

# Te Ture ā-rohe Para Hohoko o Te Tairāwhiti 2021 (Gisborne Trade Waste Bylaw 2021)



Made by Gisborne District Council

Resolution of Council dated 30 of June 2021

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## 1. Title

This bylaw is the Gisborne Trade Waste Bylaw 2021.

## 2. Commencement

- (1) Clause 9(3) and (4) and paragraph (b) of the definition of prohibited waste in clause 5(1) (which relate to mortuary waste) come into force on a date determined by resolution of Council.
- (2) The rest of this bylaw comes into force on 1 July 2021

### Related information

Clause 2(1) provides for the later commencement of the provisions which prohibit mortuary waste from being discharged into the public wastewater system.

## 3. Application

- (1) This bylaw applies to the district of the Gisborne District Council.

### Related information

Trade waste is liquid waste that is created by any Trade Premises and discharged to the public wastewater network.

Limits for concentration levels are set out in this Bylaw (see Schedule 1). Any trade premises that produces liquid waste that exceeds these limits are required to have a trade waste consent. It is normal for wastewater from trade premises to be first treated on-site before entering the public wastewater network.

This is because some substances – at certain concentrations - are detrimental to the wastewater network, the wastewater treatment plant processes, the environment, and to the health and safety of people working in the wastewater plant.

Council may refuse to accept any type of trade waste which is not in accordance with this bylaw section 196 of the Local Government Act 2002

The WWTP uses a biological trickling filter to treat wastewater from the Gisborne urban area.

It is an essential asset, critical for protecting people and the environment from the harmful impacts of wastewater.

The effective and efficient operation of the WWTP depends on our community using the wastewater network in the way it is designed. This means – for domestic users: only flushing the 3 P's, and for trade premises: adhering to their consent conditions and this Bylaw.

Gisborne District Council – Te Kaunihera o te Tairāwhiti (Council) is committed to the careful management of wastewater, for the protection of the health and wellbeing of our community and environment.

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## Part 1 Preliminary Provisions

### 4. Purpose

(1) The purpose of this bylaw is to:

- (a) protect people and the environment from potential adverse effects of harmful substances discharged to the public wastewater system;
- (b) protect the public wastewater system from damage and provide for the efficient operation;
- (c) assist treatment plants within the public wastewater system to process wastewater and produce biosolids of a guaranteed quality;
- (d) encourage waste minimisation, cleaner production, efficient recycling and reuse of waste streams at business premises.
- (e) enable the Council to carry out its compliance monitoring and enforcement functions.

### 5. Interpretation

(1) In this bylaw, unless the context otherwise requires,—

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

**Consent holder** means the person who is named as the consent holder in a trade waste consent.

**Council** means the Gisborne District Council – Te Kaunihera o te Tairāwhiti or any person delegated to act on its behalf.

**Discharge** means to introduce, cause, allow, or instruct the introduction or discharge of trade waste into the public wastewater system directly or indirectly.

**Discretionary trade waste** means trade waste that is—

- (a) not permitted trade waste or prohibited trade waste;
- (b) tankered waste other than prohibited trade waste.

**Maximum concentration** means the instantaneous peak concentration that may be discharged at any instant in time.

**Mortuary** means a room regularly used or intended to be regularly used for the preparation of dead bodies for burial or for the embalming of dead bodies or the examination or treatment of dead bodies prior to burial; but does not include premises so used or intended to be so used primarily for hospital care within a hospital care institution (within the meaning of section 58(4) of the Health and Disability Services (Safety) Act 2001).

**Mortuary waste** means the trade waste from any process involving physical contact with a deceased person at a mortuary.

**Mortuary waste disposal site** means a site designated by the Council as a mortuary waste disposal site.

**Mortuary waste licence** means a licence granted by Council under clause 9.

**Occupier** means the person occupying a trade premises discharging to the public wastewater system.

**Point of discharge** means the boundary between the public wastewater system and a private drain or pipe.

**Permitted trade waste** has the meaning given to it in Schedule 1.

**Prescribed form** means a form prescribed by the Council (which may include a prescribed format.)

**Prohibited trade waste** means trade waste that—

- (a) is specified as prohibited trade waste in Schedule 2:
- (b) mortuary waste.

