

STORMWATER QUALITY BYLAW 2020



Approved by:	The Council		
Date approved:	8 December 2020		
Date of effect:	1 February 2021	Reviewed:	
Next review date:	1 February 2026	DOC ID:	

This bylaw is made by the Dunedin City Council pursuant to the Local Government Act 2002 and the Health Act 1956.

COMMENCEMENT

This bylaw commences on 1 February 2021.

PURPOSE

The purpose of this bylaw is to manage and regulate discharges to the stormwater system to:

- (a) Protect freshwater and coastal waters from contaminants and maintain water quality;
- (b) Protect the stormwater system from misuse or damage;
- (c) Protect the health and safety of the public and people working in the stormwater system; and
- (d) Assist the Council to comply with Resource Management Act 1991 and any other relevant requirements for discharge of contaminants to the environment.

DEFINITIONS

In this bylaw, unless context otherwise requires:

Approval or approved means agreed to, or provided for, in writing by the Council.

Contaminant means 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, when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water.

Council means the Dunedin City Council or any officer authorised to exercise the relevant delegated authority of the Council, or any agent approved to act on behalf of the Council in relation to this bylaw, in accordance with the Council's Register of Delegations and Warrants.

Discharge means to emit, deposit, or allow to escape.

Discharger means any person that discharges or allows a discharge, either directly or indirectly, of contaminants into the stormwater system.

Person	means an individual, the Crown, a corporation sole or a body of persons whether corporate or otherwise.
Stormwater	means all surface water run-off resulting directly or indirectly from precipitation.
Stormwater system	means the Council system for the collection, treatment and disposal of stormwater, including kerb and channel, watertables (roadside drains), mudtanks, pipes, pumping stations, outfalls, and other related structures.

Explanatory notes do not form part of this bylaw and may be inserted, changed or removed at any time without formally amending the bylaw.

The Interpretation Act 1999 applies to this bylaw.

BYLAW

1 RESTRICTIONS ON DISCHARGES

- 1.1 No person may, without the prior approval of the Council, discharge, directly or indirectly, a contaminant into the stormwater system that is likely (individually or cumulatively) to cause nuisance, or adversely affect the environment or operation of the stormwater system. The Council may specify conditions with any approval given.

Explanatory note 1:

1) Examples of contaminants that should not be discharged to the stormwater system include, but are not limited to:

- Carpet cleaning water
- Cement wash, cement slurry, and concrete cutting waste
- Cleaning products, including vehicle cleaning products, detergents, disinfectants and chemical cleaning products
- Dissolved metals
- Effluent
- Fungicide
- Green waste
- Hazardous substances (as defined in Hazardous Substances and New Organisms Act 1996)
- Hydrocarbons
- Insecticide
- Liquid fuels
- Litter
- Oils and grease
- Paint
- Pesticides
- Radiator coolant

- Sandblasting waste
- Sediments
- Solvents
- Swimming pool and spa pool water
- Trench water
- Wastewater or any waste
- Water blasting or building washing waste
- Any discharge that:
 - Contains or causes the production of any oil or grease films, scums, or floatable materials;
 - Causes any colour changes in the receiving water;
 - Has any objectionable odour; or
 - Is likely to cause adverse effects on the environment or aquatic organisms.

2) In some cases, adequate pre-treatment may reduce contaminants (including sediment) in the discharge to the extent that the water may be discharged to the stormwater system. Alternatively, disposal could be made to the wastewater system (with a trade waste consent) in accordance with the Dunedin City Council Trade Waste Bylaw 2020.

3) Suggestions for reducing contaminants from discharges:

Vehicle washing

Run-off from vehicle washing is likely to require pre-treatment to remove contaminants (including sediment) before being discharged to the stormwater system, subject to the requirements of clause 1.1. If clause 1.1 cannot be complied with after pre-treatment, discharge to the stormwater system is not permitted.

It may be possible to reduce contaminants and sediment from vehicle washing run-off, for example, by:

- Washing vehicles on grass or gravel
- Using drain filter clothes or other appropriate filters
- Dispose of wash water on grass

In addition to these approaches, minimal amounts of any cleaning product should be used. Discharges must not contain, or cause the production of, visible suds, foams, films or sheens.

