

# TRADE WASTE BYLAW 2020



|                   |                 |           |  |
|-------------------|-----------------|-----------|--|
| Approved by:      | The Council     |           |  |
| Date approved:    | 8 December 2020 |           |  |
| Date of effect:   | 1 February 2021 | Reviewed: |  |
| Next review date: | 1 February 2031 | DOC ID:   |  |

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

## CONTENTS

|  |           |
|--|-----------|
| <b>COMMENCEMENT.....</b>   | <b>1</b>  |
| <b>PURPOSE .....</b>   | <b>1</b>  |
| <b>DEFINITIONS .....</b>   | <b>1</b>  |
| <b>BYLAW .....</b>   | <b>4</b>  |
| <b>1 RESTRICTIONS ON DISCHARGES.....</b>                                       | <b>4</b>  |
| General .....  | 4         |
| Classification of discharges.....  | 5         |
| <b>2 CONDITIONAL DISCHARGES .....</b>  | <b>6</b>  |
| Consent required for discharges classified as conditional .....                | 6         |
| Application for trade waste consent .....                                      | 7         |
| Decision on application .....  | 7         |
| Trade waste consent general conditions (not tankered waste).....               | 7         |
| Trade waste consent conditions for tankered waste .....                        | 9         |
| Pre-treatment requirements .....   | 9         |
| Review of trade waste consent .....  | 11        |
| Change in circumstances .....  | 12        |
| <b>3 MONITORING .....</b>  | <b>12</b> |
| General .....  | 12        |
| Estimate of volume.....  | 13        |
| Metering .....   | 13        |
| <b>4 ENFORCEMENT .....</b>   | <b>14</b> |
| <b>5 OFFENCES .....</b>  | <b>14</b> |
| <b>6 EXISTING TRADE WASTE CONSENTS SAVED .....</b>                             | <b>15</b> |
| <b>ADDITIONAL INFORMATION TO THE TRADE WASTE BYLAW 2020 .....</b>              | <b>15</b> |
| <b>SCHEDULE A - PERMITTED TRADE WASTE .....</b>                                | <b>16</b> |
| <b>SCHEDULE B – PREMISES/PROCESSES PRODUCING CONDITIONAL TRADE WASTE .....</b> | <b>20</b> |
| <b>SCHEDULE C - PROHIBITED TRADE WASTE.....</b>                                | <b>21</b> |

## COMMENCEMENT

This bylaw commences on 1 February 2021.

## PURPOSE

The purpose of this bylaw is to control the discharge of trade waste into the wastewater system to:

- (a) Protect the health, safety and wellbeing of the public and people working in the wastewater system, from potential adverse effects of contaminants discharged to the wastewater system;
- (b) Manage, regulate and protect the wastewater system from misuse or damage and provide for its efficient operation;
- (c) Protect the environment from adverse effects of contaminants discharged to the wastewater system; and
- (d) Assist the Council to comply with Resource Management Act 1991 requirements for discharge of contaminants to the environment.

## DEFINITIONS

In this bylaw, unless context otherwise requires:

|  |  |
|--|--|
| <b>Annual Plan</b>                       | means the plan prepared annually by the Council that outlines the work the Council will do and the services it will provide in the upcoming year.  |
| <b>Approval or approved</b>              | means agreed to, or provided for, in writing by the Council.   |
| <b>Biosolids</b>                         | means settled material collected at a Council wastewater treatment plant that has been treated and/or stabilised.  |
| <b>Characteristic</b>                    | means any of the physical, biological or chemical features of trade waste including those described in Schedules A and C.  |
| <b>Condensing water or cooling water</b> | 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.  |
| <b>Consent holder</b>                    | is the person to whom a trade waste consent has been granted and includes any person who acts under the trade waste consent with the express or implied permission of the consent holder.  |
| <b>Contaminant</b>                       | 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. |
| <b>Council</b>                           | 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 Statutory Delegations and Warrants.  |
| <b>Discharge</b>                         | means to emit, deposit, or allow to escape.  |

|                                    |  |
|------------------------------------|--|
| <b>Discharger</b>                  | means any person that discharges trade waste into the wastewater system. The person may or may not be a consent holder.  |
| <b>Domestic wastewater</b>         | <p>is the discharge from fixtures or appliances generally intended for hygiene purposes, including toilets, showers, baths, kitchen and bathroom sinks, dishwashers and domestic washing machines, where that discharge is from:</p> <p>(a) premises used solely for residential purposes; or</p> <p>(b) any other premises or self-contained vehicle provided it does not contain any other contaminant generated from an industrial or trade activity.</p> |
| <b>Food preparation facilities</b> | means any premise with a commercial kitchen, or any premise discharging trade waste where food is cooked, prepared or baked. Does not include facilities where pre-made food is bought in and only heated and/or served.   |
| <b>Management plan</b>             | means the plan for management of trade waste generating activities. A management plan generally addresses: waste minimisation; contingency management procedures; handling of hazardous material; management of pre-treatment systems; contaminant reduction; monitoring and recording of discharges; and system maintenance.  |
| <b>Mass limits</b>                 | 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.  |
| <b>Person</b>                      | means an individual, the Crown, a corporation, or a body of persons whether corporate or otherwise.  |
| <b>Point of discharge</b>          | <p>means:</p> <p>(a) except as provided for in (b), is the boundary between the Council wastewater system and a private drain.</p> <p>(b) for the purposes of trade waste sampling and compliance, will be in the private drain as close as practicable to the boundary in (a), where a sample representative of the discharge from each premise can be collected. For clarity, the point of discharge may be specified in the trade waste consent.</p>      |
| <b>Pre-treatment</b>               | means any processing of trade waste designed to reduce or vary any characteristic before discharge to the wastewater system.   |
| <b>Premises</b>                    | <p>means:</p> <p>(a) an allotment or building, or part thereof, which is held or capable of being held under a separate Computer Register; or</p> <p>(b) land held in public ownership for a particular purpose (e.g. reserve); or</p> <p>(c) any part of (a) or (b) that has been identified as a separately used or inhabited part of a rating unit; or</p>  |