**Public wastewater system** means all pipes, pumping stations, storage tanks, wastewater treatment plants, sea outfalls and other related structures owned by or under the control of the Council, used for the receiving, transporting, treating or disposing of wastewater, but does not include a mortuary waste disposal site.

**Tankered waste** means any type of wastewater which is conveyed by vehicle, excluding domestic sewage discharged directly from house buses, caravans, buses and similar vehicles.

**Trade premises** means—

- (a) any premises used or intended to be used for any industrial or trade purpose:
- (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:
- (c) any other premises from which a contaminant is discharged in connection with any industrial or trade process:
- (d) any other premises discharging sewage other than domestic sewage and includes any land or premises wholly or mainly used for agricultural or horticultural purposes:
- (e) a tanker truck or any other vehicle capable of receiving, storing, transporting or discharging trade waste.

**Trade waste** means any liquid, with or without matter in suspension or solution, that is, or may be discharged, from trade premises (excluding domestic sewage) to a wastewater system in the course of any business, industrial or trade process or operation.

**Treatment** means any processing of trade waste designed to reduce or vary any characteristic in a trade waste before discharge to the public wastewater system in order to comply with a trade waste consent.

**Wastewater** means domestic sewage and may include trade wastes.

- (2) The Interpretation Act 1999 applies to this bylaw.
- (3) Related information does not form part of this bylaw and may be inserted, changed or removed without any formality.

## Part 2 Discharge of Trade Waste into Public Wastewater System

### 6. Discharge of trade waste allowed in certain circumstances

- (1) A person discharging trade waste into the public wastewater system must ensure the trade waste is—
- (a) permitted trade waste discharged in accordance with clause 7; or
  - (b) discretionary trade waste discharged in accordance with clause 8.

#### Related Information

Trade waste discharged without holding a consent, or exceeding consent conditions, becomes a breach of this Trade Waste Bylaw. If convicted, fines can reach up to \$200K (see Clause 23)

### 7. Permitted trade waste

- (1) An occupier of a trade waste premises must notify the Council prior to discharging permitted trade waste into the public wastewater system.
- (2) The notice under subclause (1) must be in the prescribed form.

#### Related Information

The Council will maintain a register of trade premises that have provided the required notification of discharge of these substances. There is no requirement to notify Council on an ongoing basis.

### 8. Discretionary trade waste

- (1) An occupier of a trade premises discharging discretionary trade waste into the public wastewater system must ensure the discharge is in accordance with a trade waste consent issued under clause 13.

## 9. Prohibited trade waste

- (1) A person must not discharge prohibited trade waste into the public wastewater system.
- (2) A person disposing of prohibited trade waste must ensure the Council has been notified of the intended discharge in the prescribed form prior to the disposal.
- (3) The Council may, on application, grant a mortuary waste licence allowing the disposal of mortuary waste at a mortuary waste disposal site.
- (4) A person disposing of mortuary waste must ensure it is only disposed of—
  - (a) by discharging the waste at a mortuary waste disposal site; and
  - (b) in accordance with a mortuary waste licence.
- (5) In this clause, **disposing** and **disposal** includes disposal by any means, and transporting the waste outside of the Gisborne District.

### Related Information

The Council will maintain a register of trade premises that have provided the required notification of discharge of these substances. The notification will need to include details of the content and location of the intended discharge. See Council guidance for further details.

## 10. Accident or breach notification

- (1) A person discharging trade waste must notify the Council immediately of any discharge into the public wastewater system in breach of clause 6 above or any accident, spill or process mishap that may have resulted in such a discharge.

## Part 3 Trade Waste Consents

### 11. Application for a trade waste consent

- (1) A person intending to discharge discretionary trade waste to the public wastewater system may apply to the Council for a trade waste consent.
- (2) An application must be—
  - (a) in the prescribed form;
  - (b) completed for each point of discharge within a trade premises; and
  - (c) accompanied by the applicable fee, as set by the Council under s 150 of the Local Government Act 2002.