Alternative approaches for vehicle washing include:

- Undertaking vehicle washing on a trade premise with a wash pad area that discharges to the wastewater system
- Washing vehicles with clean water only
- Cleaning without water

For vehicle washing events, such as fundraising carwashes, where the event is occurring on an industrial or trade premise, or is not receiving adequate pre-treatment to comply with clause 1.1, discharge to the stormwater system is not permitted. If discharged to the wastewater system, an appropriate trade waste consent for the discharge must be held.

The pre-treatment suggested for vehicle washing is not in relation to discharges from commercial vehicle wash facilities which are managed under the Trade Waste Bylaw.

Run-off from construction sites

Run-off from earthworks, building platforms, and construction sites, including areas such as the adjacent road where sediment from vehicles is deposited, washed off vehicles, or flows from the site, may require pre-treatment to remove sediments from run-off before being discharged to the stormwater system, subject to the requirements of clause 1.1. If clause 1.1 cannot be complied with after pre-treatment, discharge to the stormwater system is not permitted.

- 4) Discharges that do not comply with this bylaw could be disposed of to the wastewater system (if not prohibited by Trade Waste Bylaw 2020) or some alternate disposal. A trade waste consent may be required for discharge to the wastewater system.

- 1.2 Any person that has discharged, or is discharging, anything into the stormwater system in a manner that contravenes a provision of this bylaw must:

- (a) Immediately stop the discharge;
- (b) As soon as practicable, notify the Council of the characteristics, estimated volume, timing and location of the discharge; and
- (c) On Council's request, provide a report to the Council within three (3) working days of the discharge occurring.

Explanatory note 2: To protect the stormwater system and the environment from contamination and damage, it is important that the Council is notified on 477 4000 of any non-complying discharges, spills, or damage to the stormwater system **as soon as practicable** so that appropriate preventative or remedial action can be taken.

Forms for reporting the discharge are available on the Council website.

- 1.3 All persons must take reasonable steps to store, handle, transport and use potential contaminants in a way that prevents them entering the stormwater system.
- 1.4 Any person that has discharged, or is discharging, any contaminant to the stormwater system may be required by the Council to undertake remediation or clean up the discharge. The Council may also recover costs from the discharger if Council undertakes any remediation or clean up related to the discharge.

2 MONITORING

- 2.1 The Council may undertake monitoring to determine compliance with this bylaw.
- 2.2 Monitoring may include:
- (a) Inspection of stormwater systems or private stormwater infrastructure;
 - (b) Sampling and analysis of discharges to the stormwater system; and
 - (c) Inspection, sampling and analysis of the receiving environment.
- 2.3 The Council may charge or recover costs for monitoring.

3 ENFORCEMENT

- 3.1 Where any discharge, storage, handling, transport or use of potential contaminants contravenes this bylaw, the Council may give notice requiring any action to be taken to comply with this bylaw to:
- (a) the discharger; or
 - (b) other persons in control of the contaminants.

4 OFFENCES

- 4.1 Every person commits an offence against this bylaw who:
- (a) Fails or omits to comply with, acts in contravention of, or permits contravention of, any provision of this bylaw;
 - (b) Fails to comply with a notice served under this bylaw;
 - (c) Knowingly, carelessly or recklessly provides false, inaccurate or misleading information to the Council; or
 - (d) Obstructs or hinders the Council in performing any duty or in exercising any power under this bylaw.
- 4.2 The Council may:
- (a) Recover its costs from a discharger or a person in control of a contaminant;
 - (b) issue infringement fees or fines as set out in under the Local Government Act 2002; and

Explanatory note 3: The maximum penalty on conviction for a breach of this bylaw is a fine not exceeding \$20,000, as set out at section 242(4) of the Local Government Act 2002.

- (c) Recover costs of any fine or infringement fee imposed on the Council by any other regulatory authority, due to a breach of the conditions of a regional rule, or consent held by the Council issued under the Resource Management Act 1991.

ADDITIONAL INFORMATION TO THE STORMWATER QUALITY BYLAW 2020

This additional information does not form part of the bylaw. It contains information to help users understand, use and maintain the bylaw. This information may be updated at any time.

Relevant legislation:	Resource Management Act 1991 – manages impacts on environment Local Government Act 2002 – bylaw prepared under this act, regulates offences Health Act 1956 – bylaw prepared under this act Building Act 2004 – regulates drainage, which includes stormwater
Associated documents:	Regional Plan: Water for Otago Regional Plan: Coast for Otago ANZECC Guidelines for Fresh and Marine Quality 2001
History of bylaw:	Stormwater quality provisions were previously included in the Trade Waste Bylaw 2008, which is now revoked as of 1 February 2021