|   |  |
|---|--|
|   | (d) any number of (a) or (b) that have been identified as contiguous for rating purposes.  |
| <b>Private drain</b>                                      | is that section of drain between the premises and the wastewater system, that is privately owned and maintained.   |
| <b>Self-contained vehicle</b>                             | means a vehicle with sanitary facilities available to its occupants, such as campervans, buses and caravans.   |
| <b>Separately used or inhabited part of a rating unit</b> | <p>means, for each category of rateable land, any portion inhabited or used by the owner/a person other than the owner, and who has the right to use or inhabit that portion by virtue of a tenancy, lease, licence, or other agreement.</p> <p>This definition includes separately used parts, whether or not actually occupied at any particular time, which are provided by the owner for rental (or other form of occupation) on an occasional or long-term basis by someone other than the owner.</p> |
| <b>Septage</b>  | Means domestic wastewater and other waste material contained in or removed from a septic tank or portable toilet.  |
| <b>Significant industry</b>                               | is an activity that generates a trade waste discharge that exceeds a total volume of 5 m <sup>3</sup> /day.  |
| <b>Stormwater</b>   | means all surface water run-off resulting directly or indirectly from precipitation.   |
| <b>Stormwater system</b>                                  | means the Council system for collection, treatment and disposal of stormwater, including kerb and channel, mudtanks, pipes, pumping stations, outfalls, and other related structures.  |
| <b>Tankered waste</b>                                     | means any discharge from a vehicle, other than a self-contained vehicle, to the wastewater system.   |
| <b>Trade waste</b>  | means any discharge or proposed discharge into the wastewater system, other than domestic wastewater discharged directly from a premise or self-contained vehicle, to the wastewater system. For the avoidance of doubt, trade waste includes tankered waste.  |
| <b>Trade waste consent</b>                                | is an approval authorising a person to discharge trade waste to the wastewater system, which may be subject to conditions for the discharge.   |
| <b>Trench water</b>                                       | is groundwater, surface water, or stormwater that collects in a trench, ditch or depression during earthworks, construction, or road works.  |
| <b>Vehicle washing event</b>                              | means temporary washing of vehicles that is not an operational component of a commercial, industrial or trade activity, such as fundraising car washes or car washing for car rallies.   |
| <b>Vehicle wash facilities</b>                            | <p>means any premise:</p> <p>(a) with facilities to commercially wash vehicles; or</p> <p>(b) where vehicles are washed on site as part of operations,</p>   |

such as vehicle sales yards, bus depots, truck yards.

**Wastewater** means water or other liquid, including waste matter in solution or suspension, discharged into the wastewater system.

**Wastewater system** means the Council system for collection, treatment and disposal of wastewater, including all pipes, pumping stations, storage tanks, wastewater treatment plants, outfalls, and other related Council-owned structures.

**Working day** means a 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, Christmas Day, Boxing Day, New Year's Day, and the Day After New Year's Day; and
- (b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday.

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**

#### ***General***

- 1.1 Any person that discharges, or proposes discharging, trade waste to the wastewater system, must obtain approval from the Council through 'registration of a permitted discharge' or granting of a trade waste consent.
- 1.2 All persons must not discharge trade waste into the wastewater system other than in accordance with this bylaw or a trade waste consent.
- 1.3 Unless expressly allowed by a provision of this bylaw or a provision of a trade waste consent no person may:
  - (a) Discharge, or allow to be discharged, into the wastewater system any trade waste;
  - (b) Discharge, or allow to be discharged, into the wastewater system any stormwater;
  - (c) Discharge, or allow to be discharged, into the wastewater system from their premises, any trade waste or wastewater delivered to their premises from another person or premises; or
  - (d) Alter waste to be discharged to the wastewater system by:
    - (i) using refuse or garbage grinders, or macerators;
    - (ii) adding, or allowing the addition of potable water, stormwater, condensing water or coolant to trade waste; or
    - (iii) otherwise diluting trade waste.

- 1.4 Any person that has discharged, or is discharging, trade waste into the wastewater system in a manner that contravenes a provision of this bylaw or a trade waste consent must:
- (a) Stop the discharge;
  - (b) As soon as practicable, notify the Council of the characteristics, estimated volume, timing and location of the discharge;
  - (c) Provide a report to the Council within three (3) working days of the discharge occurring; and
  - (d) Pay to the Council any applicable fees and charges.

**Explanatory note 1:** To protect the wastewater system from damage, it is important that the Council is notified on 477 4000 of any non-complying discharges or spills **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.

- 1.5 The Council may:
- (a) Refuse to accept any classification of trade waste discharge;
  - (b) Cease accepting any trade waste; and
  - (c) Require the payment of a fee or charge prior to accepting any trade waste discharge.

