Trade Waste Bylaw 2018 including Draft Kāpiti Coast District Council Trade Waste Bylaw 2018

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# Statement of Proposal

**Proposal to adopt the Draft Kāpiti Coast District Council  
Trade Waste Bylaw 2018**

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## Summary

**Over two months, from 13 September 2018, the Kāpiti Coast District Council invites feedback on the Draft Kāpiti Coast District Council Trade Waste Bylaw 2018.**

To help the public and trade waste dischargers understand the review process and the proposed changes to the existing Bylaw, we've developed:

- a Statement of Proposal on the Draft Trade Waste Bylaw 2018; and
- a submission form.

Hard copies of the Draft Trade Waste Bylaw 2018, Statement of Proposal and submission forms are available from our Council libraries and service centres.

Submissions can be made in writing using the submission form, or through [our online submission portal](#).

**The formal consultation period lasts for two months, running from 13 September 2018 to 13 November 2018.**

### Speaking at the Council hearing

If you would like to make an oral submission to Councillors, please indicate YES on page 1 of the official submission form and make sure you have included your contact details. We will contact you to arrange a time for you to speak.

**Submissions will be heard on 29 November 2018.**

## Introduction

The Kāpiti Coast District Council Trade Waste Bylaw 2007 will expire if it is not reviewed by 14 November 2019. For this reason, we are carrying out a review of the 2007 bylaw and inviting feedback on the Draft Kāpiti Coast District Council Trade Waste Bylaw 2018 (Appendix 1).

This Statement of Proposal aims to help you understand the review process and proposed changes to the existing bylaw.

## Legislative requirements

The Trade Waste Bylaw 2007 (Appendix 2) was adopted on 14 November 2007 and came into force on 1 January 2008, replacing the previous Trade Waste Bylaw 2000

According to the Local Government Act 2002 (LGA02), the 2007 bylaw must 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.

When making or reviewing a bylaw, we're required by Section 155 of the LGA02 to make sure the bylaw is necessary, is the most appropriate form of bylaw, and considers any implications under the New Zealand Bill of Rights Act 1990.

To consider whether a bylaw is necessary and the most appropriate form, we need to identify any perceived problems, identify potential options for addressing any perceived problems, assess the options, and then determine formally (via a Council resolution) whether the bylaw should be continued without amendment, amended, replaced or revoked.

The LGA02 requires us to consult on our proposal using the special consultative procedure, particularly if:

- the bylaw concerns an issue that is of significant interest to the public; or
- there is, or is likely to be, a significant impact on the public due to the proposed continuation of the bylaw.

For the purpose of the special consultative procedure, the LGA02 requires us to make a Statement of Proposal available.

## Special requirements for bylaws relating to trade wastes

Section 148 of the LGA02 outlines special requirements that must also be met in the review of bylaws relating to trade wastes.<sup>1</sup>

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<sup>1</sup> While these requirements in Section 148 of the LGA02 that are specific to trade waste bylaws are in addition to the requirements in Section 156 of the LGA02 that apply to all bylaws, a territorial authority may comply with both sections at the same time by using a single process.

While the LGA02 generally requires 30 days for most bylaw consultations, trade waste bylaw consultations must:

- be open for at least two months;
- ensure that specific information about the bylaw is made available to the public (e.g., Draft Bylaw and Statement of Proposal);
- ensure that owners or occupiers of trade premises within the District are aware of the proposal and the consultation process;
- consider any representation received during the consultation;
- send a copy of the proposed bylaw to the Minister of Health for comment; and
- at the Minister of Health's request consult with anyone specified by the Minister who represents the interests of the owners or occupiers of trade premises in the District and/or any class of those owners or occupiers.

## **Current bylaw, review, and considerations**

The Trade Waste Bylaw 2007 is a legal document we use to manage trade waste discharges that enter our wastewater system. During 2017/18 financial year, there were 187 permitted trade waste dischargers and three conditional trade waste dischargers.

### **Key matters currently covered in the 2007 bylaw**

- Ensure the protection of Council staff and the general public.
- 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.
- Provide for an equitable spread of costs between domestic and trade waste discharges.
- Protect the investment in the existing and any future infrastructure, treatment plant and disposal facilities.
- Ensure compatibility between liquid, solid and gaseous phases of trade waste discharges.
- Ensure trade waste discharges consider, and where appropriate and practicable 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.

To assess whether the 2007 bylaw has been successfully meeting its purpose, we carried out a review that included:

- a review of the content of the 2007 bylaw, including the legislation and other documents cited and the current approach for establishing trade waste charges;
- a comparison of the 2007 bylaw with those of other councils;
- a review of all current trade waste consents in the District;
- discussions with a number of consented trade waste dischargers in the District; and
- a review of complaints or noncompliance in relation to trade waste in the District.

## Is a bylaw necessary?

One of the first steps of the review is to determine whether a trade waste bylaw continues to be the most appropriate and necessary way to address trade waste problems that could arise in Kāpiti.

After careful consideration, we've determined that the bylaw is necessary and is the most appropriate way of addressing any trade waste problems.

Wastewater discharges from trade premises, also known as trade waste, can place more load, by volume and concentration of contaminants, on our wastewater system than domestic wastewater. As a result, we have a consent process to manage the impacts of these discharges and allow for fair allocation collection, treatment and disposal costs.

The perceived problems associated with the trade waste discharges include:

- discharge of trade waste containing dangerous or hazardous substances,
- damage to or blockage of the wastewater system by unmanaged trade waste discharges that exceed permitted characteristics,
- discharge of trade waste flows that exceed the wastewater systems capacity to convey wastewater or the treatment plants capacity to process and discharge,
- failure to use and/or maintenance appropriate pre-treatment systems , such as grease traps and mixing tanks, to prevent damage to or blockage of the wastewater system and/or Council's ability to comply with resource consents,
- discharge of trade waste that compromises the treatment plants ability to meet its resource consents limits.

Some trade premises use dangerous or hazardous chemicals, for example dentists use amalgam. If these chemicals are included in the trade waste discharge from their premises and enter the wastewater system, the impact can be damaging – by potentially putting wastewater treatment staff or contractors at risk, causing damage to wastewater pipes and crippling network infrastructure, or through unpredictable interactions with other chemicals at the wastewater treatment plant. With so many variables, trade waste discharges that include dangerous or hazardous substances pose a substantial risk to the safety of the wastewater system and people's health and safety.

Without a trade waste bylaw, we wouldn't be able to control and regulate discharges from trade premises. We're ultimately responsible for meeting the conditions of our resource consents and for the health and safety of our staff and contractors, so the regulation of these discharges is vital.

The bylaw allows us to create the process where commercial dischargers have to register and get consent for trade waste that could impact the wastewater system. This has to happen before they discharge the trade waste, giving us control of what can be discharged, and the volumes and concentration of specific components. Having the bylaw also means that breaches can be addressed and rules enforced.

