



Gisborne Trade Waste Bylaw 2015

A527306



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FOREWORD¹

This bylaw has been prepared using the New Zealand Standard "NZS 9201: Part 23:2004 Model General Bylaws - Trade Waste" as a base document.

This bylaw regulates the discharge of trade waste to Gisborne District Council's sewerage system operated by or on behalf of the Council as Wastewater Authority. The purpose of this bylaw is:

- i. To ensure the protection of the Council's personnel and the general public.
- ii. To protect the ability of the Council to meet the requirements of the Resource Management Act 1991 and in particular its resource consents for the discharge of treated sewage (and also the placement of sludge and biosolids on land).
- iii. To provide for an equitable spread of costs between domestic and trade waste discharges.
- iv. To protect the investment in the existing and any future infrastructure, treatment plant and disposal facilities.
- v. To 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 consents for emissions to air as well as the trade waste discharge itself into the Council's sewer system.
- vi. To ensure trade waste dischargers consider, and where appropriate and practicable implement, waste minimisation and cleaner production techniques to reducing the quantity and improve the quality of their trade waste discharges, thereby assisting the Council to meet the targets of the New Zealand Waste Strategy.
- vii. To foster consistency between Wastewater Authorities with respect to trade waste requirements.

¹ This foreword does not form part of this Bylaw.

1. Introduction

1.1 Title

This bylaw may be cited as the "Gisborne District Council Trade Waste Bylaw 2015".

1.2 Commencement and Application

This bylaw shall come into force on the 01 March 2015 and shall apply to the whole of the Gisborne District.

1.3 Repeals

The following bylaws are hereby repealed:

- The Gisborne District Council Trade Waste Bylaw 2008.

1.4 Scope of the Bylaw

1.4.1 Scope

This bylaw provides for the:

- (a) Acceptance of long-term, intermittent, or temporary discharge of trade waste to the Council's 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 Council's sewerage system from spillage.
- (e) Installation of flow meters, samplers or other devices to measure flow and characteristics of the trade waste discharge.
- (f) Pre-treatment of waste before it is accepted for discharge to the Council's 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.
- (k) Establishment of waste minimisation and management programmes (including sludges) for trade waste producers.

1.4.2 Compliance with Other Acts

Nothing in this Bylaw shall derogate from any of the provisions of the:

- (a) Building Act 2004 and Regulations
- (b) Fire Service Act 1975
- (c) Hazardous Substances and New Organisms Act 1996 and regulations

- (d) Health Act 1956 and regulations
- (e) Health and Safety in Employment Act 1992
- (f) Land Transfer Act 1952
- (g) Land Transport Rule Dangerous Goods 2005, Rule 45001/3
- (h) Local Government Act 2002
- (i) Local Government (Rating) Act 2002
- (j) Property Law Act 2007
- (k) Plumbers, Gasfitters and Drainlayers Act 2006
- (l) Resource Management Act 1991

In the event of any inconsistency between legislation the more stringent requirement applies.

1.4.3 Trade Premises and Other Users to Which the Bylaw Applies

This bylaw shall apply to all trade premises within the district where trade wastes are 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 wastes collected for the purpose of discharge to the sewerage systems operated by the Council or its agents.

Pursuant to Section 196 of the Act the Council may refuse to accept any type of trade waste which is not in accordance with this bylaw.

1.5 Definitions and Interpretations

The Interpretation Act 1999 shall apply to this bylaw.

In this bylaw, unless the context otherwise requires:

Access Point	Is a place where access may be made to a public or private sewer for inspection (including sampling or measurement), cleaning or maintenance. The location of the access point shall be in accordance with the New Zealand Building Code.
Act	Means the Local Government Act 2002.
Analyst	Means a testing laboratory approved in writing by the Council.
Approval	Means approval by the Council or any authorised officer so authorised on behalf of the Council and any approval may include conditions.
Authorised Officer	Means any person delegated, appointed or authorised in writing by the Council to act on its behalf and with its authority.
Biosolids	Means 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 and does not include products derived solely from industrial Wastewater treatment plants. The term biosolid/biosolids is used generically throughout this bylaw to include products containing biosolids (e.g. composts).
Characteristic	Means any of the physical 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 minimise and manage Trade Waste by:

	<p>(a) Using energy and resources efficiently, avoiding or reducing the amount of wastes produced.</p> <p>(b) Producing environmentally sound products and services.</p> <p>(c) Achieving less waste, fewer costs and higher profits.</p>
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 discharge that does not comply with all the physical and chemical characteristics set out in Schedule 1A but which may be approved for discharge by the Council subject to conditions.
Consent	Means a consent in writing given by the Council and signed by an authorised officer authorising a person to discharge trade wastes to the Council's sewerage system.
Consent Holder	Means the person occupying trade premises 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.
Containment	<p>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:</p> <p>(a) When discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or</p> <p>(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</p> <p>(c) As described or contained in the Resource Management Act 1991.</p>
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 Council's sewerage system.
Council	Means the Gisborne District Council or any Committee of the Council or officer delegated to exercise the authority of the Council.
Disconnection	Means the physical cutting and sealing of any of the Council's water services, utilities, or public sewer for use by any person.
District	Means the territory of the Council.
Domestic Sewage	Means foul water (with or without matter in solution or suspension therein) discharged from premises used solely for residential purposes, or wastes of the same character discharged from other premises, but does not include any solids, liquids, or gases that may not lawfully be discharged into the Council's sewerage system and may include geothermal water.

Enterococci	Means an indicator organism used to assess for the presence of human waste.
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 Wastes	Means hazardous substances as defined by the Hazardous Substances and New Organisms Act 1996.
Infiltration	Means water entering a public or private sewer from groundwater through defects such as poor joints, and cracks in pipes or manholes. It does not include Inflow.
Inflow	Means water discharged into a public or private Sewer from non-complying connections. It includes stormwater entering through illegal downpipe connections or from low gully traps.
Infringement	Means an offence as specified by this bylaw under sections 243 and 259 of the Act.
Management Plan	Means the plan for management of operations on the premises from which trade wastes come, and may include provision for cleaner production, trade waste and domestic wastewater separation, waste minimisation, discharge, 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 Council's sewerage system over any stated period from any single point of discharge or collectively from several points of discharge.
Maximum Concentration	Means the instantaneous peak concentration that may be discharged at any instant in time.
Occupier	Means the person occupying a trade premises connected to the Council's sewerage system.
Permitted Discharge	Means a trade waste discharge that has been approved by, or is acceptable to, the Council and as long as it has the physical and chemical characteristics which comply with the requirements of the Council standard as defined in Schedule 1A of this bylaw.
Person	Includes a corporation and also a body of persons whether corporate or unincorporated.
Point of Discharge	Is the boundary between the public sewer and a private sewer but for the purposes of monitoring, sampling and testing shall be as designated in the trade waste consent.
Pre-Treatment	Means any processing of trade waste designed to reduce or vary any characteristic in a waste before discharge to the Council's 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