***Classification of discharges***

- 1.6 All trade waste discharges to the wastewater system will be classified by the Council into the following types:
- (a) Permitted;
  - (b) Conditional; or
  - (c) Prohibited.

**Explanatory note 2:** In all situations the Council will determine if a discharge is permitted, conditional or prohibited. A person planning to discharge trade waste to the wastewater system must contact the Council for advice on the classification of the discharge, and processes required to apply to register, or get consent for, the discharge.

- 1.7 A trade waste discharge is classified as permitted where the discharge:
- (a) Does not exceed a 24-hour flow volume of 5 m<sup>3</sup> and a flow rate of 2.0 L/s at any time, at the point of discharge;
  - (b) Complies with the characteristics specified in Schedule A; and
  - (c) Is not tankered waste.
- 1.8 Any person that discharges or proposes to discharge trade waste which is likely to be permitted in accordance with clause 1.7, must apply to register the permitted discharge with the Council.

**Explanatory note 3:** The registration form is available on the Council website.

Within 10 working days of receipt of an application and any further requested information, the Council shall:

- 1) Determine if the proposed discharge is prohibited;
- 2) Confirm registration of the discharge as a permitted trade waste; or
- 3) Determine that a trade waste consent is required.

There is no fee associated with registering a permitted discharge. If the Council determines a trade waste consent is required, fees will be incurred for the consent application.

- 1.9 A trade waste discharge is classified as conditional where the discharge is not classified as permitted or prohibited.

**Explanatory note 4:** Schedule B contains examples of types of activities that may generate conditional trade wastes.

Conditional trade waste discharges broadly fall into three categories:

- 1) Industry that generates more than 5m<sup>3</sup> per day of trade waste is considered to be 'significant industry'. Waste management is often a major component of those premises and they may have more impact on the wastewater system. Accordingly, the consent process, pre-treatment requirements and subsequent monitoring may be extensive.
- 2) Those that generate less than 5m<sup>3</sup> per day of trade waste where pre-treatment is typically required to meet permitted discharge limits, or where approval is needed to exceed permitted discharge limits. Where the pre-treatment system is regularly maintained the consent process and subsequent monitoring may be less extensive than for significant industry. Industry that commonly require a trade waste consent are dentists, vehicle service facilities and those that cook food (e.g. cafes, restaurants and takeaways).
- 3) Tankered waste.

- 1.10 A trade waste discharge is classified as prohibited if the discharge comprises any characteristic specified in Schedule C.

## 2 CONDITIONAL DISCHARGES

### *Consent required for discharges classified as conditional*

- 2.1 No person may discharge a trade waste classified as conditional without first obtaining a trade waste consent.
- 2.2 Conditional discharges of trade waste are liable for fees and charges as prescribed in the Council's Annual Plan.

**Explanatory note 5:** Fees and charges that may be applicable include:

- Application fees for conditional trade waste consents
- Annual fees for all trade waste dischargers
- Unit rates for volume discharged
- Unit rates for characteristics discharged
- Tankered waste charges
- Monitoring fees

- Recovery of clean-up costs and for damage to the wastewater system or environment
- Connection fees

The Council Annual Plan and fees and charges are outlined on Council's website.

### ***Application for trade waste consent***

- 2.3 Every application for a trade waste consent must be made on the prescribed form and be accompanied by the applicable fee payable in accordance with the Council's Annual Plan.
- 2.4 In considering an application for a trade waste consent, the Council will take into consideration any matters it considers relevant, including the following:
- The source, characteristics, volume, rate and timing of the discharge;
  - Any changes to the limits and/or maximum values for characteristics of trade waste as specified in Schedule A of this bylaw, including mass limits and maximum daily concentrations or volumes;
  - Any pre-treatment of the discharge;
  - Any actual or potential effects on the wastewater system;
  - Any actual or potential effects on the Council's ability to discharge wastewater to the final receiving environment or re-use wastewater, or on the use or disposal of biosolids;
  - The extent to which 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, or deterioration of the wastewater system;
  - The health and safety of Council staff, Council's agents and the public;
  - Other existing or reasonably foreseeable future trade waste discharges;
  - The availability of alternative collection, treatment, and disposal systems; and
  - The compliance history of the applicant.

### ***Decision on application***

- 2.5 The Council may grant or refuse any application for a trade waste consent.

**Explanatory note 6:** Council will endeavour to issue a decision on a consent application within 20 working days of receipt of an application for a trade waste consent and any further information requested. The Council decision will:

- Approve the application and inform the applicant of the decision and the conditions of the trade waste consent; or
- Refuse the application and inform the applicant of the decision and the reason(s) for refusal.

The Council endeavours to work with applicants to resolve issues to enable a trade waste consent to be granted.