#### Related information

The Council prescribes application forms for use in different contexts. For example there are different forms for new or renewal applications, and forms for particular industry types.

A person should apply at least 2 months in advance.

However, if a person is seeking a renewal of a consent which requires compliance with a management plan, they should apply with an updated waste management plan at least 4 months before the expiry of the consent.

### 12. Council may seek further information

- (1) Following receipt of an application for a trade waste consent, the Council may seek any further information it considers necessary from the applicant, or obtain information from any other source.

#### Related Information

Council aims to request any necessary further information within 20 working days of receipt of the application.

Further information may include a management plan, or verification by an independent third party of information provided by the applicant.



### 13. Decision on application for a trade waste consent

- (1) When considering an application for a trade waste consent, the Council may have regard to the following matters:
  - (a) the nature, timing and location of the discharge;
  - (b) any actual and potential effects of the discharge on the public wastewater system, people, or the environment;
  - (c) the amenability of the discharge to treatment on the trade premises or in the public wastewater system;
  - (d) other discharges into the public wastewater system;
  - (e) the capacity of the public wastewater system;
  - (f) the availability of cleaner production techniques and waste minimisation practices;
  - (g) any relevant laws, plans and policies;
  - (h) any other relevant matter.
- (2) After considering the application the Council may—
  - (a) grant the application for a trade waste consent, in whole or in part, and issue a consent; or
  - (b) decline the application.
- (3) If the Council grants the application, it may issue the consent subject to conditions.

#### **Related Information**

Council aims to decide the application within 20 working days of receipt of an application, or a subsequent request for further information (unless notified that more time will be needed). The decision will include reasons for any refusal.

## **14. Conditions of trade waste consent**

- (1) The Council may include conditions in a trade waste consent relating to —
- (a) the nature, timing and point of discharge:
  - (b) the treatment of the discharge:
  - (c) waste minimisation and management, and cleaner production techniques:
  - (d) monitoring, sampling, analysis and testing (including by a specified third party):
  - (e) the installation and maintenance of equipment and devices:
  - (f) records and reporting:
  - (g) the provision and implementation of a management plan:
  - (h) disposal of trade waste treatment by-products:
  - (i) stormwater management:
  - (j) a bond or insurance in favour of the Council for compliance with conditions:
  - (k) any other relevant matter.

## **15. Variation of trade waste consent conditions**

- (1) The Council may vary the conditions of a trade waste consent at any time it considers appropriate, in light of—
- (a) the level of compliance with the conditions of the consent, including any accidents including spills or process mishaps:
  - (b) the Council's legal obligations, including those under the Resource Management Act 1991:
  - (c) 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 relevant to the decision on the application for consent outlined in clause 14:
  - (f) any new information relating to the trade waste discharge having been made available.

- (2) A consent holder may apply to the Council for a variation of a consent condition at any time.
- (3) The Council will notify the consent holder in writing of its decision on the variation of the consent condition.

**Related information**

Council may require changes to a management plan as a part of its decision.

Council aims to decide an application for variation of conditions within 20 working days of receipt of an application, or a subsequent request for further information. The decision will include reasons for any refusal.

## 16. Duration of consent

- (1) A trade waste consent expires on the earliest of the following dates:
  - (a) the date specified in the consent;
  - (b) the date the consent holder ceases to occupy the relevant trade premises;
  - (c) the date of surrender of the consent; or
  - (d) the date of cancellation of the consent.

**Related information**

Council generally issues consents for no longer than a 12 month period, ending on 30 September each year.

## Part 4 Ending Right to Discharge

### 17. Surrender of right to discharge

- (1) An occupier of a trade premises may, by written notice to the Council—
  - (a) surrender a trade waste consent;
  - (b) inform the Council of the cessation of the discharge of permitted trade waste (if prior notification of intended discharge has been provided);
  - (c) request Council to disconnect a point of discharge from the public wastewater system.
- (2) The period of notice required under subclause (1) is:
  - (a) Seven working days if demolition or relaying of the discharge drain is likely to be required;
  - (b) Forty-eight hours in any other case.
- (3) A person who surrenders a trade waste consent remains liable for any breach of conditions of the consent which occurred before the surrender of consent.