	<p>(b) 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</p> <p>(c) Land held in public ownership (e.g. reserve) for a particular purpose; or</p> <p>(d) Individual units in buildings which are separately leased or separately occupied.</p>
Private Sewer	Means that section of sewer between the consent holder's premises and the point of discharge through which Trade Waste is conveyed from the premises. This section of sewer is owned and maintained by the consent holder.
Public Sewer	Means the main public sewer and lateral connections that carry away wastewater and trade waste from the point of discharge. The public sewer is owned and maintained by the Council.
Public Notice	Has the same meaning as assigned to it in the Act and 'published' and 'publicly notified' have corresponding meanings. A public notice setting forth the object, purport, or general effect of a document shall in any case be sufficient notice of that document.
Prohibited Trade Wastes	Means a trade waste that has prohibited characteristics as defined in Schedule 1B and does not meet the conditions of Schedule 1A. The waste is not acceptable for discharge into the Council's system unless specifically approved by them as a conditional trade waste.
Schedule of Rates and Charges	Means the prices set by the Council pursuant to Section 150 of the Act for services associated with the discharge of Trade Waste and contained in the list of terms and items defined in Schedule 1C (and detailed in the Annual Plan).
Sewage	Means foul water and may include trade wastes.
Sewage Sludge	Means the material settled out and removed from sewage during the treatment process.
Sewer	Means a pipe or series of pipes constructed or laid for the conveyance of sewage, effluent, or stormwater.
Sewerage System	Means the collection, treatment and disposal of sewage and trade wastes, including all sewers, pumping stations, storage tanks, sewage treatment plants, outfalls, and other related structures operated by, or on behalf of the Council and used for the reception, treatment and disposal of trade wastes.
Significant Industry	Is a term to indicate the relative size of a given industry compared to the capacity of the Council's sewerage system (including sewage treatment plant) which services that industry. Industry size relates to volume and/or loads discharging into the Council's sewerage system. Loads can be the conventional loadings of BOD ₅ and SS or some other particular contaminant (e.g. boron, chromium) which will have an effect or the propensity to have an effect on the sizing of the Council's sewerage system, the ongoing system operation and/or the quality of the treated effluent that is discharged.
Stormwater	Means surface water run-off resulting from precipitation.
Tanker 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 intermittent or short-term discharge of waste not provided for under an existing discharge consent.
Trade Premises	Includes: (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; and includes any land or premises wholly or mainly used for agricultural or horticultural purposes.
Trade Waste	Is any liquid, with or without matter in suspension or solution, that is or may be discharged only 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 may include condensing or cooling waters; stormwater which cannot be practically separated, or domestic sewage.
Wastewater	Means domestic sewage and may include trade wastes.
Wastewater Authority	Means the Council, including its authorised agents, responsible for the collection, treatment and disposal of trade waste and wastewater.
Working Day	Has the same meaning as in section 5 of the Act.

1.5.3 Abbreviations

\$/kg	dollars per kilogram
\$/L/s	dollars per litre per second
\$/m ³	dollars per cubic metre
°C	degrees Celsius
ANZECC	Australian New Zealand Environment and Conservation Council
B	boron
CBOD ₅	carbonaceous Biochemical Oxygen Demand
Br ₂	bromine
BTF	Biological Trickling Filter
Cl ₂	chlorine
CN	cyanide
cfu	coliform forming units
COD	Chemical Oxygen Demand
DAF	dissolved air floatation
DP	deposited plan
DS	dry solids
F	fluoride
FOGs	fats, oils and greases

g/m ³	grams per cubic metre
GST	goods and services tax
H ₂ S	hydrogen sulphide
HAHs	halogenated aromatic hydrocarbons
HCHO	formaldehyde
HCN	hydrogen cyanide
Hr	hour
kg/day	kilogram per day
L	litre
L/s	litre per second
m ³	cubic metre
max.	maximum
MBAS	methylene blue active substances
MfE	Ministry for the Environment
mg/L	milligram per litre
mL/L	millilitre per litre
mm	millimetres
MSDS	material safety data sheets
N	nitrogen
NH ₃	ammonia
NH ₃ -N	ammoniacal nitrogen
P	phosphorus
PAHs	polycyclic (or polynuclear) aromatic hydrocarbons
PBBs	polybrominated biphenyls
PCBs	polychlorinated biphenyls
PH	measure of acidity/alkalinity
s	second
SBR	sequencing batch reactor
SO ₄	sulphate
SS	suspended solids concentration
TOG	total oil and grease
UV	ultra violet
UVT	ultra violet transmission
WC	water closet

- 1.5.4 Words importing the masculine gender include the feminine gender and the neuter gender.
- 1.5.5 Words importing the singular number include the plural number, and words importing the plural number include the singular number.
- 1.5.6 For the purposes of this bylaw the word "shall" refers to practices that are mandatory for compliance with the bylaw, while the word "should" refers to practices which are advised or recommended.
- 1.5.7 The headings to the clauses of this bylaw shall not affect the construction thereof.

2. Compliance with the Bylaw

2.1 Control of Discharges

2.1.1 No person shall:

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

2.1.2 (a) In the event of failure to comply with clause 2.1.1 (a) – (e) the Council may physically prevent discharge to the Council's sewerage system if a reasonable alternative action cannot be established with the discharging party or parties.

- (b) Failure to comply with clause 2.1.1 (a) – (e) or to maintain control of the discharge, or of significant non-compliance with either the bylaw or trade waste consent may result in a review of the consent. If a review is required, the pre-treatment system must be reviewed within a time specified by Council. As a result of the review, changes may be required to either the operation of the system or to the plant to achieve compliance. For grease traps or convertors, the Council may require more regular emptying of the device or on further review, an upgrade of the system.

2.1.3 Any person discharging to the Council's sewerage system shall also comply with requirements of the Hazardous Substances and New Organisms Act 1996 and the Resource Management Act 1991.

2.2 Storage, Transport, Handling and Use of Hazardous or Harmful Materials

- (a) All persons on trade premises shall take all reasonable steps to prevent the entry of any of the materials listed in 2.2(c) of this bylaw from entry into the Council's sewerage system as a result of leakage, spillage, or failure, to take adequate precautionary measures or other mishap.
- (b) No person shall store, transport, handle or use, or cause to be stored, transported, handled or used any hazardous substance as defined by the Hazardous Substances and New Organisms Act or any of the materials listed in clause 2.2(c) in a manner that may cause the material to enter the Council's sewerage system.

- (c) Materials referred to in clause 2.2 (a) and (b) are:
 - (i) A product or waste 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 deleterious to the health and safety of humans or animals or be harmful to the Council's sewerage system.

3. Trade Waste Discharges and Consents

3.1 Restrictions on Discharge of Trade Waste

No person shall discharge, or cause to be discharged, a trade waste into the sewerage system except in accordance with the provisions of this bylaw.

3.2 Classification of Trade Waste Discharges

Trade Waste discharge shall be classified as:

- (a) Permitted, in which case the Council may require that prior written consent be obtained; or
- (b) Conditional, in which case the Council shall require that prior written consent be obtained; or
- (c) Prohibited, in which case the Council's consent for discharge will not be granted.