### ***Trade waste consent general conditions (not tankered waste)***

- 2.6 A trade waste consent for non-tankered waste may be granted subject to such conditions that the Council may impose, including but not limited to the following matters:



- (a) The source of the trade waste;
- (b) The provision of pre-treatment facilities (see clause 2.8 for requirements) and a plan for their maintenance;
- (c) Any alteration of the trade waste;
- (d) The provision and implementation of a management plan;

**Explanatory note 7:** At a minimum, a management plan should address:

- Any waste minimisation and contaminant reduction measures necessary, e.g.:
  - Use of more efficient processes
  - Use of less raw materials
  - Use of less toxic materials
  - Efficient use of materials
  - Reduce, reuse, recycling and recovery
  - Water conservation
- Contingency and emergency planning
- Storage and/or bunding of hazardous materials
- Management and maintenance of pre-treatment systems
- Monitoring and recording of discharges
- System maintenance

- (e) The location in the wastewater system where trade waste will be discharged;
- (f) Identification of the location, at or prior to the point of discharge, where compliance with the trade waste consent will be measured and monitored;
- (g) Provision and maintenance of safe and reasonable access for the Council to the point where the discharge is measured and monitored and to inspect pre-treatment systems;
- (h) Maximum daily volume, volume of discharge, maximum rate of discharge, and the timing or duration of discharge;
- (i) The method(s) to be used for measuring flow rates and/or volume;
- (j) The requirement to comply with permitted discharge characteristics in Schedule A, or maximum limits or permissible ranges for identified characteristics different to those specified in Schedule A, including mass limits and maximum concentrations;
- (k) The monitoring required;
- (l) The provision to Council of any information relating to the trade waste;
- (m) The requirement to hold public liability insurance where failure to comply with the trade waste consent could result in damage to the wastewater system or could result in the Council being in breach of any statutory obligation;
- (n) The term of the trade waste consent; and
- (o) Any other condition necessary to ensure the efficient operation of the wastewater system.

**Explanatory note 8:** For significant industry, trade waste consent may be granted for a period up to ten (10) years where the Council is satisfied that:

- The nature of the 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 trade waste consent during its term;
- Waste minimisation and contaminant reduction techniques are successfully being utilised, as necessary; or
- Significant investment in pre-treatment facilities has been made.

For food preparation facilities the term of trade waste consent may be granted for a period up to three (3) years.

In all other cases the trade waste consent may be granted for a period up to five (5) years.

### ***Trade waste consent conditions for tankered waste***

2.7 A trade waste consent for tankered waste may be granted subject to such conditions that the Council may impose, including but not limited to the following matters:

- (a) The types of trade waste permitted for discharge and the wastewater treatment plant to which the tankered waste can be discharged;

**Explanatory note 9:** Domestic wastewater (including septage) and stock truck effluent is generally discharged at the Green Island Wastewater Treatment Plant.

Grease from a grease removal system is generally discharged at the Tahuna Wastewater Treatment Plant.

Tankered trade waste cannot be disposed of at any other wastewater treatment plant or at any other point in the wastewater system without approval.

Other types of tankered trade waste cannot be disposed of at wastewater treatment plants without approval.

- (b) The requirements and approval process for the discharge of tankered waste comprising anything other than domestic wastewater (including septage), stock truck effluent, or grease from a grease removal system;
- (c) The requirement to record load details, including the volume and contents, of the tankered waste, and for this information to be provided to the Council on request;
- (d) Requirements to avoid cross contamination between different types of tankered waste;
- (e) The requirement to hold public liability insurance, where failure to comply with the trade waste consent could result in damage to the wastewater system or could result in the Council being in breach of any statutory obligation;
- (f) The term of the trade waste consent; and
- (g) Any other condition necessary to ensure the efficient operation of the wastewater system.

### ***Pre-treatment requirements***

2.8 The Council may, as a condition of a trade waste consent, require provision of an appropriate pre-treatment system to reduce or vary any characteristic of any trade waste before discharge

to the wastewater system. Without limitation to the activities for which pre-treatment may be required, the Council will require pre-treatment of discharges from the following:

(a) dental facilities

**Explanatory note 10:** Typically, an amalgam trapping disposal system that complies with ISO 11143:2008 Dentistry – amalgam separators will be required.

(b) food preparation facilities

**Explanatory note 11:** Typically, a grease removal system will be required.

Installation of a grease removal system must be in accordance with the Building Act 2004.

The Building Act 2004 requires a grease removal system to be installed for any activity where grease or oils are likely to be generated. Trade waste consents generally allow between 200 and 500 g/m<sup>3</sup> grease after pre-treatment depending on the source of origin. An appropriate and well-maintained grease removal system should ensure trade waste meets this limit. When selecting a grease removal system, trade waste dischargers are strongly advised to consider:

- Whether the system is the correct size and design to treat the anticipated flows.
- Accessibility of the system for inspection and maintenance purposes.

A maintenance plan should include the frequency of inspection and cleaning, and identification of the person or company to be used to undertake cleaning of the grease trap and dispose of the grease as tankered waste.

(c) vehicle wash facilities, service station forecourts, automotive dismantlers, car crushing facilities, metal merchants, vehicle washing events

**Explanatory note 12:** Typically, an interceptor system will be required to remove oils, grease, fuels and sediments.

Trade waste consents generally allow up to 200 g/m<sup>3</sup> oils and grease after pre-treatment.

If the area is covered, and stormwater is prevented from entering the interceptor, the discharge can be made directly into the wastewater system via an interceptor.

If the area is uncovered (not roofed) and there is both stormwater and trade waste discharges from the site, then a two-way valve may be required to direct wastewater flows to the wastewater system and stormwater flows to the stormwater system. There are two types of valve:

- Mechanical – where the valve opens and closes automatically when washing takes place, diverting the wash water to the wastewater system or stormwater to the stormwater system.
- Manual - where the valve is opened and closed manually by an operator.

If a manual valve is proposed the applicant must provide information on what measures will be implemented to avoid risks of the valve not being operated correctly.