### 18. Council may cancel or suspend right to discharge

- (1) The Council may suspend or cancel any trade waste consent or right to discharge permitted trade waste under this bylaw if it is satisfied that:
  - (a) the occupier has failed to comply with any condition of the trade waste consent or requirement of this bylaw;
  - (b) the occupier has failed to maintain effective control over any trade waste discharge;
  - (c) the occupier has failed to pay the required fees or charges;
  - (d) circumstances exist which make it necessary in the public interest to cancel the trade waste consent or right to discharge; or
  - (e) any negligence of the occupier causes potential adverse effects on—
    - i. the integrity of the public wastewater system;
    - ii. the environment; or
    - iii. the health or safety of any person.
- (2) Council may require an occupier, at their expense, to disconnect the trade premises from the public wastewater system where the council suspends or cancels a trade waste consent or right to discharge under this clause.

**Related information:**

If an occupier or owner fails to comply with a disconnection notice within the notice period, Council may carry out the works and recover the associated costs (section 186 of the Local Government Act 2002).

## **19. No transfer of right to discharge**

- (1) An occupier of a trade waste premises must not—
  - (a) transfer the rights and responsibilities of a trade waste consent to any other person:
  - (b) allow trade waste from any other person to be discharged from the occupier's trade premises to the public wastewater system.
- (2) The issue of a trade waste bylaw consent on change of ownership of premises shall not be unreasonably withheld if the characteristics of the sewage remain unchanged.

## Part 5 Objections and Enforcement

### 20. Objection to Council decision

- (1) An applicant or trade waste consent holder may object to a Council decision under this bylaw.
- (2) Any objection must be made in writing to the Council no later than 20 working days after the person has received notice of the Council's decision.
- (3) The Council must, after receiving an objection—
  - (a) give the person who made the objection an opportunity to be heard; and
  - (b) decide the objection within a reasonable timeframe.

### 21. Enforcement powers

- (1) Council may use its powers under the Local Government Act 2002 to enforce this bylaw.

#### Related information

Local Government Act 2002 enforcement powers include: court injunction (section 162), seizure and disposal of property (sections 164, 165, 168), powers of entry (sections 171, 172, 173), liability for costs to remedy damage (section 176), power to request name and address (section 178), power to execute works and recover costs (sections 186, 187) (as reprinted on 7 August 2020).

### 22. Council may remove works

- (1) Council may, under section 163 of the Local Government Act 2002 –
  - (a) remove or alter any work or thing that is, or has been, constructed in breach of this bylaw; and
  - (b) recover the costs of removal or alteration from the person who committed the breach.

### 23. Offences and penalties

- (1) A person who breaches this bylaw commits an offence and is liable to a penalty under the Local Government Act 2002.

#### Related information

A person who is convicted of an offence against this bylaw can be fined a maximum of \$200,000 under section 242(5) of the Local Government Act 2002, (as reprinted on 7 August 2020), and any penalties that may apply under section 66 the Health Act 1956 (as reprinted on 26 November 2018).

## **Part 6 Savings and Transitional Provisions**

### **24. Existing trade waste consents saved**

- (1) A trade waste consent or licence to discharge tankered waste granted under the Gisborne Trade Waste Bylaw 2015 must be treated as if it is a trade waste consent granted under clause 0 above, and this bylaw applies to that consent accordingly.

### **25. Pending applications for consent**

- (1) An application for a trade waste consent or licence to discharge tankered waste made under the Gisborne Trade Waste Bylaw 2015 that has not yet be determined at the commencement of the bylaw must be determined as if it is an application made under clause 12 of this bylaw, and this bylaw applies to the determination of that application accordingly.

## Schedule 1: Permitted Trade Waste

### Related information

This schedule provides the meaning of the term “permitted trade waste”. Permitted trade waste may be discharged into the public wastewater system without a trade waste consent (but the Council must be notified prior to discharge).

If trade waste is not permitted trade waste and it is not prohibited trade waste, you may be able to seek a trade waste consent to allow its discharge.