3.3 Obligation and Discretion of the Council

- (a) No person shall be entitled to discharge trade waste into the sewerage system and the Council is not obliged to accept any trade waste.
- (b) An application for the discharge of trade waste shall not be approved when the trade waste discharge contains, or is likely to contain, characteristics which are prohibited in accordance with Schedule 1B of this part of this bylaw.

3.4 Formal Application

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

- (a) Discharge into the Council's sewerage system any trade waste (either continuously, intermittently or temporarily); or
- (b) Vary the characteristics of a consent to discharge that has previously been granted; or
- (c) Vary the conditions of consent to discharge that has previously been granted; or
- (d) Significantly change the method or means of pre-treatment for discharge under an existing consent;

shall, if required by the Council, complete an application in the prescribed form for the consent of the Council, to the discharge of that trade waste, or to the proposed variations.

- 3.4.2 The Council reserves the right to deal with the owner as well as the occupier of any trade premises.
- 3.4.3 Where the trade premises produces trade waste from more than one area a separate application and "Description of Trade Waste and Premises" shall be completed for each trade waste point of discharge. This applies whether or not the separate areas are part of a single or separate trade process.
- 3.4.4 The applicant shall ensure that the application and every other document conveying required information 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.
- 3.4.5 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.
- 3.4.6 Every application shall be accompanied by a trade waste application fee in accordance with the Council's schedule of rates and charges.

3.5 Information and Analysis

- 3.5.1 On the receipt of any application for a trade waste 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 the applicant to submit a management plan to the satisfaction of the Council;
 - (c) Whenever the Council deems it appropriate it may have the discharge investigated and analysed as provided for in clauses 5.1 and 5.3 of this bylaw.
- 3.5.2 The Council shall notify the applicant of any requirement under clause 3.5.1 within 10 working days of receipt of the application.

3.6 Consideration of 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 3.5, whichever is the later, the Council shall, after considering the matters in clause 3.7 action one of the following in writing:

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

3.7 Consideration Criteria

In considering any application for a trade waste consent to discharge from any trade premises or tankered waste into the Council's sewerage system and in imposing any conditions on such a consent, the Council shall take into consideration 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 humans or animals or harm to the sewerage system.
- (b) The limits and/or maximum values for characteristics of trade waste as specified in Schedules 1A and 1B of this part of the bylaw.
- (c) The extent to which the trade waste may react with other waste or foul water to produce settlement of solids, production of odours, accelerated corrosion and deterioration of the sewerage system or other undesirable effects.
- (d) The flows and velocities in, and the material and construction of the public sewer and sewerage system.
- (e) The capacity of the public sewer and sewerage system and the capacity of any sewage treatment works and other facilities.
- (f) The nature of the 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) Enactments relating to:
 - (i) the discharge of raw or treated wastewater into receiving waters
 - (ii) the disposal of sewage sludges
 - (iii) the beneficial use of biosolids
 - (iv) the discharge into the atmosphere
 - (v) resource consents, discharge permits and water classification
- (i) The effect of the trade waste discharge on the ultimate receiving environment.
- (j) The conditions applicable to 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 of other existing or future discharges.
- (m) Amenability of the trade waste to pre-treatment.
- (n) Existing pre-treatment works on the premises and the potential for their future use.
- (o) Cleaner production techniques and waste minimisation practices.
- (p) Requirements and limitations related to sewage sludge disposal and reuse.
- (q) Control of stormwater.
- (r) The management plan.
- (s) Tankered waste being discharged at an approved location.

3.8 Conditions of Trade Waste Consent

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

- (a) The public sewer or sewers into which the discharge will be made.
- (b) The maximum daily volume, the maximum rate, and the duration of discharge.
- (c) The maximum limit or permissible range of any specified characteristics of the discharge, including concentrations, bacteriological limits, 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 range of temperature of the trade waste allowed at the time of discharge.
- (g) The provision by the consent holder at own 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 by the consent holder at own expense of inspection chambers, manholes or other apparatus or devices to provide reasonable access to drains for sampling and inspection.
- (i) The provision and maintenance by the consent holder at own expense of a sampling, analysis and testing programme and flow measurement requirements.
- (j) The method or methods to be used for measuring flow rates and/or volume and taking samples of the discharge for use in determining the amount of trade waste charges applicable.
- (k) The provision and maintenance by the consent holder at own expense of meters or devices that may be required to measure the volume or flow rate of any trade waste discharged from the premises, and for the testing of the meters.
- (l) The provision and maintenance by the consent holder at own expense of services, (whether electricity, water or compressed air or otherwise), that may be required to operate meters and similar devices.
- (m) At times specified the provision in the approved format by the consent holder to the Council of all flow and/or volume records and results of analyses, including pre-treatment by-products such as sewage sludge disposal.
- (n) The provision and implementation of a management plan.
- (o) Risk assessment of damage to the environment in the event of accidental discharge of a chemical.
- (p) Waste minimisation and management.
- (q) Cleaner production techniques.
- (r) Remote 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.
- (u) Remote monitoring of discharges.

3.9 Duration

3.9.1 Permitted Discharges

- (a) A permitted trade waste discharge consent shall remain in force until:
 - (i) It is cancelled under clause 3.11; or
 - (ii) The quantity and nature of the discharge changes significantly; or
 - (iii) If in the opinion of the Council the discharge changes or is likely to change to such an extent that it becomes a conditional trade waste discharge or prohibited trade waste discharge in accordance with clause 3.2; or
 - (iv) The Council changes the trade waste management procedures by amendment of the conditions provided for in clause 3.8 or any amendment to, or replacement of this bylaw; or
 - (v) The conditions on resource consents held by the Council issued under the Resource Management Act 1991 for the sewerage system and the residuals from it change.
- (b) After consultation with the Council regarding its requirements, the consent holder shall apply within 10 working days of the aforesaid change occurring for a conditional trade waste consent, in accordance with clause 3.4 of this part of the bylaw. No discharge of trade waste shall take place until the application for a conditional trade waste consent is approved.

3.9.2 Conditional Discharges

Subject to the provisions of clause 3.7 and 3.8, a consent for conditional discharge of trade waste shall be issued for a period determined by the Council subject to the following conditions:

- (a) A conditional trade waste consent may be issued for a period not exceeding five years to a consent holder who at the time of application satisfies the Council that the:
 - (i) (A) Nature of the trade activity; or
 - (B) Process design; and/or
 - (C) 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) (A) Cleaner production techniques are currently being successfully being utilised on the premises, or
- (B) That a significant and substantial investment in cleaner production equipment or techniques is being made.

and/or

- (iii) Significant and substantial investment in pre-treatment facilities has been made to the extent that a longer period of certainty for the amortizing of this investment is considered reasonable.
- (b) Unless issued in accordance with clause (a), a conditional trade waste discharge consent shall not be issued for longer than two years.
 - (c) When
 - (i) The holder of the consent;
 - (ii) The owner of the premises; or
 - (iii) The use of the consentchanges, a new application for a conditional trade waste discharge consent shall be made by the consent holder.
 - (d) When the conditions on resource consents for the sewerage system and the residuals from it change the Council may review the conditional trade waste discharge consent.