(d) activities resulting in the discharge of trench water

**Explanatory note 13:** Typically, trench water will require treatment to reduce contaminants (including sediment) prior to discharge.

(e) significant industry

**Explanatory note 14:** For significant industry, the type of pre-treatment system will depend on the nature of the discharge. Typical types of pre-treatment include:

- **pH:** pH may need to be actively controlled in some discharges e.g. electroplaters; waste treatment companies; tanneries and fellmongeries; laundries, radiator repair shops or concrete manufacturers.
- **Screening:** For wastes composed primarily of water and particulate matter rather than dissolved material screening can be a cost-effective efficient pre-treatment. Typical screening applications include fish processing wastewaters, small goods manufacture, laundries, meat processing and vegetable processing.
- **Dissolved air flotation (DAF):** If the density difference between solids and wastewater is marginal or if the solids have a high oil and grease content then a form of dissolved air flotation (DAF) can be an effective pre-treatment process. Typical applications include meat processing plants, tanneries and fellmongeries.
- **Filter bags:** This is a method of pressurised liquid filtration in which the product to be filtered is passed through a filter bag from inside to outside leaving the solids trapped in the bag. Typical applications include small meat and food processing plants with relatively high oil and grease loads.
- **Grease removal systems:** The most common types are passive, enzyme (or grease converter) and mechanical (or automatic). Grease removal systems must be sized correctly for them to operate effectively.

2.9 Pre-treatment systems are to be provided, operated and maintained by the discharger at their expense.

**Review of trade waste consent**

2.10 The Council may review a trade waste consent at any time in the following circumstances:

- (a) Failure to comply with a condition of a trade waste consent;
- (b) Failure to maintain effective control over the trade waste discharge;
- (c) Failure to follow any management plan provisions;
- (d) Development and availability of any new control and treatment technologies;
- (e) A change in the characteristics of trade waste discharge;
- (f) New information on the trade waste discharge becomes available, not known to the Council at the time of its decision on the trade waste consent;
- (g) Any change in the Council's legal requirements to discharge contaminants from the wastewater system (i.e. resource consents), or other relevant legislative requirements;
- (h) To manage mass limits of organic waste (BOD<sub>5</sub> limits); or
- (i) Any other time the Council considers necessary.

2.11 The Council will give the consent holder written notice of its intention to review the consent; describing why the review is considered necessary and will provide the consent holder with an opportunity to submit information for the Council to consider before it makes its decision on the review.

- 2.12 The Council may, by decision in writing:
- (a) Allow the trade waste consent to continue unchanged;
  - (b) Vary the conditions of the trade waste consent;
  - (c) Suspend the trade waste consent for a specified period; or
  - (d) Cancel the trade waste consent.

***Change in circumstances***

- 2.13 Where a change in the characteristics of a trade waste consent is proposed, a new application for a trade waste consent must be made, prior to the discharge occurring.
- 2.14 A consent holder may apply to the Council to transfer the whole of their interest in that trade waste consent to any other owner or occupier of the premises (the transferee), where substantially the same activity with the same characteristics is being carried out and the transferee agrees to the transfer.
- 2.15 A transfer shall have no effect until Council approval is given to the transferee.
- 2.16 An application to transfer must be made in writing to Council on the prescribed form no less than five (5) working days prior to the required transfer of that trade waste consent.
- 2.17 Where the discharge of trade waste is to cease, the discharger must give the Council written notice. Significant industry shall provide at least ten (10) working days' notice, while all other dischargers shall provide at least two (2) working days' notice.
- 2.18 The discharger is liable for any trade waste charges until the period of notice required under clause 2.17 is completed or the discharge ceases (whichever is the latter).

### **3 MONITORING**

***General***

- 3.1 The Council may undertake monitoring of any trade waste discharge at a premise or tankered waste vehicle to determine:
- (a) Whether a discharge complies with this bylaw or a trade waste consent;
  - (b) The classification of the discharge;
  - (c) The calculation of fees and charges that apply; or
  - (d) The most efficient means of operating the wastewater system.
- 3.2 Monitoring may include:
- (a) Determination of trade waste volumes;
  - (b) Sampling and analysis of trade waste discharges;
  - (c) Inspection of the pre-treatment system;
  - (d) Auditing of any plans for the maintenance of the pre-treatment system;
  - (e) Auditing of any management plans; or
  - (f) Inspection of the nature and characteristics of the discharge.

- 3.3 The Council may increase the frequency of its monitoring, if there are reasonable grounds to suspect that a discharge is occurring in a manner that contravenes this bylaw or a trade waste consent.

**Explanatory note 15:** Trade waste consents will outline details of monitoring requirements and anticipated frequency.

- 3.4 On a case-by-case basis, the Council may approve a consent holder, through a condition of a trade waste consent, to undertake the required sampling and arrange laboratory analysis. Details of any such sampling and analytical results must be made available to the Council on request.

- 3.5 All monitoring fees and charges must be paid by the discharger.

**Explanatory note 16:** Where the discharger disputes the analytical results, the discharger may request the Council resample. All resampling and analysis costs are to be met by the discharger.

### ***Estimate of volume***

- 3.6 The Council will estimate the volume of discharge occurring unless:
- (a) There is no reasonable relationship between a metered water supply to the premises and the trade waste discharge;
  - (b) The discharger elects to install and maintain an accurate trade waste meter(s) to the satisfaction of the Council; and
  - (c) The Council requires installation and maintenance of an accurate trade waste meter(s).
- 3.7 The Council will estimate the volume of discharge occurring where any trade waste meter installed is, in the opinion of Council, not calibrated or located correctly as specified in clause 3.9, has been tampered with or removed, is out of repair, or ceases to register.