The only practical alternative – a contract-based system for charging for trade waste discharges – wouldn't effectively address the perceived problems, because there would be

no obligation for trade premises to contract with us for their trade waste discharges, and it would be impractical for us to manage the impact of the discharges.

A bylaw is considered to be the most appropriate way of addressing the problem because:

- it requires all trade premises that meet specified criteria to register and apply for a trade waste consent that outlines how to manage discharges to an acceptable standard;
- it allows the Council to address breaches and enforce the rules;
- a trade waste bylaw is specifically identified by the LGA02 in Section 146(a), and establishes specific guidelines for trade waste bylaws.

## **New Zealand Bill of Rights Act 1990 Implications**

Section 155(2) of the LGA02 also requires the Council to determine whether the proposed bylaw gives rise to any implications under the NZ Bill of Rights Act 1990 (NZBORA). We have determined that the draft 2018 Trade Waste Bylaw is unlikely to give rise to any implications with NZBORA.

### **Does the bylaw adequately regulate the discharge of trade waste?**

The bylaw is based on the Standards New Zealand model trade waste bylaw<sup>2</sup>, and largely aligned to other trade waste bylaws across the country. In general terms it is considered sufficient to manage trade waste discharges, however, the review has identified the following improvements that would enhance its application to trade waste management in Kāpiti.

#### **Additional classification would enhance management of varying trade waste discharges**

The 2007 bylaw allows for three classifications of trade waste dischargers: permitted, conditional, and prohibited. The District Plan could allow for more high-strength discharging industries in the District, and the existing bylaw would already allow Council to regulate these discharges through the 'conditional' classification.

Since the adoption of the 2007 bylaw there have been a number of recorded trade waste discharges that have caused damage to the wastewater network and impacts on the stability of the treatment processes.

These discharges did not cause health and safety concerns or non-compliance with our resource consents, however, the current bylaw does not differentiate between these types of impacts and those of high-strength discharging trade premises that could be significantly more severe.

#### **Reporting of results not explicit in the scope**

The current bylaw does not explicitly include the reporting of sampling and monitoring results by trade waste dischargers, although clauses exist for the provision of records and analysis for consented discharges. The reporting of results is an important step in managing compliance and achieving the purpose of the bylaw.

Trade waste discharge requirements including consent conditions allow management of discharges on a 'by discharger, by premises' basis. For the requirements to be effective,

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<sup>2</sup> Standards New Zealand. *Model general bylaws - Trade waste* (NZS 9201.23:2004).

they need to be monitored, complied with and enforced (where needed). Without adequate monitoring, reporting and enforcement of compliance, the bylaw requirements could be ignored or overlooked by dischargers, and the quality of trade waste discharges would be uncontrolled, giving rise to potential damage to the collection network and/or treatment plant system, or pose health and safety risks to our staff, contractors, and community.

#### **The scope of costs to be considered in equitable charge setting needs clarification**

Providing for the equitable spread of costs between domestic and trade waste discharges is a stated purpose of the bylaw. The scope of charge setting in its current form could be interpreted as considering the full wastewater activity costs or just those for operational and administrative functions. The review has proposed changes to the scope of costs considered in charge setting to make this scope explicit.

#### **Refined definitions for consistency and clarity**

The review of our bylaw and others around the country highlighted differences between the definitions of certain terms and minor terminology inconsistencies in the bylaw. Clear definitions and their consistent use help people understand and apply the bylaw. The review has proposed changes to a number of definitions and amended their use accordingly.

### **Proposed amendments**

We're proposing to update the bylaw with only a few key amendments. These are summarised below and a comparison of the existing 2007 bylaw and the draft 2018 bylaw can be found in Appendix 3.

#### **Add a new trade waste discharge classification**

We're proposing to add a 'controlled' classification to the three existing classifications. This would mean we could classify low-risk discharges separately and manage them accordingly.

While they do not present a significant risk to the wastewater system, these discharges could cause localised disruption, nuisance and additional operational costs if they're not appropriately managed.

We estimate there to be around 30 existing dischargers that would fall into the new classification. This means that some dischargers might have to tweak what they currently do to demonstrate that they're managing their trade waste discharges appropriately.

#### **Make reporting compulsory and explicit in the bylaw**

It's not explicitly stated in the bylaw that trade waste dischargers need to report back to us with their compliance records and results. We're proposing a minor amendment to make this a stated requirement under the bylaw.

#### **Explicitly state the scope of costs that could be considered in future charge setting**

Charge setting is provided for in the scope of the bylaw to allow consideration of the most equitable spread of costs between domestic and trade waste discharges.

The description of the costs that could be considered in future charge setting has been amended to be more explicit. Rather than describing costs related to wastewater system functions, like conveyance and treatment, the financial definition now appropriately includes all operational activity costs associated with the provision of the wastewater activity. These include but are not limited to the cost of conveying, treating and disposing of, or reusing trade waste and the associated costs of managing the assets, including interest and depreciation, together with monitoring and administration/overheads.

Adding a 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 trade waste discharge costs. If this happened, it would be part of the 2020/21 annual plan process.

## **Engagement and consultation**

### **Engagement with Iwi**

The management of waste is significant to Tāngata whenua and engaging Iwi in the bylaw review process is important. We've worked with representatives from all three Kāpiti Iwi to make sure they know about the bylaw review and the consultation process.

Te Whakaminenga o Kāpiti was formally briefed about the review on 28 August 2018 and staff are working with Iwi representatives to scope how best to involve and incorporate Iwi interests and views on the management of trade waste.

### **Informal consultation with key stakeholders**

Pre-consultation communication:

- A letter to the Minister of Health to notify him of the bylaw review, with information about consultation process and seeking confirmation if he required any other parties to be consulted before amending the bylaw. The Minister confirmed no one else needed 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 them 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 trade waste premises throughout the year.

### **Formal consultation process**

Under Section 156 of the LGA02, the community needs to be consulted publically when making, amending, or revoking bylaws.

We'd like to know what residents, ratepayers, trade waste dischargers and stakeholders think about the Draft Kāpiti Coast District Council Trade Waste Bylaw 2018, so we'll be running a special consultative procedure which includes a formal submission process.

## Timeline

Task	Date
Council's Strategy & Policy Committee approved the draft 2018 Bylaw and this Statement of Proposal for public consultation	6 September 2018
Submissions open	13 September 2018
Submissions close	13 November 2018
Hearing of submitters	29 November 2018
Council decisions on submissions	January 2018
Council decision	January 2018
Effective date of bylaw	1 March 2018

## How to make a submission

### Written

You can make a submission in writing using the submission form or through our online submission portal 'Objective'.

