SOUTHLAND
DISTRICT COUNCIL

Trade Waste Bylaw 2018

Southland District Council
Te Rohe Pōtae o Murihiku

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Document Revision

Date	Amendment	Amended by	Approved by	Approval date

1. Introduction

1.1 Title

This bylaw may be cited as the Southland District Council Trade Waste Bylaw 2018.

1.2 Commencement and Area of Application

This bylaw comes into force on 29 June 2018 and shall apply throughout the District.

1.3 Repealed Bylaw

The Southland District Council Trade Waste Bylaw 2008 is consequently repealed.

1.4 Scope of the Bylaw

The bylaw provides for the:

- Acceptance of long term, intermittent, or temporary discharge of trade waste to the sewerage system;
- Establishment of three grades of trade waste: permitted, conditional and prohibited;
- Evaluation of individual trade waste discharges to be against specified criteria;
- Correct storage of materials in order to protect the sewerage system from spillage;
- Installation of flow meters, samplers or other devices to measure flow and quality of the trade waste discharge;
- Pre-treatment of waste before it is accepted for discharge to the sewerage system;
- Sampling and monitoring of trade waste discharges to ensure compliance with the bylaw;
- Facilitating charging for the treatment and disposal of trade waste;
- The Council to accept or refuse a trade waste discharge;
- The payment of rates, fees and charges to be set by the Council to cover the cost of conveying, treating and disposing of, or reusing, trade waste and the associated costs of administration and monitoring;
- Administrative mechanisms for the operation of the bylaw; and
- Establishment of waste minimisation and management programmes (including sludges) for trade waste producers.

1.5 Compliance with other Acts

Nothing in this bylaw shall derogate from any of the provisions of the Health Act 1956, the Health and Safety in Employment Act 1992, the Resource Management Act 1991, the Building Act 2004, the Hazardous Substances and New Organisms Act 1996 and its regulations or any other relevant statutory or regulatory requirements.

1.6 Trade Premises and Other Users to which the Bylaw applies

This bylaw shall apply to all trade premises within the Southland 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.

1.7 Definitions

For the purposes of this bylaw the following definitions shall apply:

ACCESS POINT is a place where access may be made to a 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.

ANALYST means an approved testing laboratory.

APPROVAL or **APPROVED** means approved in writing by the Council.

AUTHORISED OFFICER means any officer appointed by the Council as an enforcement officer under Section 177 of the Local Government Act 2002 as an enforcement officer with powers of entry as prescribed by Sections 171-174 of that Act.

BIO SOLIDS means sewage sludge treated sufficiently so as to be suitable for beneficial re-use.

CHARACTERISTIC means any of the physical or chemical characteristics of a trade waste and includes the level of a characteristic.

CLEANER PRODUCTION means the implementation on trade premises, of 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:

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

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

CONDITIONAL TRADE WASTE which has, or may have, physical or chemical characteristics in excess of the limits in Appendix A and for which the Council requires a trade waste consent which has conditions placed upon the consent holder by the Council.

CONSENT means a consent in writing given by the Council authorising the consent holder to discharge wastewater to the sewer system.

CONSENT HOLDER means the person who has obtained a consent to discharge or direct the manner of discharge of trade waste from any premises to the Council's wastewater system and includes any person who does any act on behalf or with the express or implied consent of the consent holder (whether for reward or not) and any licensee of the consent holder.

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

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

CONTINGENCY MANAGEMENT PROCEDURES means those procedures developed and used to remedy, avoid, or mitigate the actual and/or potential adverse effects of these activities on the environment from an unexpected or unscheduled event resulting in discharge, or potential discharge of contaminants of concern into the sewerage system.

COUNCIL means the Southland District Council.

DISCONNECTION means the physical cutting and sealing of the Council's water services, utilities, drains or sewer for use by any person.

DISTRICT means the District of the Southland District 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 sewerage system.

FOUL WATER means the discharge from any sanitary fixtures or sanitary appliance.

HAZARDOUS WASTES means hazardous substances as defined by the Hazardous Substances and New Organisms Act 1996.

MANAGEMENT PLAN means the plan for the management of operations on the premises from which trade wastes come and may include provision for cleaner production, 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 wastewater 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.

PERMITTED TRADE WASTE means a trade waste discharge that has physical and chemical Characteristics within the limits outlined in Appendix A and for which the Council does not require a specific trade waste consent by the Council.

PERSON includes a natural person, the Crown, a corporation sole and also a body of persons whether incorporated or unincorporated.

POINT OF DISCHARGE is the boundary between the public Sewer and a private drain specified 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 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;
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;
c) Land held in public ownership (eg reserve) for a particular purpose; or
d) Individual units in buildings which are separately leased.

PRIVATE SEWER means that section of sewer between the premises and the point of connection to the Council's sewerage system.

PROHIBITED TRADE WASTE means a trade waste discharge that has not been approved by the Council for discharge to the sewerage system as a conditional trade waste and is not a permitted trade waste.

SANITARY APPLIANCE is an appliance which is intended to be used for sanitation, including machines for washing dishes and clothes.

SANITATION means the activity of washing and/or excretion carried out in a manner or condition such that the effect on health is minimised.

SCHEDULE OF FEES AND CHARGES means the list of items, terms and prices for services associated with the discharge of trade waste as approved by the Council.

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 the pipework drainage system that conveys sewage.

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

STORMWATER means all surface water run-off resulting from precipitation.