3.9.3 The Council may review the conditions of a trade waste consent from time to time for one or more of the following reasons:

- (a) The level of compliance with the conditions of the consent, including any accidents including spills or process mishaps.
- (b) Considerations relating to the Council's resource consents for the sewerage system.
- (c) Considerations relating to the Council's environmental policies and the intended objectives and outcomes.
- (d) New control and treatment technologies and processes that are implemented by the Council.
- (e) Any of the considerations outlined in clause 3.7.
- (f) Considerations relating to the Council's legal obligations that affect the conditions of a trade waste discharge consent.

3.10 Technical Review and Variation

3.10.1 The Council at any time may require a person undertaking a permitted discharge to apply for a consent in accordance with clause 3.9.1 of this bylaw.

- 3.10.2 The Council may at any time during the term of a trade waste consent, by written notice to the consent holder (following a reasonable period of consultation), vary any condition to such an extent as the Council considers necessary following a review of the technical issues considered when setting conditions of consent. This is due to new information becoming available or to meet any new resource consent imposed on the discharge from the Council's treatment plant, or with any other legal requirements imposed on the Council.
- 3.10.3 A consent holder may at any time during the term of a consent, by written application to the Council, seek to vary any condition of consent, as provided for in clause 3.8 of this bylaw.

3.11 Cancellation of the Right to Discharge

3.11.1 Suspension or Cancellation on Notice

The Council may suspend or cancel any consent or right to discharge at any time following 20 working days notice to the consent holder or person discharging any trade waste:

- (a) For the failure to:
 - (i) comply with any condition of the consent
 - (ii) maintain effective control over the discharge
 - (iii) limit in accordance with the requirements of a trade waste discharge consent the volume, nature, or composition of trade waste being discharged
 - (iv) provide, and when appropriate, update a management plan as required for a conditional trade waste disposal consent
 - (v) Follow the management plan provisions at the time of an unexpected, unscheduled or accidental occurrence
 - (vi) Pay any charges under this bylaw.
- (b) In the event of any negligence which, in the opinion of the Council, threatens:
 - (i) the safety of the sewerage system
 - (ii) to cause damage to any part of the sewerage system or the treatment plant
 - (iii) the health and safety of humans or animals.
- (c) If an occurrence happens that, in the opinion of the Council:
 - (i) poses a serious threat to the environment
 - (ii) renders it necessary in the public interest to cancel the right to discharge.
- (d) In the event of a breach of a resource consent held by the Council issued under the Resource Management Act 1991.

3.11.2 Cancellation Timeframes

- (a) Before taking any steps envisaged in clause 3.11.1 the Council shall give 20 working days written notice of its intention to the holder of a trade waste discharge consent or a right to discharge trade waste.

- (b) During the notice period provided for in clause (a) the Council may enter into discussion with the holder of the trade waste discharge consent or the right to discharge trade waste affected by the notice to rectify the defect or to take steps to ensure compliance with the Council's requirements to the Council's satisfaction.
- (c) If any process changes require more than 20 working days, reasonable time may be given to rectify the defects or comply with the Council's requirements.

3.11.3 Summary Cancellation

Notwithstanding the requirements of clause 3.11.1 and 3.11.2, a trade waste discharge consent or discharge may at any time be summarily cancelled or stopped by the Council by giving to the consent holder or person discharging written notice of summary cancellation if:

- (a)
 - (i) a prohibited substance is discharged; or
 - (ii) trade waste is unlawfully dischargedfrom that Person's Premises;
or
- (b) The continuance of discharge, in the opinion of the Council:
 - (i) may be a threat to the environment or public health;
 - (ii) may result in a breach of a resource consent held by the Council in accordance with the Resource Management Act 1991; or
 - (iii) puts at risk the ability of the Council to comply with conditions of a resource consent issued to it in accordance with the Resource Management Act 1991 or requires identified additional treatment measures or costs to avoid a breach of a resource consent;or
- (c) The Council is lawfully directed to terminate the consent summarily.

4. Trade Waste Approval Criteria

4.1 Pre-Treatment

- (a) The Council may consent to a trade waste discharge subject to the provision of appropriate pre-treatment system to enable the person discharging trade waste to comply with this bylaw.
- (b) The pre-treatment system shall be provided, operated and maintained by the person discharging the trade waste at their own expense.
- (c) Except with the prior written consent of the Council, a person shall not use refuse or garbage grinders and macerators to dispose of solid waste from the trade premises to the sewerage system.
- (d) Except with the prior written consent of the Council, a person shall not add or permit the addition of any potable, condensing, cooling, infiltration or storm water to the trade waste stream in order to vary the level of any characteristics of the waste.

- (e) The minimum operational volume for grease traps shall be 1000L. Increased volume may be required based on size of sinks and residence time.
- (f) The size of the pre-treatment system must be suitably designed to comply with Council guidelines and for the type of business. Upgrade of an existing system may be required to accommodate increased productivity, a change of discharge type or type of food production.
- (g) For installation or use of a grease converter the following is required:
 - (i) Producer statement stating that the size of the grease converter is suitable for the intended use.
 - (ii) Be an automatically dosing system.
 - (iii) The operator must have a supply of any product required for the effective function of the converter available at all times.
 - (iv) The operator must provide the invoices for the product to Council at a frequency stated in the trade waste consent.
- (h) The pre-treatment system must have an adequate inspection point upstream and downstream of the pre-treatment system. For grease traps or converters this must be within 0.5m unless specifically authorised by Council.
- (i) There must be a fixed bucket trap installed on all waste lines in a food premises with grease traps or converters.
- (j) There must be sufficient space around the pre-treatment system to allow for servicing in situ.
- (k) All sinks, lines, floor drains, or point of entry into the wastewater system that may be used for or contain Trade Waste from processing must go through the pre-treatment system.

4.2 Mass Limits

- (a) A conditional trade waste discharge consent may impose controls on trade waste discharged by specifying mass limits for one or more characteristics of the trade waste.
- (b) Unless approved otherwise by the Council, a characteristic permitted by mass limit shall also have its maximum concentration limited to the value scheduled.
- (c) When setting mass limit allocations for a particular characteristic the Council shall consider:
 - (i) The operational requirements of and risk to the sewerage system, and risks to occupational health and safety, public health, and the ultimate receiving environment.
 - (ii) Whether or not the levels proposed pose a threat to the planned or actual beneficial reuse of biosolids or sewage sludge.
 - (iii) Conditions in the sewerage system near the trade waste discharge point and elsewhere in the sewerage system.
 - (iv) The extent to which the available industrial capacity was used in the last financial period and is expected to be used in the forthcoming period.