Written submissions can be mailed to:

Kāpiti Coast District Council  
Attn: Trade Waste Bylaw Review  
Private Bag 60601  
Paraparaumu 5254

Written submissions can also be faxed to 04 296 4830 or emailed to [submissions@kapiticoast.govt.nz](mailto:submissions@kapiticoast.govt.nz) (marked Trade Waste Bylaw Review).

### Online

Visit <https://www.kapiticoast.govt.nz/whats-on/get-involved/have-your-say-on-a-consultation/>

## Submission period

The formal consultation will last for two months from 13 September 2018 to 13 November 2018.

## Council hearing of submissions

If you'd like to make an oral submission to Councillors, please indicate YES on page 1 of the official submission form and make sure you've included your contact details. We'll contact you to arrange a time for you to speak.



## **Appendix 1: DRAFT Kāpiti Coast District Council Trade Waste Bylaw 2018**

# KAPITI COAST DISTRICT COUNCIL TRADE WASTE BYLAW 2018

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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 2018 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.

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.

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.

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
$^{\circ}\text{C}$	degrees Celsius
B	boron
BOD <sub>5</sub>	Biochemical Oxygen Demand
Br <sub>2</sub>	bromine
Cl <sub>2</sub>	chlorine
CN	cyanide
COD	Chemical Oxygen Demand
F	Fluoride
FOGs	fats, oils and greases
$\text{g/m}^3$	grams per cubic metre
GST	goods and services tax
H <sub>2</sub> S	hydrogen sulphide
HSNO	Hazardous Substances and New Organisms Act 1996

Symbol	Description
hr	hour
kg/day	kilogram per day
L	litre
L/s	litre per second
LTCCP	long term council community plan
m <sup>3</sup>	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 <sub>4</sub>	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 the trade waste discharge on the ultimate receiving environment;
- (j) The conditions on resource consents for the wastewater system and the residuals from it;
- (k) The possibility of unscheduled, unexpected, or accidental events and the degree of risk these could cause to humans, the wastewater system, and the environment;
- (l) Consideration for other existing or future discharges;
- (m) The amenability of the trade waste to pre-treatment;
- (n) Any existing pre-treatment works on the premises and the potential for their future use;
- (o) Cleaner production techniques and waste minimisation practices;
- (p) The requirements and limitations related to sewage sludge disposal and reuse;
- (q) The control of stormwater;
- (r) Any management plan;
- (s) Tankered waste being discharged at an approved location(s); and
- (t) 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 Officer 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 Officer 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 s.239 of the ACT, and is liable to a fine as specified in s.242 of the ACT or the issue of an infringement notice pursuant of regulations made under s.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 s.175 and s.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.

## **9.9 Kāpiti Coast District Council General Bylaw**

The provisions of the Kāpiti Coast General Bylaw 2010 and any bylaw passed in amendment or substitution are implied into and form part of this bylaw.

# **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 5m<sup>3</sup>.
- (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/m<sup>3</sup>. For significant industry, this may be reduced to 600g/m<sup>3</sup>.
- (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/m<sup>3</sup> 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/m<sup>3</sup> 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/m<sup>3</sup> 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/m<sup>3</sup> 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 (BOD<sub>5</sub>)) of any waste may be required to be restricted where the capacity for receiving and treating the organic strength is limited. A COD or BOD<sub>5</sub> restriction may be related to mass loading and the lesser of the following mass limits shall apply:

#### Organic Strength – COD, BOD<sub>5</sub>

COD	Mass Limit	5000 mg/sec
BOD <sub>5</sub>	Mass Limit	2000 mg/sec

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

COD	2500 g/m <sup>3</sup>
BOD <sub>5</sub>	1000 g/m <sup>3</sup>

Significant industry discharges may require additional limitations to the total daily mass of COD or BOD<sub>5</sub> 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)*<sup>1</sup>.

### **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.

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<sup>1</sup> 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**

<b>Characteristic</b>	<b>Maximum Concentration (g/m<sup>3</sup>)</b>
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 <sub>4</sub> )	500
Sulphate (measured as SO <sub>4</sub> ) (with good mixing)	1500
Sulphite (measured as SO <sub>2</sub> )	15
Sulphide – as H <sub>2</sub> S on acidification	5
Chlorine (measured as Cl <sub>2</sub> )	
- free chlorine	3
- Hypochlorite	30
Dissolved aluminium	300
Dissolved iron	100
Boron (as B)	25
Bromine (as Br <sub>2</sub> )	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.)

<b>Metal</b>	<b>Maximum Concentration (g/m<sup>3</sup>)</b>
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.)

<b>Compound</b>	<b>Maximum Concentration (g/m<sup>3</sup>)</b>
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 system;
- (b) Damage any part of the wastewater system;
- (c) In any way, directly or indirectly, cause the quality of the treated sewage or residual biosolids and other solids from any 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 4304<sup>2</sup> 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.

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<sup>2</sup> 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"> <li>a) Administration;</li> <li>b) General compliance monitoring;</li> <li>c) General inspection of trade waste premises; and</li> <li>d) Use of the Council wastewater system.</li> </ul> <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 <sup>3</sup> )
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)

## **Appendix 2: Kāpiti Coast District Council Trade Waste Bylaw 2007**

# KAPITI COAST DISTRICT COUNCIL TRADE WASTE BYLAW 2007

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## Preamble

Pursuant to the Local Government Act 2002 and the Bylaws Act 1910, the Kapiti Coast District Council makes the following Bylaw.

The common seal of the Kapiti Coast District Council was affixed pursuant to a resolution of Council on 18 June 2009 in the presence of:



Jenny Rowan

**Mayor**





Pat Dougherty

**Chief Executive Officer**



## **1. INTRODUCTION**

This Bylaw regulates the discharge of Trade Waste to a Sewerage 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 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 (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 Sewerage 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.

### **1.1 Commencement and Application**

This Bylaw comes into force on 1 January 2008.

### **1.2 Revocation**

The following Bylaw is revoked by this Bylaw: Kapiti Coast District Council Trade Wastes Bylaw 2000.

### **1.3 Scope of the Bylaw**

#### **1.3.1 Scope**

The Bylaw provides for the:

- (a) Acceptance of long-term, intermittent, or Temporary Discharge of Trade Waste to the Sewerage System;
- (b) Establishment of three grades of Trade Waste: Permitted, Conditional and Prohibited;
- (c) Evaluation of individual Trade Waste discharges to be against specified criteria;
- (d) Correct storage of materials in order to protect the Sewerage and Stormwater Systems from spillage;

- (e) Installation of flow meters, samplers or other devices to measure flow and quality of the Trade Waste discharge;
- (f) Pre-treatment of waste before it is accepted for discharge to the Sewerage System;
- (g) Sampling and monitoring of Trade Waste discharges to ensure compliance with the Bylaw;
- (h) Council to accept or refuse a Trade Waste discharge;
- (i) Charges to be set to cover the cost of conveying, treating and disposing of, or reusing, Trade Waste and the associated costs of administration and monitoring;
- (j) Administrative mechanisms for the operation of the Bylaw; and
- (k) Establishment of waste minimisation and management programmes (including sludges) for Trade Waste producers.