**Explanatory note 17:** The method used to determine quantity being discharged will depend upon the nature and significance of the discharge, and the accuracy required by the Council.

Trade waste volume may be estimated using the following methods:

- Relevant information previously obtained from the trade waste meter; or
- Using a percentage of the water supplied to the premises as measured through the water supply meter.

The Council may take into consideration other evidence to arrive at a reasonable estimate of the discharge volume.

In some instances, the Council may not require the discharge to be metered, but the discharger may install one for increased accuracy in determining trade waste charges.

### ***Metering***

- 3.8 Where a trade waste meter is required, the consent holder is responsible for the supply, installation, calibration, and maintenance of the meter. The meter installation is subject to the approval of the Council but shall remain the property of the consent holder.
- 3.9 The trade waste meter(s) must be:

- (a) Located in a position that allows safe access for reading and maintenance;
- (b) Accurate to +/- 10 % but with no greater a deviation from the previous meter calibration of +/- 5%; and
- (c) Calibrated by a suitably qualified person upon installation and at least once a year thereafter. A copy of independent certification of each calibration result shall be submitted to the Council annually.

3.10 The consent holder may maintain a record of flow and volume recorded by the trade waste meter and these records must be made available to the Council on request.

#### **4 ENFORCEMENT**

- 4.1 Council may stop accepting trade waste, cancel a trade waste consent, require remedial action to comply with the bylaw or trade waste consent, or other actions provided for under any legislation, where:
- (a) Any trade waste is discharged in a manner that is contrary to the provisions of this bylaw or any trade waste consent;
  - (b) The Council considers that the discharge is a threat to the integrity of the wastewater system, the environment, or the safety of individuals or public health;
  - (c) The Council considers that the discharge may result in a breach of any of its Resource Management Act 1991 requirements; or
  - (d) There is a failure to pay trade waste charges.

**Explanatory note 18:** Where practical, the Council will give written notice to the discharger of its intention to cease accepting any trade waste discharge prior to discontinuing wastewater services.

#### **5 OFFENCES**

- 5.1 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) Contravenes a condition of any trade waste consent to discharge granted pursuant to this bylaw;
  - (c) Fails to comply with a notice served under this bylaw;
  - (d) Knowingly, carelessly or recklessly provides false, inaccurate or misleading information to Council; or
  - (e) Obstructs the Council in performing any duty or exercising any power under this bylaw.
- 5.2 The Council may:
- (a) Recover costs as set out in under the Local Government Act 2002; or
  - (b) Recover costs of any fine 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.

**Explanatory Note 19:** The maximum penalty on conviction for a breach of this bylaw is a fine not exceeding \$200,000, as set out at section 242 of the Local Government Act 2002.

There are also other offences and penalties provided for in the Local Government Act 2002 and the Health Act 1956 (and other Acts) that may be relevant.

## 6 EXISTING TRADE WASTE CONSENTS SAVED

6.1 Any trade waste consent approved under the Dunedin City Council Trade Waste Bylaw 2008 continues in force but:

- (a) Expires on the date specified in that consent; or
- (b) If no expiry date is specified, expires 12 months from the date that this bylaw come into effect; and
- (c) Can be renewed only by application made and determined under this bylaw.

6.2 Any application for a trade waste consent made under the Dunedin City Council Trade Waste Bylaw 2008 that was filed before the day on which this bylaw commences must be dealt with by the Council under the Dunedin City Council Trade Waste Bylaw 2008.

## ADDITIONAL INFORMATION TO THE TRADE WASTE 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.

|                              |   |
|------------------------------|---|
| <b>Relevant legislation:</b> | <ul style="list-style-type: none"> <li>Local Government Act 2002 – bylaw prepared under this act, regulates offences</li> <li>The Health Act 1956 – bylaw prepared under this act, regulates offences</li> <li>The Resource Management Act 1991 (RMA) – manages impacts on environment</li> <li>The Building Act 2004 – regulates drainage, which includes wastewater</li> </ul>  |
| <b>Associated documents:</b> | <ul style="list-style-type: none"> <li>NZS 4304:2002 Management of healthcare waste.</li> <li>NZS 8134.7:2010 Health and disability services: pharmacy services standard.</li> <li>NZS 5465:2001 Self-containment for motor caravans and caravans.</li> <li>CSP1 Code of safe practice for the use of unsealed radioactive materials (2010), Ministry of Health Office of Radiation Safety.</li> <li>Guidelines for the Safe Application of Biosolids to Land in New Zealand (2003), New Zealand Water and Waste Association (NZWWA).</li> <li>Liquid and Hazardous Wastes Code of Practice (2012), WasteMINZ.</li> <li>ISO 11143:2008 Dentistry – amalgam separators.</li> </ul> |
| <b>History of bylaw:</b>     | <p>The Green Island Borough Council Trade Wastes Bylaws No.11 1987 was revoked and replaced by the Dunedin City Council Trade Waste Bylaw 2008.</p> <p>The Trade Waste Bylaw 2008 has now been revoked and replaced by this 2020 version, and the Stormwater Quality Bylaw 2020.</p>  |