- (v) Whether or not the applicant uses cleaner production techniques within a predetermined period to the satisfaction of the Council.
- (vi) Whether or not there is any net benefit to be gained by the increase of one characteristic concurrently with the decrease of another to justify any increased application for industrial capacity.
- (vii) Any requirements of the Council to reduce the pollutant discharge of the sewerage system.
- (viii) How great a proportion the mass flow of a characteristic of the discharge will be of the total mass flow of that characteristic in the sewerage system.
- (ix) The total mass of the characteristic allowable in the sewerage system, and the proportion (if any) to be reserved for future allocations.
- (x) Whether or not there is an interaction with other characteristics which increases or decreases the effect of either characteristic on the public sewer reticulation, treatment process, or receiving water (or land).

4.3 Servicing Agreements

- (a) A service agreement confirming an agreement between the occupier and a service agent for the term of the consent must be provided to Council with the application for a trade waste consent. This must be provided with new and renewal applications for trade waste consent.
- (b) The occupier must have a Council approved cleanout schedule.
- (c) The minimum cleanout frequency is three months unless the occupier is able to demonstrate, to the satisfaction of Council, that less frequent cleanout will comply with limits in the bylaw and their trade waste consent.

5. Sampling, Testing and Monitoring

5.1 Flow Metering

5.1.1 Flow metering may 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.
- (c) When the discharge represents a significant proportion of the total flow/load received by the Council.
- (d) When flows are estimated at over 5 m³/day and uncertainty exists between water inflow and wastewater discharged, an outflow meter must be installed.

5.1.2 The consent holder shall be responsible for the supply, installation, 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 shall be subject to the approval of the Council, but shall remain the property of the consent holder.

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

- 5.1.4 Meters shall be:
- (a) (i) located in a position approved by the Council;
 - (ii) provide the required degree of accuracy; and
 - (iii) shall be readily accessible for reading and maintenance.
- (b) Located in the correct position according to the manufacturer's installation instructions.
- 5.1.5 (a) The consent holder shall 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.
- (b) The meter accuracy should be $\pm 10\%$ but with no greater a deviation from the previous meter calibration of $\pm 5\%$.
- (c) A copy of independent certification of each calibration result shall be submitted by the consent holder to the Council.
- 5.1.6 Should any meter, after being calibrated, be found to have an error greater than that specified in clause 5.1.5(b) as a repeatable measurement, the Council may make an adjustment in accordance with the results shown by such tests back-dated for a period at the discretion of the Council but not exceeding twelve months, and the consent holder shall pay or be credited a greater or lesser amount according to such adjustment.

5.2 Estimating Discharge

- 5.2.1 Where no meter or similar apparatus is warranted, the Council may require that a percentage of the water supplied to the premises, or other basis that it deems reasonable be used for estimating the rate or quantity of flow for the purposes of charging.
- 5.2.2 (a) When a meter is inoperative or removed, the Council shall 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 person discharging trade waste and that person shall pay according to such estimate.
- (b) When, due to a large variation of discharge due to seasonal or other causes, the average of the previous 12 months is an unreasonable estimate of the discharge, the Council may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the person discharging shall pay according to such an estimate.
- 5.2.3 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 discharge as provided for in clause 5.2.2.

5.3 Sampling and Analysis

- 5.3.1 As determined by the Council sampling, testing and monitoring may be undertaken to determine:
- (a) If a discharge complies with the provisions of this bylaw.

- (b) If a discharge is to be classified as a permitted, conditional, or prohibited, refer to clause 3.2.
- (c) If a discharge complies with the provisions of Schedule 1A for permitted discharge and any consent to discharge.
- (d) What trade waste consent charges are applicable to that discharge.

5.3.2 The taking, preservation, transportation and analysis of the sample shall be undertaken by an authorised officer or agent of the Council, or the person discharging in accordance with accepted industry 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.

5.3.3 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;
- (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.

Authorisation for entry to premises is given under the Act and entry shall be in compliance with the health and safety policies of that particular site.

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 discharge or a conditional consent trade waste discharge, monitoring may be carried out, and may include, without limitation, all or any of the following:

- (a) The Council or its authorised agent will take the sample 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 analysis.
- (c) The Council will audit the sampling and analysis carried out by a self-monitoring trade waste consent holder. Analysis will be performed by an approved laboratory. Inter-laboratory checks 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 checks are to be part of this process.
- (e) The Council will audit the trade waste consent conditions including any management plans.

- (f) Trade waste separated line sites must have electronic measurement (such as a SCADA system) of discharge parameters. This information must be able to be sent electronically to Council in the format described in the trade waste consent.
- (g) Trade waste domestic line users may be required to have electronic measurement (such as a SCADA system) of discharge parameters. This information must be able to be sent electronically to Council in the format described in the trade waste consent. This will be based on flow, type of discharge, and potential effects of the discharge on:
 - (i) the reticulation system, and;
 - (ii) the receiving environment.
- (h) For trade waste separated line users, the pH must be between 6.0 and 10.0.
- (i) If the discharge does not meet the criteria in the bylaw or in the trade waste consent, the consent holder must pH adjust the discharge to meet the criteria.

At the discretion of the Council all costs of monitoring shall be met by the discharger either through direct payment to the laboratory or to the Council.

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 shall 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 shall be handled in an appropriate manner such that the characteristics being tested for are, as far as reasonably possible, preserved.

All samples shall be preserved, handled, transported and delivered to an approved laboratory according to best possible practice and approved standards.

5.5 Tankered Wastes

Tankered wastes shall not be discharged into the Council's sewerage system by any person or consent holder not compliant with the Liquid and Hazardous Wastes Code of Practice.

Any person transporting tankered wastes must apply for and hold an annual licence to discharge into the reticulation system. The licence fee will be set in the Fees and Charges Manual and will be based on the costs of managing sludges in the septage pits, oxidation pond and disposal via the outfall in the district.

The Council may accept tankered wastes for discharge at an approved location. Tankered wastes shall:

- (a) Be transported by a consent holder to discharge domestic septic tank or industrial wastes.
- (b) Have material safety data sheets (MSDS) supplied to the Council detailing the contents of a waste.
- (c) Be tested to determine their character if the contents of the waste are not known. Specialist advice on pre-treatment or acceptance may be required. The cost of all testing and advice shall be borne by the consent holder.
- (d) Not be picked up and transported to the disposal site until appropriate arrangements and method for disposal have been determined by the Council.
- (e) To prevent cross-contamination between tanker loads, the tanker shall be thoroughly washed prior to collecting a load for disposal into the sewerage system.
- (f) Have 24 hours notice given for the disposal of wastes other than those sourced from domestic septic tanks.

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 other than the prescribed location will be in breach of the bylaw.

6. Bylaw Administration

6.1 Review of Decisions

If any person is dissatisfied with any decision by an authorised 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 shall be final.

Nothing in this clause shall affect any right of appeal under the Act.

6.2 Accidents and Non-Compliance

The person discharging shall 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 when the person holds a conditional consent, then the Council may review the consent under clause 3.10 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 discharge, the Council may require the person discharging to apply for a conditional consent.

6.3 Dispensing Power

6.3.1 Where in the opinion of the Council full compliance with any of the provisions of this bylaw would needlessly or injuriously affect any person, or the course or operation of the business of, or be attended with loss or inconvenience to any person without any corresponding benefit to the community, the Council may, on the special application of that person, dispense with the full compliance with the provisions of this Bylaw; provided that any other terms or conditions (if any) that Council may deem fit to impose shall be complied with by that person.