### **1.3.2 Compliance with Other Acts**

Nothing in this Bylaw shall derogate from any of the provisions of the Health Act 1956, the Health and Safety in Employment Act 1992, the 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 Sewerage System must comply with the requirements of any relevant legislation.

### **1.3.3 Application of the Bylaw**

This Bylaw shall apply to all Trade Premises within the Council District where Trade Waste is discharged or sought or likely to be discharged to the Sewerage System operated by the Council or its agents. The Bylaw shall also apply to Tankered Waste collected for the purpose of discharge to the Sewerage Systems operated by the Council or its agents.

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

## **1.4 Definitions**

Unless the context otherwise requires, 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 Authorized Officer.

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

BIOSOLIDS means a sewage or sewage sludge derived from a sewage 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 (eg. 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.

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

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

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

CONDITIONAL Trade Waste means Trade Waste that has, or is likely to have, Characteristics which exceed any of the Characteristics defined in Schedule 1A, but which does not have any Prohibited Characteristics as defined in Schedule 1B. A Conditional Trade Waste may include Characteristics outside these requirements, as provided for in clause 1A1.1 in Schedule 1A.

CONSENT means a Consent in writing given by the Council and signed by an Authorized Officer authorising a Person to discharge Trade Waste to the Sewerage 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 Sewerage System, and includes any Person who does any act on behalf or with the express or implied Consent of the Consent Holder (whether for reward or not) and any licensee of the Consent Holder.

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

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

or as described or contained in the 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 of concern into the Sewerage System.

COUNCIL means the Kapiti Coast District Council.

**DISCHARGER** means any Person including a Consent Holder that discharges Trade Waste into the Sewerage 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 Foul Water (with or without matter in solution or suspension therein) discharged from Premises used solely for residential purposes.

**DRAIN** means Private Drain.

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

**HAZARDOUS MATERIALS** means raw material, products or wastes containing corrosive, toxic, biocidal, radioactive, flammable, or explosive materials, or any material which when mixed with the wastewater stream 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 and recording 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 Sewerage 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.

OCCUPIER means the Person occupying Trade Premises connected to the Sewerage 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 1A of this Bylaw.

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

POINT OF DISCHARGE is the boundary between the public Sewer and a Private Drain, but for the purposes of monitoring, sampling and analysis, will be as agreed with the Discharger.

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

PREMISES means either:

- (a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued; or
- (b) A building 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 drain between the Premises and the point of connection to the Sewerage 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 1B.

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 the Bylaw).

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

SEWER means the Council Sewerage System owned and maintained by the Council and where the context so requires extends to include all associated plant and equipment and the Council's wastewater treatment plants.

SEWERAGE SYSTEM means the system for collection, treatment and disposal of Wastewater and Trade Waste, including all sewers, pumping stations, storage tanks, sewage treatment plants, outfalls, and other related structures operated by the Council and used for the reception, treatment and disposal of Trade Waste.

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 Sewerage System;

and includes 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 to the Council's Sewerage System in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature; and Condensing or Cooling Waters and Stormwater which cannot be practically separated, or Domestic Sewage.

WASTEWATER means water or other liquid, including waste matter in solution or suspension, discharged from Premises to a sewer.

WORKING DAY means any day of the week other than:

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



## 1.6 Abbreviations

Symbol	Description
°C	degrees Celsius
B	boron
BOD <sub>5</sub>	Biochemical Oxygen Demand
Br <sub>2</sub>	bromine
Cl <sub>2</sub>	chlorine
CN	cyanide
COD	Chemical Oxygen Demand
F	Fluoride
FOGs	fats, oils and greases
g/m <sup>3</sup>	grams per cubic metre
GST	goods and services tax
H <sub>2</sub> S	hydrogen sulphide
hr	hour
kg/day	kilogram per day
L	litre
L/s	litre per second
LGA	Local Government Act 2002
LTCCP	long term council community plan
m <sup>3</sup>	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
s	second
s.	section
s. s	sections
SO <sub>4</sub>	sulphate
SUS	suspended solids concentration
UV	ultra violet
UVT	ultra violet transmission

## **1.9 General**

- (a) In this Bylaw one gender includes all genders, the singular includes the plural, and the plural includes the singular.
- (b) The word 'shall' identifies a mandatory requirement for compliance with the Bylaw, while the word 'should' refers to practices which are advised or recommended.

## **2. COMPLIANCE WITH THE BYLAW**

### **2.1 Control of Discharges**

#### **2.1.1 Restrictions on discharges of wastes**

No Person shall:

- (a) Discharge, or allow to be discharged, any Trade Waste to the Sewerage System except in accordance with the provisions of this Bylaw and any Consent granted by the Council;
- (b) Discharge, or allow to be discharged, a Prohibited Trade Waste into the Sewerage System;
- (c) Add or permit the addition of Condensing or Cooling Water to any Trade Waste which discharges into the Sewerage System unless allowed by a Conditional Consent; or Trade Waste which discharges into the Sewerage System unless allowed by a Conditional Consent;
- (d) Add or permit the addition of Stormwater to any Trade Waste which discharges into the Sewerage 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 Sewerage System unless specifically approved by a Conditional Consent.

#### **2.1.2 Consequences of non-compliance**

In the event of failure to comply with Clauses 2.1.1 (a) – (e) Council may physically prevent discharge to the Sewerage System if a reasonable alternative action cannot be established with the discharging party or parties and, in addition to the powers under clause 3.10, may cancel any trade waste discharge consent granted under clause 3.5.

#### **2.1.3 Other requirements may apply**

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

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## **2.2 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 2.2(c) of this Bylaw from entry into the Sewerage 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 2.2(c) in a manner that may cause the material to enter the Sewerage System and cause harmful effects.
- (c) Materials referred to in clause 2.2 (a) and (b) are those:
  - i. Products or wastes containing corrosive, toxic, biocidal, radioactive, flammable or explosive materials; and
  - ii. Likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, when mixed with the wastewater stream; and
  - iii. Likely to be detrimental to the health or prejudicial to the safety of any person or be harmful to the Sewerage System.

### **3. TRADE WASTE DISCHARGES AND CONSENTS**

#### **3.1 Classification of Trade Waste Discharges**

##### **3.1.1 Classification**

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

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

Note. See the definitions in Clause 1.7.

##### **3.1.2 No obligation**

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 Conditional Trade Waste Consent to be granted.

##### **3.1.3 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 Conditional Trade Wastes the consent itself will serve as the required registration.

#### **3.2 Application for a Trade Waste Consent**

##### **3.2.1 Formal application**

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

- (a) discharge into the Sewerage System any Trade Waste (either continuously, intermittently or temporarily) 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 Schedule 1A; 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;

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.