## SCHEDULE A - PERMITTED TRADE WASTE

A.1 A trade waste discharge is permitted where it complies with clauses 1.3, 1.7, and its registration in accordance with clause 1.1 and 1.8 is accepted by the Council, and

(a) It has the following characteristics:

| CHARACTERISTIC  | DESCRIPTOR   |
|---|--|
| Temperature   | ≤40°C  |
| pH  | 6.0 – 9.0 pH units   |
| Solids  |  |
| • Non-faecal gross solids   | < 15 mm maximum dimension  |
| • Suspended solids  | < 600 g/m <sup>3</sup>   |
| • Settleable solids   | < 25 ml/L  |
| • Fibrous, woven, sheet film or any other material that may interfere with the wastewater system  | None allowed   |
| Free layer (whether floating or settled) of solvents or organic liquids   | None allowed   |
| Emulsions of paint, latex, adhesive, rubber or plastic that may interfere with the wastewater system  | None allowed   |
| Radioactivity levels  | ≤ levels specified in <i>CSP1 Code of safe practice for the use of unsealed radioactive materials (2010)</i> . |
| Colour or colouring substance that may interfere with the wastewater system   | None allowed   |
| Fats, oils and grease   |  |
| • free or floating layer of fats, oils or grease  | None allowed   |
| • fats, oil or grease containing substances that will become viscous between 0°C and 65°C   | None allowed   |
| <b>Explanatory note 20:</b> A trade waste consent generally allows a trade waste discharge after pre-treatment containing fat, oil or grease: <ul style="list-style-type: none"> <li>• of animal or vegetable origin up to a maximum 500g/m<sup>3</sup></li> <li>• of other origin up to a maximum of 200g/m<sup>3</sup></li> </ul> |  |
| Organic waste (as measured by Biological Oxygen Demand – BOD <sub>5</sub> )   | None allowed   |
| <b>Explanatory note 21:</b> Trade waste consents generally allow BOD <sub>5</sub> up to a maximum of 3500g/m <sup>3</sup> . Discharge levels determined on a case-by-case assessment of wastewater system capacity and mass limits.   |  |

(b) And maximum concentrations of chemical compounds do not exceed the following concentrations:

| CHEMICAL CHARACTERISTIC | MAXIMUM CONCENTRATION (g/m <sup>3</sup> ) |
|-------------------------|---|
| Aluminium (dissolved)   | 100                                       |
| Antimony                | 10  |
| Arsenic                 | 5   |
| Barium                  | 10  |

| CHEMICAL CHARACTERISTIC  | MAXIMUM CONCENTRATION (g/m <sup>3</sup> ) |
|--|---|
| Beryllium  | 0.005                                     |
| Biphenyls  |   |
| • Polychlorinated biphenyls (PCBs)   | 0.002                                     |
| • Polybrominated biphenyls (PBBs)  | 0.002 each                                |
| Boron  | 25  |
| Bromine  | 5   |
| Cadmium  | 0.5                                       |
| Chlorine   |   |
| • Free chlorine  | 3   |
| • Hypochlorite   | 30  |
| Chromium (trivalent and hexavalent)  | 5   |
| Cobalt   | 10  |
| Copper   | 10  |
| Cyanide – weak acid dissociable (as CN)  | 5   |
| Formaldehyde (as HCHO)   | 50  |
| Fluoride   | 30  |
| Halogenated aliphatic compounds  | 1   |
| Hydrocarbons   |   |
| • Petroleum hydrocarbons   | 30  |
| • Monocyclic aromatic hydrocarbons   | 5   |
| • Polycyclic aromatic hydrocarbons (PAHs)  | 0.05                                      |
| • Halogenated aromatic hydrocarbons (HAHs)   | 0.002                                     |
| Iron (dissolved)   | 100                                       |
| Lead   | 10  |
| Manganese  | 20  |
| Mercury  | 0.05                                      |
| MBAS (Methylene blue active substances)  | 500                                       |
| Molybdenum   | 10  |
| Nickel   | 10  |
| Nitrogen   |   |
| • Free ammonia   | 50  |
| • Ammonium salts   | 200                                       |
| • Kjeldahl nitrogen  | 150                                       |
| • Total Nitrogen   | 300                                       |
| Phosphorus (Total, as P)   | 50  |
| Pesticides   |   |
| • Organophosphate pesticides   | 0.1                                       |
| • Other pesticides (including insecticides, herbicides, fungicides, but excludes organophosphate, organochlorine and any | 0.2 in total                              |

| CHEMICAL CHARACTERISTIC                                     | MAXIMUM CONCENTRATION (g/m <sup>3</sup> ) |
|---|---|
| pesticides not registered for use in New Zealand)           |   |
| Phenols   |   |
| • Chlorinated phenols                                       | 0.02                                      |
| • Other phenolic compounds (excluding chlorinated phenols)  | 50  |
| Selenium  | 10  |
| Silver  | 2   |
| Sulphate  | 500                                       |
| Sulphite  | 15  |
| Sulphide (as H <sub>2</sub> S on acidification)             | 5   |
| Thallium  | 10  |
| Tin (metal, not as tributyl and other organotin compounds); | 20  |
| Zinc  | 10  |

- (c) And pharmaceutical waste (except those containing cytotoxic compounds or material, which are prohibited by C.2(g)(iv)) discharged does not exceed the following volumes and concentrations of active ingredients per calendar month:

| Volume limit | Active concentration |
|--------------|----------------------|
| 10 Litres    | 125mg/5ml            |
| 5 Litres     | 250mg/5ml            |
| 3 Litres     | Above 250mg/5ml      |

- (d) If any limits in A.1(a) or A.1(b) are different to the active concentration limits in A.1(c), the lower limit becomes the permitted discharge.