6.3.2 The Council may, after consideration of any representation by affected persons and if in its opinion it is justified, extend, withdraw or amend the dispensation granted in terms of clause 6.3.1.

6.3.3 Except if expressly granted otherwise, the dispensation by the Council in terms of clause 6.3.1 shall only be applicable to the person it is granted to and shall be restricted to the particular issue considered by the Council and such dispensation will not constitute a justification for the breach of the provisions of this bylaw outside the expressed terms of the dispensation.

6.4 Charges and Payments

6.4.1 Charges

The Council may recover fees and charges in accordance with Section 150 of the Act. Schedule 1C outlines a regime of possible charges.

6.4.2 Invoicing

All charges determined in accordance with clause 6.4.1 of this bylaw shall be invoiced in accordance with the Council's standard commercial practice.

The invoice shall provide each person discharging with a copy of the information and calculations used to determine the extent of any charges and fees due in regard to a discharge.

6.4.3 Cease to Discharge

The person discharging shall be deemed to be continuing the discharge of trade waste and shall be liable for all charges until notice of disconnection is given.

6.4.4 Failure to Pay

All fees and charges payable under this bylaw shall 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 3.11 of the bylaw.

6.4.5 Recovery of Costs

The Council may recover costs under the Act relating to section 150 and section 151, for wilful damage or negligent behaviour (section 175 of the Act) and remedying damage arising from breach of this bylaw (section 176 of the Act).

6.5 Authorised Officers

- 6.5.1 All officers appointed by the Council under or for the purpose of the repealed Gisborne District Council Trade Waste Bylaw 2008, and holding office at the time of the coming into operation of this bylaw, shall be deemed to have been appointed under this bylaw.
- 6.5.2 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, shall possess and produce on request warrants of authority and evidence of identity.
- 6.5.3 Any authorised officers may at any reasonable time enter any premises believed to be discharging trade wastes to determine any characteristic of any discharge by:
- (a) Taking readings and measurements; or
 - (b) Taking samples or any solids, liquids or gaseous material or any combination or mixtures of such materials being discharged; or
 - (c) Observing accidental occurrences and clean-up.
- 6.5.4 The extent and level of delegation to authorised officers will be in accordance with the Council's register of statutory delegations and warrants.
- 6.5.5 Authorisation for entry to premises is given under the Act and entry shall be in compliance with the health and safety policies of that particular site.

6.6 Rights and Responsibilities

- 6.6.1 A trade waste consent to discharge shall be issued in the name of the given consent holder. This allows the consent holder to discharge trade waste to the Council sewer. The consent holder shall 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.
 - (c) In particular and not in limitation of the above, allow sewage from any other party to be discharged at their point of discharge.
- 6.6.2 Issue of a trade waste consent on change of ownership of premises shall not be unreasonably withheld if the characteristics of the sewage remain unchanged.
- 6.6.3 The person discharging shall give 48 hours 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 shall be within seven working days. The person discharging shall notify the Council of the new address details for final invoicing.

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

- 6.6.4 When a person discharging ceases to occupy premises from which trade wastes are discharged into the Council sewerage system any consent granted shall terminate but without relieving the person discharging from any obligations existing at the date of termination.

6.7 Service of Documents

6.7.1 Delivery or Post

Any notice or other document required to be given, served or delivered under this bylaw to a person discharging 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 person discharging at the person discharging's last known place of residence or business.
- (b) Sent by pre-paid ordinary mail, courier, or facsimile, or email to the person discharging at any address for service specified in a consent to discharge.
- (c) Where the person discharging is a body corporate, sent by pre-paid ordinary mail, courier, or facsimile, or email to, or left at its registered office.
- (d) Personally served on the person discharging.

6.7.2 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.
- (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 shall be deemed to be service on, or delivery to the consent holder at that time.

6.7.3 Signature

Any notice or document to be given, served or delivered shall be signed by an authorised officer.

6.8 Offences

- 6.8.1 Every person or consent holder or owner or occupier of trade premises who:
- (a) fails to comply with or acts in contravention of any provision of this bylaw
 - (b) breaches the conditions of any Consent to discharge granted pursuant to this bylaw
 - (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.
- 6.8.2 In all cases the Council may recover costs associated with damage to the Council's sewerage system and/or breach of this bylaw in accordance with section 175 and section 176 of the Act respectively.

6.9 Transitional Provisions

6.9.1 Applications

Any application for a consent to discharge trade waste made under the Gisborne District Council Trade Waste Bylaw 2008 for which a consent has not been granted at the time of this new bylaw coming into force shall be deemed to be an application made under clause 3.2 of this bylaw.

6.9.2 Existing Trade Waste Consents

Every existing trade waste consent shall continue in force as if it were a consent under this bylaw until it reaches its expiry date provided that no consent shall run beyond the 01 March 2016.

THE COMMON SEAL OF GISBORNE DISTRICT COUNCIL WAS HERETO AFFIXED PURSUANT TO A RESOLUTION PASSED AT A MEETING OF THE GISBORNE DISTRICT COUNCIL HELD ON 26 FEBRUARY 2015.

----- MAYOR

----- CHIEF EXECUTIVE

SCHEDULE 1A - PERMITTED DISCHARGE CHARACTERISTICS

1A.1 Introduction

- 1A.1.1 The nature and levels of the characteristics of any trade waste discharged to the Council's sewer system shall comply at all times with the following requirements, except where the nature and levels of such characteristics are varied by the Council as part of an approval to discharge a trade waste.
- 1A.1.2 The Council shall 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 for characteristics in tables 1A.1, 1A.2 and 1A.3 may be applied by the Council as required, refer clause 4.2 of the bylaw.
- 1A.1.4 The nature and levels of any characteristic may be varied to meet any new resource consents or other legal requirements imposed on the Council, refer to 3.9 of the bylaw.

1A.2 Physical Characteristics

1A.2.1 Flow

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

1A.2.2 Temperature

The temperature shall not exceed 35°C.

1A.2.3 Solids

- (a) Non-faecal gross solids shall have a maximum dimension which shall not exceed 15 mm.
- (b) The suspended solids content of any trade waste shall have a maximum concentration which shall not exceed 540 g/m³.
- (c) The settle able solids content of any trade waste shall not exceed 50 mL/L.
- (d) The total dissolved solids concentration in any trade waste shall be subject to the approval of the Council having regard to the volume of the waste to be discharged, and the suitability of the sewerage 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 sewerage system or treatment plant shall not be present.

1A.2.4 Oil and grease

- (a) There shall be no free or floating layer.
- (b) Emulsified oil, fat or grease shall not exceed 54 g/m³ as petroleum ether extractable matter when the emulsion is unstable at a temperature of 15°C and when the emulsion is in contact with and diluted by a factor of 10 by raw sewage throughout the range of pH 4.5 to pH 10.0.