### **3.2.2 Council dealing with owner**

For the purposes of this Bylaw, the Council reserves the right to deal with the owner as well as the occupier of any Trade Premises.

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

Where the Trade Premises produce Trade Waste from more than one process, a separate process sheet shall be included for each process 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 Sewerage System at more than one point of discharge then a separate application shall be required for each point of discharge.

### **3.2.4 Authorisation for documents**

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

### **3.2.5 Requirement for independent advice**

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

### **3.2.6 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 Rates and Charges. The fee must be paid before the Council processes the application.

## **3.3 Acknowledging the application**

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

## **3.4 Information and Analysis**

### **3.4.1 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;
- (d) Whenever appropriate have the discharge investigated and analysed as provided for in Clauses 5.1 and 5.3 of this Bylaw.

#### **3.4.2 Timeframe for notification of requirement**

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

### **3.5 Consideration Criteria**

In considering any application for a Trade Waste Consent to discharge from any Trade Premises or to discharge Tankered Waste into the Sewerage 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 1A and 1B 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 Sewerage System etc.;
- (d) The flows and velocities in the Sewer, or Sewers and the material or construction of the Sewer or Sewers;
- (e) The capacity of the Sewer or Sewers and the capacity of any Sewage treatment works, and other facilities;
- (f) The nature of any Sewage treatment process and the degree to which the Trade Waste is capable of being treated in the Sewage treatment works;
- (g) The timing and balancing of flows into the Sewerage System;
- (h) Any statutory requirements relating to the discharge of raw or treated wastewater to receiving waters, the disposal of Sewage Sludges, beneficial use of Biosolids, and any discharge to air, (including the necessity for compliance with any resource consent, discharge permit or water classification);
- (i) The effect of the Trade Waste discharge on the ultimate receiving environment;

- (j) The conditions on resource consents for the Sewerage System and the residuals from it;
- (k) The possibility of unscheduled, unexpected or accidental events and the degree of risk these could cause to humans, the Sewerage System and the environment;
- (l) Consideration for other existing or future discharges;
- (m) The amenability of the Trade Waste to Pre-treatment;
- (n) Any existing Pre-treatment works on the Premises and the potential for their future use;
- (o) Cleaner Production techniques and waste minimisation practices;
- (p) The requirements and limitations related to Sewage Sludge disposal and reuse;
- (q) The control of Stormwater;
- (r) Any Management Plan;
- (s) Tankered Waste being discharged at an Approved location(s); and
- (t) The availability of alternative collection and disposal systems for putrescible wastes.

### **3.6 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 3.3, whichever is the later, the Council shall, after considering the matters in clause 3.4, 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 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.

### **3.7 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 or Sewers to which the discharge will be made;
- (b) The maximum daily volume of the discharge and the maximum rate of discharge, and the duration of maximum discharge;
- (c) The maximum limit or permissible range of any specified Characteristics of the discharge, including concentrations and/or Mass Limits determined in accordance with Clause 4.2;
- (d) The period or periods of the day during which the discharge, or a particular concentration, or volume of discharge may be made;
- (e) The degree of acidity, or alkalinity of the discharge at the time of discharge;
- (f) The temperature of the Trade Waste at the time of discharge;
- (g) The provision by, or for the Consent Holder, at the Consent Holder's expense, of screens, grease traps, silt traps or other Pre-treatment works to control Trade Waste discharge Characteristics to the consented levels;
- (h) The provision and maintenance at the Consent Holder's expense of inspection chambers, manholes or other apparatus or devices to provide safe and reasonable access to drains for sampling and 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 or methods to be used for the 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 or devices as may be required to measure the volume or flow rate of any Trade Waste being discharged from the Premises, and for the calibration of such meters;
- (l) The provision and maintenance, at the Consent Holder's expense of such services, (whether electricity, water or compressed air or otherwise), which may be required, in order to operate meters and similar devices 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 and/or volume records and results of analyses;
- (n) Risk assessment of damage to the environment due to an accidental discharge of a chemical;
- (o) The provision and implementation of a Management Plan;
- (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 Sewerage System, 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.

### **3.8 Duration**

#### **3.8.1 Permitted Discharges**

A Permitted Trade Waste Discharge is able to be discharged indefinitely until either:

- (a) The prevention of a discharge under Clause 2.1.2, or suspension or cancellation under Clause 3.9; 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 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 Sewerage 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 3.7.1 (a)-(e) occurring for a Conditional Consent, in accordance with Clause 3.2 of this Bylaw. No new discharge is permitted before the granting of such Consent.

#### **3.8.2 Conditional Consents**

Subject to Clauses 3.9 and 6.1 Conditional Consents granted under this Bylaw expire at the end of a term fixed by the Council subject to the following:

- (a) Conditional 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 Consent can not 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 Sewerage 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 4.
  - (F) Matters pertaining to the Council's legal obligations.
- (b) In all other cases the term of a Conditional Consent will not exceed two years;
  - (c) In all cases where the Consent Holder changes, or there is a change of use, a new application for a Conditional Trade Waste Consent will be made; and
  - (d) A change in the conditions on resource consents held by the Council for the Sewerage System and the residuals from it.

### **3.8.2 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 consent shall be made under clause 3.2. It shall be the responsibility of the Consent Holder to lodge a new application.

## **3.9 Technical Review and Variation**

### **3.9.1 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 3.1.1 and/or vary 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 Sewerage 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 Sewerage System; and
- g) Changes in the Council's legal obligations arising under any contract, statute or otherwise.

### **3.9.2 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 3.2 of this Bylaw.

## **3.10 Suspension or cancellation of the right to discharge**

### **3.10.1 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 1A;
- (b) For the failure to maintain effective control over the discharge;
- (c) For the failure to limit in accordance with the requirements of a Consent the volume, nature, or composition of Trade Waste being discharged;
- (d) In the event of any negligence which, in the opinion of the Council, threatens the safety of, or threatens to cause damage to any part of the Sewer System or the treatment plant or threatens the health or safety of any Person;
- (e) If any occurrence happens that, in the opinion of the Council, poses a serious threat to the environment;
- (f) In the event of any breach of a resource consent held by the Council issued under the Resource Management Act 1991 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 Management Plan provisions at the time of an unexpected, unscheduled or accidental occurrence;

- (i) For a failure to pay Trade Waste charges; or
- (j) If any other circumstances arise which, in the opinion of the Council, render it necessary in the public 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.

### **3.10.2 Immediate suspension or cancellation**

Notwithstanding Clause 3.9.1, 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) 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.

### **3.10.3 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 3.9.1 or 3.9.2.

### **3.10.4 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.

### **3.10.5 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.

## **4. REQUIREMENTS TO MEET CERTAIN CONDITIONS OF CONSENT**

### **4.1 Pre-treatment**

The Council may approve 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 Sewerage System unless Approved by the Council as a Conditional consent.