- (1) Permitted trade waste means trade waste that, when discharged without treatment to the public wastewater system—
- (a) does not exceed the maximum concentration or limits specified for each of the characteristics in Table 1;
  - (b) complies with all other restrictions specified in Table 1; and
  - (c) is not prohibited trade waste.

**Table 1: Limits of Characteristics**

Characteristic	Maximum concentration or limit, and restrictions
<u>Ammonia</u> (measured as Nitrogen)	
- free ammonia	50 g/m <sup>3</sup>
- ammonium salts	200 g/m <sup>3</sup>
Antimony	10 g/m <sup>3</sup>
Arsenic	5 g/m <sup>3</sup>
Barium	10 g/m <sup>3</sup>
Beryllium	0.005 g/m <sup>3</sup>
Boron (as B)	25 g/m <sup>3</sup>
Bromine (as Br <sub>2</sub> )	5 g/m <sup>3</sup>
Cadmium	0.5 g/m <sup>3</sup>
<u>Chlorine</u> (measured as Cl <sub>2</sub> )	
- free chlorine	5 g/m <sup>3</sup>
- hypochlorite	30 g/m <sup>3</sup>
Chlorinated phenols	0.02 g/m <sup>3</sup>
Chromium (including all valent forms.)	2 g/m <sup>3</sup>
Cobalt	10 g/m <sup>3</sup>
Colour	Must not contain any one or more solid, liquid or gaseous substances which alone, or in combination with any other substances, will cause discolouration of the wastewater in the public wastewater system, or immediately or over time cause discolouration in receiving waters after treatment at a wastewater treatment plant.
Copper	0.2 g/m <sup>3</sup>
Cyanide – weak acid dissociable (as CN)	5 g/m <sup>3</sup>
Dissolved aluminium	100 g/m <sup>3</sup>



<b>Characteristic</b>	<b>Maximum concentration or limit, and restrictions</b>
Dissolved iron	100 g/m <sup>3</sup>
Emulsions of paint, plastics latex, adhesive, rubber.	Must not contain any emulsion of paint, plastics, latex, adhesive or rubber.
Enterococci limits (in colony forming units (cfu))	Must not exceed 800 cfu/100ml 90% of the time.
<u>Flow</u> 24 hour flow volume Instantaneous flow rate	Less than 5 cubic meters (m <sup>3</sup> ). Less than 2.0 litres per second (L/s).
Fluoride (as F)	30 g/m <sup>3</sup>
Formaldehyde (as HCHO)	50 g/m <sup>3</sup>
Halogenated aliphatic compounds	1 g/m <sup>3</sup>
Halogenated aromatic hydrocarbons (HAHs)	0.002 g/m <sup>3</sup>
Kjeldahl nitrogen	150 g/m <sup>3</sup>
Lead	0.2 g/m <sup>3</sup>
<u>Liquid Pharmaceutical Waste Limits</u> (volume per month of active concentration)	10L at 125 mg/5mL 5L at 250 mg/5mL 3L at >250 mg/5mL
Manganese	20 g/m <sup>3</sup>
MBAS (Methylene blue active substances)	500 g/m <sup>3</sup>
Mercury	0.004 g/m <sup>3</sup>
Molybdenum	10 g/m <sup>3</sup>
Monocyclic aromatic hydrocarbons	5 g/m <sup>3</sup>
Nickel	10 g/m <sup>3</sup>
<u>Oil and grease</u> Free or floating Emulsified oil, fat or grease	No free or floating layer of oil or grease. Must not exceed 54 g/m <sup>3</sup> .
<u>Organic strength</u> carbonaceous Biochemical Oxygen Demand (cBOD5)	400 g/m <sup>3</sup>
Organochlorine pesticides	0.01 g/m <sup>3</sup>
Organophosphate pesticides	0.1 g/m <sup>3</sup>
<u>Pesticides</u> (general) (includes insecticides, herbicides, fungicides and excludes organophosphate, organochlorine, and any pesticides not registered for use in New Zealand).	0.2 g/m <sup>3</sup> (in total)
Petroleum hydrocarbons	30 g/m <sup>3</sup>
Phenolic compounds (as phenols) excluding chlorinated phenols	50 g/m <sup>3</sup>
pH value	Between 6.0 and 10.0 at all times.
Polybrominated biphenyls (PBBs)	0.002 g/m <sup>3</sup> (each)