1A.2.5 Solvents and other organic liquids

There shall 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 540 g/m³ or the concentration agreed with the Council.
- (b) The Council may determine that the need exists for pre-treatment of such emulsions if they consider that trade waste containing emulsions unreasonably interferes with the operation of the Council's treatment plant e.g. reduces % UVT (ultra violet transmission).
- (c) Such emulsions of both treatable and non-treatable types shall be discharged to the sewer only at a concentration and pH range that prevents coagulation and blockage at the mixing zone in the public sewer.

1A.2.7 Radioactivity

Radioactivity levels shall not exceed National Radiation Laboratory Guidelines.

1A.2.8 Colour

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

1A.3 Chemical Characteristics

1A.3.1 pH value

- (a) The pH shall be between 6.0 and 10.0 at all times.
- (b) Grease traps and convertors may, at the discretion of the Council have a pH range of 4.5 to 10.0.
- (c) If discharging to the domestic line the consent holder may be required to test for pH.
- (d) If the trade waste does not meet the criteria in the bylaw or in the trade waste consent, the discharge must be pH adjusted to meet the criteria.

1A.3.2 Organic strength

The Biochemical Oxygen Demand (cBOD₅) of any waste may require to be restricted where the capacity for receiving and treating cBOD₅ is limited. A cBOD₅ restriction may be related to mass limits.

Where there is no Council treatment system for organic removal the cBOD₅ shall not exceed 1000 g/m³. For significant Industry this may be reduced to 400 g/m³. Additional limitations to the total daily mass of cBOD discharged and also to the timings of discharges may be necessary in order to reduce the risk of adverse effects upon the Council's sewerage system. Where this is necessary, appropriate limits will be specified in the conditional trade waste consent.

1A.4 Bacteriological Characteristics

1A.4.1 Enterococci limits

The enterococci limit of any trade waste shall not exceed 1000 cfu/100ml 90% of the time. Where necessary, appropriate limits will be specified in the conditional trade waste consent.

1A.3.3 Maximum concentrations

The maximum concentrations permissible for the chemical characteristics of an acceptable discharge are set out in Tables 1, 2 and 3.

Table 1 – General Chemical Characteristics

(Mass limits may be imposed, refer to 4.2)

Characteristic	Maximum Concentration (g/m ³)
MBAS (Methylene blue active substances)	500
Ammonia (measured as N)	
– free ammonia	50
– ammonium salts	200
Kjeldahl nitrogen	150
Total phosphorus (as P)	50
Sulphate (measured as SO ₄)	500 1500 (with good mixing)
Sulphite (measured as SO ₂)	15
Sulphide – as H ₂ S on acidification	5
Chlorine (measured as Cl ₂)	
– free chlorine	5
– hypochlorite	30
Dissolved aluminium	100
Dissolved iron	100
Boron (as B)	25
Bromine (as Br ₂)	5
Fluoride (as F)	30
Cyanide – weak acid dissociable (as CN)	5

Table 2 – Heavy Metals

(Mass limits may be imposed, refer to 4.2)

Metal	Maximum Concentration (g/m ³)	Metal	Maximum Concentration (g/m ³)
Antimony	10	Manganese	20
Arsenic	5	Mercury	0.004
Barium	10	Molybdenum	10
Beryllium	0.005	Nickel	10
Cadmium	0.5	Selenium	10
Chromium	2	Silver	2
Cobalt	10	Thallium	10
Copper	0.2	Tin	20
Lead	0.2	Zinc	2

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 (III) makes up a large proportion of the characteristic, higher concentration limits may be imposed.

Table 3 – Organic Compounds and Pesticides

(Mass limits may be imposed, refer to 4.2)

Compound	Maximum Concentration (g/m³)
Formaldehyde (as HCHO)	50
Phenolic compounds (as phenols) 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
Organochlorine pesticides	0.01

SCHEDULE 1B - PROHIBITED CHARACTERISTICS

1B.1 Introduction

This schedule defines prohibited trade wastes.

1B.2 Prohibited Characteristics

1B.2.1 Any discharge has prohibited characteristics if it has any solid liquid or gaseous matters or any combination or mixture of such matters which by themselves or in combination with any other matters will immediately or in the course of time:

- (a) Interfere with the free flow of sewage in the Council's sewerage system.
- (b) Damage any part of the Council's 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 humans.
- (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.
- (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 A discharge has prohibited characteristics if it has any characteristic which exceeds the concentration or other limits specified in Schedule 1A unless specifically approved for that particular consent.

1B.2.3 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) Genetic wastes, as follows:

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. The material concerned may be from premises where the genetic modification of any organism is conducted or where a genetically modified organism is processed.

- (f) Any health care waste prohibited for discharge to a sewerage system by NZS 4304 or any pathological or histological wastes.
- (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 will be done through the Annual Plan or other similar 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.

Table 4 – Rates and Charges

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 Reinspection fee	Payable for each reinspection visit by the Council where a notice served under this bylaw has not been complied with by the trade waste discharger.
A4 Special rates for loan charges	Additional rates for servicing loans raised for the purposes of constructing or improving the Council sewerage system.
A5 Temporary discharge fee	Payable prior to receipt of temporary discharge.
A6 Annual trade waste charges	<p>An annual management fee for a trade waste discharge to cover the Council's costs associated with for example:</p> <ul style="list-style-type: none"> (a) Administration (b) General compliance monitoring (c) General inspection of trade waste premises (d) Use of the Council sewerage system <p>This charge may vary depending on the trade waste sector and category of the discharger.</p>

B. Trade Waste Charges	
Category	Description
B1 Volume	Payment based on the volume discharged \$/m ³
B2 Suspended solids	Payment based on the mass of suspended solids \$/kg
B3 Organic loading	Biochemical oxygen demand or chemical oxygen demand \$/kg
B4 Nitrogen	Payment based on the defined form(s) of nitrogen \$/kg
B5 Phosphorus	Payment based on the defined form(s) of phosphorus \$/kg
B6 Metals	Payment based on the defined form(s) of the metal(s) \$/kg
B7 Enterococci	Payment based on the number of Enterococci \$/cfu/100ml
B8 Transmissivity	A charge based on the inhibiting nature of the Trade Waste to UV light used by any disinfection process.
B9 Screen able Solids	Payment based on the mass of screen able solids \$/kg.
B10 Toxicity charge	Payment based on the defined form(s) of the toxic substance(s) \$/kg and/or \$/m ³
B11 Incentive rebate	A rebate for discharging materials beneficial to the Sewerage System \$/kg and/or \$/m ³
B12 Depreciation	Operating cost related to capital and normally spread across the volume and mass charges.
B13 Capital	Apportioned upfront or term commitment capital cost of specific infrastructure required to accommodate a conditional consent.