The Discharger must not, unless Approved by the Council as a 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.

### **4.2 Dental Facilities**

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

### **4.3 Mass Limits**

A 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 1A, 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 Sewerage System, and risks to occupational health and safety, public health, and the ultimate receiving environment;
- (b) Whether or not the levels proposed pose a threat to the planned or actual beneficial reuse of Biosolids or Sewage Sludge;
- (c) Conditions in the Sewerage System near the Trade Waste point of discharge and elsewhere in the Sewerage System;
- (d) The extent to which the available industrial capacity was used in the last financial period and is expected to be used in the forthcoming period;

- 
- (e) Whether or not the applicant uses Cleaner Production techniques within a period satisfactory to the Council;
  - (f) Whether or not there is any net benefit to be gained by the increase of one Characteristic concurrently with the decrease of another to justify any increased application for industrial capacity;
  - (g) Any requirements of the Council to reduce any contaminant discharge of the Sewerage System;
  - (h) How great a proportion the mass flow of a Characteristic of the discharge will be of the total mass flow of that Characteristic in the Sewerage System;
  - (i) The total mass of the Characteristic allowable in the Sewerage System, and the proportion (if any) to be reserved for future allocations; and
  - (j) Whether or not there is an interaction with other Characteristics which increases or decreases the effect of either Characteristic on the Sewer reticulation, treatment process, or receiving water or land.



## **5. SAMPLING ANALYSIS AND MONITORING**

### **5.1 Flow Metering**

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

Flow metering will be required by the Council:

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

#### **5.1.2 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.

#### **5.1.3 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.

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

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

#### **5.1.5 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.

#### **5.1.6 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 5.1.5 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.

## **5.2 Estimating Discharge**

### **5.2.1 Estimates where no meter is required**

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

### **5.2.2 Estimates where meter is required**

Should any meter be out of repair or 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. Provided that when by reason of a large variation of discharge due to seasonal or other causes, the average of the previous 12 months would be an unreasonable estimate of the discharge, then the 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.

### **5.2.3 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 5.2.1 or 5.2.2.

## **5.3 Sampling and Analysis**

### **5.3.1 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 a Permitted, Conditional, or Prohibited, refer to Clause 3.1;
- (c) A discharge complies with the provisions of Schedule 1A for Permitted Discharge and any Consent to discharge; and

- (d) Trade Waste charges are applicable to that discharge.

### **5.3.2 Person discharging responsible for all reasonable costs**

- (a) The sampling, preservation, transportation and analysis 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 previous four billing periods provided that when by reason of seasonal or other causes the average for the previous four billing periods could be unreasonable then the council may take into consideration other relevant evidence for the purpose of arriving at reasonable results to base its charges on, and the Discharger must pay according to such estimate.

### **5.3.3 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 being discharged.

Authorization for entry to premises is given under the LGA.

## **5.4 Monitoring**

### **5.4.1 Monitoring for compliance**

The Council is entitled to monitor and audit any Trade Waste discharge for compliance. Whether for a Permitted Trade Waste or a Trade Waste Consent 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 in an Approved laboratory by agreed/approved analytical methods;
- (b) The sampling procedure will be appropriate to the Trade Waste and the analytical method to be used;

- (c) The Council will audit the sampling and analysis carried out by a self-monitoring Trade Waste discharger. Analysis will be performed by an Approved laboratory. Inter-laboratory proficiency programmes are to be part of this process;
- (d) The Council will audit the sampling and analysis carried out by an Analyst. Analysis will be performed by an Approved laboratory. Inter-laboratory proficiency programmes are to be part of this process; and
- (e) The Council will audit the Trade Waste Consent conditions including any Management Plans.

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

#### **5.4.2 Sampling methodology**

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

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

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 Approved laboratory according to Approved standards.

#### **5.4.3 Tankered waste**

- a) No person may discharge Tankered Waste into the Sewerage System except in accordance with this bylaw, the Liquid and Hazardous Wastes Code of Practice (2003) 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, directly to the Sewerage System may apply for consent in accordance with the provisions of clause 3.2 of this Bylaw.
- c) Subject to clause 5.4.3(b), other discharges of tankered wastes directly to the Sewerage 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 Council's Sewerage System at other than the prescribed location will be in breach of this Bylaw.

**5.4.4 Disinfected / super chlorinated water**

Any water used during the repair and construction of water mains will be de-chlorinated prior to the discharge into the Sewerage System. Application for a Temporary Discharge Consent will be made.

## **6. BYLAW ADMINISTRATION**

### **6.1 Review of Decisions**

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

Nothing in this clause will affect any right of appeal or review available at law.

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

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 3.9 or may require the Consent Holder, within 20 Working Days of the date such requirement is notified to the Consent Holder in writing, to review the Contingency Management Procedures and re-submit for Approval the Management Plan with the 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 Conditional Trade Waste Consent.

### **6.3 Charges and Payments**

#### **6.3.1 Charges**

The Council may recover fees and charges in accordance with the Local Government Act 2002 and in accordance with Council's Schedule of Rates and Charges.

#### **6.3.2 Invoicing**

All charges referred to in clause 6.3.1 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.

#### **6.3.3 Cease to discharge**

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

#### **6.3.4 Failure to pay**

All fees and charges payable under this Bylaw 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 3.9.

#### **6.3.5 Recovery of costs**

In all cases the Council may recover costs associated with damage to the Council Sewerage System and/or breach of this Bylaw in accordance with Sections 175 and 176 of the Act.

### **6.4 Authorised Officers**

All Authorised Officers of the Council, or other Persons authorised under Section 174 or Section 177 or paragraph 32 of Schedule 7 of the Act will possess and produce on request warrants of authority and evidence of identity.

### **6.5 Transfer or Termination of Rights and Responsibilities**

#### **6.5.1 Restrictions**

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 Premises, or the Private Drain to that point to extend by pipe or any other means to serve another Premises; or
- (c) Allow a Point of Discharge to serve another Premises, or the Private Drain to that point to extend by pipe or any other means to serve another Premises; or
- (d) In particular and not in limitation of the above, allow Trade Waste from any other party to be discharged at their Point of Discharge.

#### **6.5.2 Disconnection**

The Discharger will give 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 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.

### **6.5.3 Cessation of occupation**

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

## **6.6 Service of Documents**

### **6.6.1 Delivery or post**

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

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

### **6.6.2 Service**

If any notice or other document is:

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

Holder then that will be deemed to be service on, or delivery to the Consent Holder at that time.

### **6.6.3 Signature**

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

## **6.7 Offences**

Every Discharger, or 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 under Section 245 of the Act.

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

## **6.8 Transitional Provisions**

### **6.8.1 Applications**

Any application for Consent to discharge Trade Waste made under the 2000 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 3.2 of this Bylaw.