**Explanatory note 22:** The following is an indicative list of activities that may generate permitted trade wastes.

- Beauticians
- Cafes or sandwich bar – where no hot food is cooked
- Carpet or dog cleaning mobile units ‡
- Dairies (where no food is prepared, cooked, or baked, i.e. pre-made food is bought in and only heated)
- Dog groomers/washing stations ‡
- Hairdressers
- Ice cream parlours

- Painter (small commercial) ‡
- Pet shops, catteries, kennels
- Pharmacies

‡ Wastes from these facilities must be disposed of to land, or into the wastewater system. They must not be disposed of into the Council stormwater system.

All operators must have their permitted status confirmed and registered by Council.

Businesses that only generate domestic waste (i.e. no trade waste) such as offices, some retailers or wholesalers are not captured as domestic waste is not managed under the bylaw.

## **SCHEDULE B – PREMISES/PROCESSES PRODUCING CONDITIONAL TRADE WASTE**

The list below provides examples of premises and processes that are likely to discharge conditional trade waste and require trade waste consent. Other premises or processes not listed may require consent. In all situations the Council will determine if a discharge is conditional. A person planning to discharge trade waste to the wastewater system must contact the Council for advice on the classification of the discharge, and processes required to get consent for the discharge.

- Abattoirs
- Beverage manufacturers (including wineries)
- Bakeries
- Cafes
- Community halls or churches - with catering facilities
- Concrete batching plants
- Construction, or works on the road, that results in the formation of trenches where trench water accumulates
- Dairy processing plants
- Delicatessens
- Dentists
- Doctors – with surgical facilities
- Drycleaners
- Electroplaters
- Funeral parlours
- Fellmongers
- Food processors
- Foundries
- Galvanisers
- Hospitals
- Hotels and motels with catering facilities or laundry
- Laboratories
- Laundries
- Landfills
- Manufacturing
- Medical centres with surgical facilities
- Marae
- Mechanical workshops
- Metal finishers
- Metal merchants
- Mortuaries
- Premises with commercial refuse or garbage grinders or macerators
- Printers
- Restaurants
- Salad bars
- Schools, polytechnics, universities with laboratories or catering facilities
- Service stations
- Spray painting facilities
- Sports/recreational facilities - with catering facilities or pool
- Stock sale yards
- Sushi (with on site preparation)
- Swimming pools and spa pools - non-domestic (e.g. schools, gyms, sport/recreation/health facilities)
- Takeaways
- Tankered waste
- Tanneries and leather finishing
- Textile fibre and textile processors
- Trench water
- Vehicle wash facilities
- Vehicle washing event (e.g. fundraising car washes or car washing for car rallies)
- Veterinary surgeries
- Waste management processes
- Wholesalers/retailers including butchers, greengrocers and fishmongers
- Wool scourers

## **SCHEDULE C - PROHIBITED TRADE WASTE**

### ***General prohibited characteristics***

- C.1 A trade waste is prohibited from discharge to the wastewater system, where that trade waste will, immediately or in the course of time:
- (a) Cause or result in the following effects in the wastewater system:
    - (i) Damage;
    - (ii) Interference with the free flow of wastewater; or
    - (iii) Foul-smelling gases or substances of a nature or quantity to create public nuisance;
  - (b) Prejudice the occupational health and safety of any Council staff or its agents;
  - (c) Interfere with UV disinfection at the treatment plant; or
  - (d) Upon final disposal of treated wastewater or biosolids:
    - (i) Breach any limits or conditions imposed under the Resource Management Act 1991;
    - (ii) Be toxic to fish, animals or plant;
    - (iii) Cause a change in colour or visual clarity, in receiving water after reasonable mixing; or
    - (iv) Cause oil or grease films, scums or foams.

### ***Specific prohibited characteristics***

- C.2 The following are specifically prohibited from discharge to the wastewater system:
- (a) Any materials which combine with water to form a cemented mass;
  - (b) Any material with flammable or explosive properties, including oil, fuel, solvents, calcium carbide, either on its own or in combination with wastewater;
  - (c) Asbestos;
  - (d) Tin (as tributyl and other organotin compounds);
  - (e) Any organochlorine pesticides or herbicides;
  - (f) All wastes that contain or are likely to contain material from a genetically modified organism that is not in accordance with an approval under the Hazardous Substances and New Organisms Act 1996;
  - (g) Any of the following health care wastes:
    - (i) Those prohibited for discharge to the wastewater system by NZS 4304:2002 Management of Healthcare Waste;
    - (ii) 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; any paper or plastic item of a disposable nature; or any portions of human or animal anatomy;
    - (iii) Infectious or hazardous wastes likely to pose a threat to public health and safety; and
    - (iv) Any waste containing or contaminated by cytotoxic compounds or material.
  - (h) Waste with radioactive levels in excess of the Office of Radiation Safety guidelines (*ORS C11: Code of Practice for Unsealed Radioactive Materials* (2020), Ministry of Health);

- (i) Solids from mudtanks or interceptors; or
- (j) Toxic wastes.

**Explanatory note 23:** Council staff will confirm if trade waste has prohibited status.