C. Tankered Waste Charges	
C1 Tankered Wastes	Set as a fee(s) per tanker load, or as a fee(s) per cubic metre, dependent on trade waste category
C2 Toxicity	Payment based on the defined form(s) of the toxic substance(s) \$/kg and/or \$/m ³

**SYSTEM OF CHARGING IN RESPECT OF VOLUME AND STRENGTH OF
TRADE WASTES AND SPECIAL WASTES**

1. Trade wastes producers will be charged the actual cost involved in treating the trade wastes received by Council into the sewer or treatment plant.
2. The total cost to Council of receiving, conveying, treating and disposing of wastewater from within its district is made up of capital, maintenance, operating consumables, labour and administration costs.
3. The costs for each Discharger of wastewater are apportioned to volume, Biochemical Oxygen Demand (BOD₅), Inert Suspended Solids (ISS), Volatile Suspended Solids (VSS), Total Nitrogen (TN) and Total Phosphorous (TP) of discharged wastewater, and summed to give the total costs of reticulation to, and treatment at, the treatment plant.
4. The average annual volume in cubic metres of all sewage, wastes etc received at the Council's treatment plant where the trade wastes are treated, during each subsequent financial year, is designated as Q (m³/year).
5. The average annual BOD₅ in kilograms of all sewage wastes etc received at the Council's treatment plant where the trade wastes are treated, during each financial year shall be designated as B_w (kg/year).
6. The average annual ISS in kilograms of all sewage wastes etc received at the Council's treatment plant where the trade wastes are treated, during each financial year shall be designated as D_w (kg/year).
7. The average annual VSS in kilograms of all sewage wastes etc received at the Council's treatment plant where the trade wastes are treated, during each financial year shall be designated as E_w (kg/year).
8. The average annual TN in kilograms of all sewage wastes etc received at the Council's treatment plant where the trade wastes are treated, during each financial year shall be designated as F_w (kg/year).
9. The average annual TP in kilograms of all sewage wastes etc received at the Council's treatment plant where the trade wastes are treated, during each financial year shall be designated as G_w (kg/year).
10. The estimated annual cost of receiving and disposing of (but not treatment) all such sewage during each subsequent financial year is designated as C₁ (\$).
11. The estimated annual costs to the Council for treatment of all sewage during each financial year is designated as C₂ (\$), and apportioned to volume, BOD₅, ISS, VSS, TN and TP on a site specific basis relating to wastewater treatment processes. The estimated apportionment of costs is shown below, however, Council reserves the right to amend the basis of apportionment based on actual operational costs incurred in a given financial year.

System	% of total operational treatment cost apportioned to					
	Volume	BOD ₅	ISS	VSS	TN	TP
Trade waste milliscreening*	33%	45%	14%	6%	1%	1%
BTF*	46%	26%	17%	7%	2%	2%
Other WWTP	To be confirmed on an individual basis					

* to be revised following future upgrades

12. Charges in respect of volume of wastes shall be based on either the measured volume of wastewater discharged from the premises or the volume estimated from the measured volume of water entering the premises during the period corresponding most closely with each financial year. This volume shall be designated as V (m³/year).
13. The charges in respect of BOD₅, ISS, VSS, TN and TP shall be based on the measured composition of wastewater discharged from the premises during the period corresponding most closely with each financial year. This BOD₅, ISS, VSS, TN and TP shall be respectively designated B_T, D_T, E_T, F_T, and G_T (kg/year).
14. The charge provided for in Clause 6.4.1 for each financial year levied by the Council on the occupier shall be calculated using the following formula:

Annual Trade Waste Charge =

$$\left(C_1 \times \frac{V}{Q} \right) + \left[C_2 \times \left[\left(\frac{V}{Q} \times Volume \right) + \left(\frac{B_T}{B_W} \times BOD \right) + \left(\frac{D_T}{D_W} \times ISS \right) + \left(\frac{E_T}{E_W} \times VSS \right) + \left(\frac{F_T}{F_W} \times TN \right) + \left(\frac{G_T}{G_W} \times TP \right) \right] \right]$$

Where Volume, BOD₅, ISS, VSS, TN and TP should be replaced by the relevant percentages shown in (11) above.

In calculating any such charge any domestic sewage discharged from the premises affected shall be deemed to be trade wastes.

15. Pursuant to Clause 5, the occupier shall also be levied all reasonable costs incurred by Council to measure the discharge volume or characterise the discharged wastewater as required to determine (12) and (13) above.
16. Where the trade waste charge calculated, is less than the uniform water closet/ urinal charge which would be applicable to this property, then the uniform water closet /pan charge will apply.
17. Council reserves the right to amend this trade waste charging system as required to recover actual operational costs relating to wastewater reticulation, treatment and disposal.

SCHEDULE 1D - DISCHARGES PRODUCING TRADE WASTE

Table 5 – Examples of Dischargers/Processes Producing Trade Waste

PERMITTED	CONDITIONAL	
Beautician	Abattoir	Manufacturers of fertiliser
Building Construction – slab formation	Approved Stormwater discharged to Sewer	Manufacturers of paper & paper products
Café (no cooking)	Beverage manufacturers (including wineries)	Marae
Carpet cleaning mobile units	Bakeries	Mechanical workshops/service stations
Ceramics & pottery (Hobby Club)	Cafés	Medical laboratories
Coffee Lounge (no cooking)	Churches (with catering facilities)	Metal finishers
Community hall (no hot food cooked)	Clothing manufacturers	Mortuaries
Day care centre (with no hot food cooked & served onsite)	Concrete batching plants	Municipal swimming pool
Delicatessen (no meat cooked onsite. No hot food prepared or served.)	Dairy processing plants	Optical factory
Doctors surgeries (excluding day care surgical facilities)	Day care centre (with hot food cooked & served onsite)	Photo processors
Dog groomers	Dentists	Premises with commercial macerators
Florist	Doctors' surgeries/medical centres (with day care surgical facilities)	Printers
Fruit & vegetable market (retail)	Dry Cleaners	Restaurants (excluding those with commercial macerators)
Funeral parlour	Electroplaters	Schools, polytechnics, universities (with laboratories)
Hairdressing salon	Fellmongers	Scientific and other laboratories
Ice cream parlour	Food processors including canneries	Spray painting facilities
Kennels	Foundries	Stock sale yards
Nut shop	Fruit and vegetable processors including canneries	Takeaway premises
Optical processes	Galvanizers	Tankered Wastes
Painter (small commercial)	Hospitals (including day care surgical facilities)	Tanneries and leather finishing (including fellmongery)
Pet shop (retail)	Hotels & Motels with catering facilities	Textile fibre and textile processors
Sandwich bar/salad bar	Laundries	Truck wash facilities
School canteen (no cooking)	Landfills (leachate discharge)	Vaccine manufacturers
School ceramics & pottery	Manufacturers of chemicals, and of chemical, petroleum, coal, rubber and plastic products	Vehicle wash facilities
Swimming pool (non municipal)	Manufacturers of clay, glass, plaster, masonry, and mineral products	Veterinary surgeries
Takeaway food (no hot food)	Manufacturers of fabricated metal products, machinery and equipment	Waste management processors
Venetian blind cleaning		Wholesalers/retailers including butchers, greengrocers & fishmongers (excluding those with commercial macerators)
		Woolscourers

Note: Any discharge other than from a domestic dwelling may be required to apply for a trade waste consent. It is possible the Council may require a condition to be placed upon any discharge in which case it then becomes subject to a conditional trade waste consent. Table 5 however is not an exhaustive list.