### **6.8.2 Existing trade waste consents**

Every existing Trade Waste Consent granted under any previous Bylaw will continue in force as if it were Consent under this Bylaw until it reaches its expiry date provided that no Consent will run beyond 1 October 2008.

## **6.9 Kāpiti Coast District Council General Bylaw**

The provisions of the Kāpiti Coast General Bylaw 2010 and any bylaw passed in amendment or substitution are implied into and form part of this bylaw.



## **SCHEDULE 1A**

### **PERMITTED DISCHARGE CHARACTERISTICS**

#### **1A.1 Introduction**

##### **1A.1.1 Compliance**

The nature and levels of the Characteristics of any Trade Waste discharged to the Council sewerage 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 1B it can be the subject of a Conditional Trade Waste Consent.

##### **1A.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.

##### **1A.1.3 Mass Limits**

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

##### **1A.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 3.8.

#### **1A.2 Physical characteristics**

##### **1A.2.1 Flow**

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

##### **1A.2.2 Temperature**

The temperature must not exceed 40 °C.

##### **1A.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/m<sup>3</sup>. For significant industry this may be reduced to 600g/m<sup>3</sup>.
- (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.

#### **1A.2.4 Oil and grease**

- a) There shall be no free or floating layer.
- 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/m<sup>3</sup> 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/m<sup>3</sup> when the emulsion is stable at a temperature of 15°C and when the emulsion is in contact with the 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/m<sup>3</sup> as petroleum ether extractable matter when the emulsion is unstable at a temperature of 15°C and when the emulsion is in contact with a diluted by a factor of 10 by sewage throughout the range of pH 4.5 to pH 10.0.

#### **1A.2.5 Solvents and other organic liquids**

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

#### **1A.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/m<sup>3</sup> 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 treatment plant 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.

### 1A.2.7 Radioactivity

Radioactivity levels must not exceed National Radiation Laboratory Guidelines.

### 1A.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.

### 1A.2.9 Inhibitory Substances

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

## 1A.3 Chemical characteristics

### 1A3.1 pH value

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

### 1A.3.2 Organic strength

The organic strength (measures as either Chemical Oxygen Demand (COD) or as Biochemical Oxygen Demand (BOD<sub>5</sub>)) of any waste may required to be restricted where the capacity for receiving and treating the organic strength is limited. A COD or BOD<sub>5</sub> restriction may be related to mass loading and the lesser of the following mass limits shall apply:

#### Organic Strength – COD, BOD<sub>5</sub>

COD	Mass Limit	5000 mg/sec
BOD <sub>5</sub>	Mass Limit	2000 mg/sec

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

COD	2500 g/m <sup>3</sup>
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BOD<sub>5</sub>

1000 g/m<sup>3</sup>

Significant Industry discharges may require additional limitations to the total daily mass of COD or BOD discharged and also to the timings of discharges in order to reduce the risk of adverse effects upon the Sewerage System. Where this is necessary, appropriate limits will be specified in the conditional trade waste consent.

NOTE - For biological process inhibiting compounds see table 5 in the Guidelines for Sewerage Systems: Acceptance of trade wastes (industrial waste) 12.

### 1A.3.2 Maximum concentrations

The Maximum Concentrations permissible for the chemical Characteristics of an acceptable discharge are set out in Table 1A.1 and Table 1A.2.

**TABLE 1A.1 – GENERAL CHEMICAL CHARACTERISTICS**

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

Fluoride (as F)	30
Cyanide – weak acid associable (as CN)	5

## TABLE 1A.2 – HEAVY METALS

(Mass limits may be imposed, refer to Clause 4.2)

Metal	Maximum Concentration (g/m <sup>3</sup> )
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

NOTE: 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 FOR THE CHARACTERISTIC, LOWER CONCENTRATION LIMITS MAY BE IMPOSED BY THE COUNCIL.

## TABLE 1A.3 – ORGANIC COMPOUNDS AND PESTICIDES

(Mass limits may be imposed, refer to Clause 4.2)

Compound	Maximum Concentration (g/m <sup>3</sup> )
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, fungicides and excludes organophosphate, organochlorine and any pesticides not registered for use in New Zealand]	0.2 (in total)
Organophosphate pesticides	0.1

## SCHEDULE 1B

### PROHIBITED CHARACTERISTICS

#### 1B.1 Introduction

This schedule defines Prohibited Trade Wastes.

#### 1B.2 Prohibited characteristics

##### 1B.2.1 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 Sewerage System;
- (b) Damage any part of the Sewerage System;
- (c) In any way, directly or indirectly, cause the quality of the treated Sewage or residual Biosolids and other solids from any Sewage treatment plant in the catchment to which the waste was discharged to breach the conditions of a Consent issued under the Resource Management Act, or water right, permit or other governing legislation;
- (d) Prejudice the occupational health and safety risks faced by sewerage 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 Sewage treatment plant to receiving waters to be coloured.

##### 1B.2.2 Further prohibited characteristics

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

##### 1B.2.2 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 1A), 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 Sewerage system by NZ Standard 4304 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 National Radiation Laboratory Guidelines.



## SCHEDULE 1C

### 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 LGA.

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 Sewerage 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"> <li>a) Administration;</li> <li>b) General compliance monitoring;</li> <li>c) General inspection of trade waste premises;</li> <li>d) Use of the Sewerage System.</li> </ul> <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 <sup>3</sup>

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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

*\*Amended by Council 9/7/09  
Report SP-09-607. Amendment  
effective from 1<sup>st</sup> July 2009*

### Appendix 3: Proposed amendments to the Trade Waste Bylaw

2007 Trade Waste Bylaw Reference	Proposed Change to 2018 Bylaw	Comment
Preamble	Carried over from existing 2007 bylaw but now found in Sections 1 Title and commencement and 2 Tradewaste Bylaw Validation	Brings the structure in line with other recent Council Bylaws
1 – Introduction	Carried over from existing 2007 bylaw but now found in Sections 1 Title and commencement , 2 Tradewaste Bylaw Validation, Sections3 Introduction and Sections4 Scope of bylaw	Brings the structure in line with other recent Council Bylaws
Sections 2, 3, 4, 5 and 6	Renumbered due to expansion of introduction section into multiple sections.	Brings the structure in line with other recent Council Bylaws
Subsection 1.3.1 Scope of Bylaw item (i)	Scope of charge setting amended	The description of the costs that could be considered in future charge setting has been amended to be more explicit
Subsection 1.4 Definitions	Now found in Sections4 Scope of bylaw. A number of definitions amended and an additional classification “controlled” added.	A number of definitions revised to provide improved clarity and consistency. Introduction of Controlled classification for discharges that present a low risk to be classified separately and managed accordingly.
1.3.1 (b)	... four grades of Trade Waste: Permitted, Controlled, Conditional and Prohibited	Introduction of Controlled classification for discharges that present a low risk to be classified separately and managed accordingly. Control Consent added in all locations conditional consents previously mentioned
1.3.1 (g)	Addition of reporting of Trade Waste discharges to ensure compliance with the Bylaw;	Make reporting requirement explicit in the bylaw
1.3.1 (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;	The description of the costs that could be considered in future charge setting has been amended to be more explicit.