Characteristic	Maximum concentration or limit, and restrictions
Polycyclic (or polynuclear) aromatic hydrocarbons (PAHs)	0.05 g/m <sup>3</sup>
Polychlorinated biphenyls (PCBs)	0.002 g/m <sup>3</sup>
Radioactivity	<p>Must comply with a code of practice applicable to the disposal of unsealed radioactive material to a sewerage system, issued under s 86 of the Radiation Safety Act 2016.</p> <p><b>Related information</b></p> <p>At the commencement of this bylaw, the Code of Practice for Unsealed Radioactive Material 2020 (ORS C11) applies to the disposal of radioactive material to a sewerage system.</p>
Selenium	10 g/m <sup>3</sup>
Silver	2 g/m <sup>3</sup>
<u>Solids</u> Non-faecal gross solids maximum dimension Suspended solids Settleable solids Other solids	<p>15 millimeters (mm).</p> <p>540 grams per cubic meter (g/m<sup>3</sup>).</p> <p>50 millilitres per litre (mL/L).</p> <p>Must not contain fibrous, woven, or sheet film or any other materials which may adversely interfere with the free flow of sewage in the public wastewater system.</p>
Solvents and other organic liquids	No free layer (whether floating or settled) of solvents or organic liquids.
Sulphate (measured as SO <sub>4</sub> )	500 g/m <sup>3</sup> 1500 g/m <sup>3</sup> (with good mixing)
Sulphite (measured as SO <sub>2</sub> )	15 g/m <sup>3</sup>
Sulphide – as hydrogen sulphide, (H <sub>2</sub> S), on acidification	5 g/m <sup>3</sup>
Temperature	Maximum 35 degrees Celsius, (°C).
Tin	20 g/m <sup>3</sup>
Thallium	10 g/m <sup>3</sup>
Total phosphorus (as P)	50 g/m <sup>3</sup>
Zinc	2 g/m <sup>3</sup>

## Schedule 2: Prohibited Trade Waste

### Related information

This schedule provides the meaning of prohibited trade waste other than mortuary waste. Prohibited trade waste must not be discharged into the public wastewater system.

- (1) Trade waste is prohibited trade waste if its discharge to the public wastewater system, has or is likely to have:
- (a) any solid, liquid or gaseous substance or any combination or mixture of such substances which by themselves or in combination with any other substance will immediately or may over time—
    - i. interfere with the free flow of wastewater in the public wastewater system:
    - ii. damage any part of the public wastewater system:
    - iii. directly or indirectly cause the quality of the treated sewage or residual biosolids and other solids from any wastewater treatment plant to breach any applicable legal requirement:
    - iv. prejudice the occupational health and safety of any person:
    - v. have an adverse effect on fish, animals, plants or the receiving waters:
    - vi. cause malodorous or poisonous gases:
    - vii. cause discolouration in receiving waters after treatment at a wastewater treatment plant.
  - (b) any amount of—
    - i. harmful solids, including dry solid wastes and materials which combine with water to form a cemented mass:
    - ii. liquid, solid or gas which could be flammable or explosive in the wastewater, including oil, fuel, solvents (except those within the limits of the characteristics specified in Table 1), calcium carbide, and any other material which is capable of giving rise to fire or explosion hazards either spontaneously or in combination with other wastewater:
    - iii. asbestos:
    - iv. tin (as tributyl and other organotin compounds)
    - v. waste that contains, or is likely to contain material from a genetically modified organism, where the discharge of the material is in breach of the Hazardous Substances and New Organisms Act 1996:
    - vi. any health care waste prohibited for discharge to a sewerage system by NZS 4304, or any pathological or histological wastes:
    - vii. radioactivity, unless the discharge is in accordance with a code of practice applicable to the disposal of unsealed radioactive material to a sewerage system, issued under s 86 of the Radiation Safety Act 2016.