1.4 – Definitions	<p>Carried over from existing 2007 bylaw but now found in subsections 4.4.</p> <p>The following terms are newly defined, amended or deleted in the draft 2018 bylaw to make the overall intent and scope of the bylaw clearer:</p> <ul style="list-style-type: none"> <li>• Conditional trade waste</li> <li>• Controlled trade waste</li> <li>• Foul water</li> <li>• Notice of consent</li> <li>• Permitted trade waste</li> <li>• Point of discharge</li> <li>• Prohibited trade waste</li> <li>• Sanitation</li> <li>• Schedule of Rates and Charges</li> <li>• Sewage</li> <li>• Sewage sludge</li> <li>• Sewer</li> <li>• Sewerage system</li> <li>• Trade waste</li> <li>• Wastewater sludge</li> <li>• Wastewater system</li> </ul>	
2 – Compliance with the bylaw	Carried over from existing 2007 bylaw without any amendment, but renamed Section 5.	
3 – Trade waste discharges and consents	Carried over from existing 2007 bylaw, but renamed Section 6.	
3.1 – Classification of trade wastes	<p>Carried over from existing 2007 bylaw, but renamed subsection 6.1.</p> <p>Controlled has been added to clause 6.1.1 (b) as a new classification of trade waste.</p> <p>3.1.2 No obligation moved to sub section 6.2 Application for trade waste consent cl 6.2.2</p>	Introduction of Controlled classification for discharges that present a low risk to be classified separately and managed accordingly.
3.2 – Application for trade waste consent	<p>Carried over from existing 2007 bylaw, but renamed subsection 6.2.</p> <p>Subsections reordered</p> <p>Consent is now required for the discharge into the wastewater system of any tankered trade waste under clause 5.2.1 (d).</p>	

	Clause 3.2.4 authorization of documents deleted	
3.3 – Acknowledging the application	Deleted	
3.4 – Information and analysis	Carried over from existing 2007 bylaw, but renamed subsection 6.3.	
3.5 – Consideration criteria	Carried over from existing 2007 bylaw, but renamed subsection 6.4.	
3.6 – Decision on an application	Carried over from existing 2007 bylaw, but renamed subsection 6.5	
3.7 – Conditions of consent	Carried over from existing 2007 bylaw, but renamed subsection 6.6	
3.8 – Duration	Carried over from existing 2007 bylaw, but renamed subsection 6.7.	
3.9 – Technical review and variation	Carried over from existing 2007 bylaw, but renamed subsection 6.8	
3.10 – Suspension or cancellation of right to discharge	Carried over from existing 2007 bylaw, but renamed subsection 6.9	
4 – Requirements to meet certain conditions of consent	Carried over from existing 2007 bylaw, but renamed Section 6.	
4.1 – Pre-treatment	Carried over from existing 2007 bylaw, but renamed subsection 7.1.	
4.2 – Dental facilities	Carried over from existing 2007 bylaw, but renamed subsection 7.2.	
4.3 – Mass limits	Carried over from existing 2007 bylaw, but renamed subsection 7.3.	
5 – Sampling analysis and monitoring	Carried over from existing 2007 bylaw, but renamed Section 7. All subsections renumbered accordingly.	
5.2 – Estimating discharge and 5.4 – Monitoring	Carried over from existing 2007 bylaw, but renamed subsection 8.2. and 8.4 with minor amendment	
5.4.3 – tankered waste	Carried over from existing 2007 bylaw, but renamed subsection 8.5 Tankered Waste  Amended to reflect requirement for consent	
5.4.3 – Disinfected / super	Carried over from existing 2007	

chlorinated water	bylaw, but renamed subsection 8.6 Disinfected / super chlorinated water	
6 – Bylaw administration	Carried over from existing 2007 bylaw, but renamed Section 9. All subsections renumbered accordingly.	
6.5 – Transfer or termination of rights and responsibilities	Carried over from existing 2007 bylaw, but renamed subsection 8.5.  8.5.1 – delete duplicated clause a clause from the 2007 bylaw	
6.6 Service of documents	Carried over from existing 2007 bylaw, but renamed subsection 8.6 with Minor amendment	
Schedule 1A	Carried over from existing 2007 bylaw, but renamed Schedule 1.  1.2.7 Radioactivity level reference updated	
Schedule 1B	Carried over from existing 2007 bylaw, but renamed Schedule 2.  Further prohibited characteristics renamed exceedance of schedule 1 characteristics 2.4 (g) Radioactivity level reference updated	
Schedule 1C	Carried over from existing 2007 bylaw, but renamed Schedule 3.	

## **Appendix 4: Official submission form**

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 5:00 pm, Tuesday 13 November 2018**

### How to lodge your submission:

**Online:** [consult.kapiticoast.govt.nz](http://consult.kapiticoast.govt.nz) click on **title goes here**

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:						
<b>Title</b> <i>(tick one)</i>	Mr		Mrs		Other (please specify)	
First Name:						
Last Name:						
Address (*indicate your preference for response)						
*Address:						
*Email:						
Phone number:				Mobile:		



<b>Do you want to speak to the council about your submission at the consultation hearings?</b>	<b>Yes</b>	<b>No</b>
Signature of submitter (or person authorised to sign on behalf of the submitter)  <div style="text-align: right;">Date: .....2016</div>		
..... (Note: A signature is not required if you make your submission online or by email)		

<b>Refer to the ..... for further information</b>		
Background information		
<b>Question 1: Do you agree with the proposed amendments to the Trade Waste Bylaw 2007?</b>		
<b>Please indicate</b>	<b>Yes</b>	<b>No</b>
<b>Comments</b> <div style="border: 1px solid black; height: 60px; width: 100%;"></div>		
<b>Question 2: Is there anything you would like to see added or removed from the draft Trade Waste Bylaw 2018?</b>		
<b>Please indicate</b>	<b>Yes</b>	<b>No</b>
<b>Comments</b> <div style="border: 1px solid black; height: 60px; width: 100%;"></div>		
<b>Need more room?</b> 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.		
<b>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.</b>		
<b>Please indicate</b>	<b>Yes</b>	<b>No</b>
<b>Comments</b> <div style="border: 1px solid black; height: 60px; width: 100%;"></div>		
<b>Need more room?</b> 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.**

<b>Please indicate</b>	<b>Yes</b>	<b>No</b>
<b>Comments</b> <div></div>		
<b>Need more room?</b> 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**

<b>Please indicate</b>	<b>Yes</b>	<b>No</b>
<b>Comments</b> <div></div>		
<b>Need more room?</b> 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.