TANKERED WASTE is water or other liquid, including waste matter in solution or suspension, which is conveyed by vehicle for disposal, excluding domestic sewage discharged directly from house buses, caravans, buses and similar vehicles.

TEMPORARY DISCHARGE means any discharge of an intermittent or short duration.
Such discharges include the short-term discharge of an unusual waste from premises subject to an existing consent.

TRADE PREMISES means:

Any premises used for any industrial or trade purposes;

a) 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;
b) Any other premises from which a contaminant is discharged in connection with any industrial or trade process as defined in the Resource Management Act 1991; or
c) 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 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 practically be separated, or domestic sewage.

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

2. Compliance with the Bylaw

2.1 Control of Discharges

2.1.1 Dischargers' responsibilities

No Person shall:

a) Discharge, or allow to be discharged, any trade waste to the sewerage system except in accordance with the provisions of this Bylaw;
b) Discharge, or allow to be discharged, a prohibited trade waste into the sewerage system;
c) Add or permit the addition of condensing or cooling water to any trade waste which discharges into the sewerage system unless specific approval is given in a consent; or
d) Add or permit the addition of stormwater to any trade waste which discharges into the sewerage system unless specific approval is given in a consent.

2.1.2 Council rights to prevent discharge

In the event of failure to comply with Clause 2.1.1 (a) - (d), the Council may physically prevent discharge to the sewerage system.

2.1.3 Compliance requirements

Any person discharging to the Council sewerage system shall comply with requirements of the Hazardous Substances and New Organisms (HSNO) 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 accidental entry of any of the materials listed in Clause 2.2(c) of this Bylaw from entry into the sewerage system as a result of leakage, spillage or other mishap.
b) No person 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 1996 or any of the materials listed in Clause 2.2(c) in a manner that may cause the material to enter the sewerage system.
c) Materials referred to in Clause 2.2 (a) and (b) are those:
    i. products or wastes containing corrosive, trade, biocidal, radioactive, flammable or explosive materials and hazardous waste
    ii. likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, when mixed with the wastewater stream.

iii. likely to be deleterious to:
- health and safety; and
- the receiving environment after treatment; and
- the sewerage system.

3. Trade Waste Discharges and Consents

3.1 Classification of Trade Waste Discharges

3.1.1 Trade waste types

Trade waste discharges shall be classified as one of the following types:

a) Permitted (discharges for which consents are not required by the Council and the physical and chemical characteristics limits are continued within those outlined in Appendix A);
b) Conditional (discharges for which consent is required); or
c) Prohibited (discharges which are not permitted in the sewerage system).

3.1.2 Acceptance of trade waste

The Council is not obliged to accept any trade waste.

3.2 Application for a Trade Waste Consent

3.2.1 Formal application

Every person who does, or proposes to:

a) Discharge into the sewerage system any trade waste (either continuously, intermittently or temporarily);
b) Vary the characteristics of a consent to discharge that has previously been granted;
c) Vary the conditions of consent to discharge that has previously been granted;
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.

3.2.1.1 Trade waste produced from multiple areas

Where the trade premises produces trade waste from more than one area, a separate copy of the application form shall be included for trade waste discharge for each area. This applies whether or not the separate areas are part of a single or separate trade process.

3.2.1.2 Responsibility for execution of application

The applicant for consent shall ensure that the application and every other document conveying required information is properly executed.

3.2.1.3 Requirement for auditing of an application

The Council may require an application to be supported by an independent and external audit to verify any or all information supplied by the applicant, and/or a Discharge Management Plan.

3.2.1.4 Trade waste application fee

Every application shall be accompanied by a trade waste application fee in accordance with the Council's Schedule of Fees and Charges.

Standard fees for permitted discharges are set out in Council's Schedule of Fees and Charges, published annually.

3.3 Information and Analysis

Actions upon receipt of trade waste consent application

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; and
c) Have the discharge investigated and analysed as provided for in Clauses 5.1 and 5.3 of this Bylaw.

3.4 Consideration Criteria

In considering any application for a trade waste consent to discharge from any trade premises into the wastewater 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 Council staff agents and the public;
b) The limits and/or maximum values for characteristics of trade waste as specified in the Schedule of Permitted Discharge Characteristics and the Schedule of Prohibited Discharge Characteristics;
c) The extent to which the trade waste may react with other trade waste or domestic sewage to produce an undesirable effect, eg settlement of solids, production of odours etc;
d) The flows and velocities in the sewer, or sewers and the material or construction of the sewer or sewers;
e) The capacity of the sewer or sewers and the capacity of any sewerage treatment works;
f) The nature of any sewage treatment process and the degree to which the trade waste is capable of being treated in the sewerage treatment works;
g) The timing and balancing of flows into the sewerage system;
h) Any statutory requirements relating to the discharge of raw or treated wastewater to receiving waters, the disposal of sewage sludges and any discharge to air, (including the necessity for compliance with any resource consent, discharge permit or water classification);
i) The effect of the trade waste discharge on the ultimate receiving environment;
j) The conditions on resource consents for the sewerage system and the residuals from it;
k) The possibility of unscheduled, unexpected or accidental events and the degree of risk these could cause to humans, the sewerage systems and the environment;
l) Consideration for 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) Management Plan; and
s) Tankered waste being discharged at an approved location/s.

3.5 Consideration of an Application

The Council shall, after considering the matters in Clause 3.5, action one of the following in writing:

a) Grant the application subject to any of the conditions specified in Clause 3.6 that the Council considers appropriate; or
b) Decline the application.

3.6 Conditions of Trade Waste Consent

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

a) The particular public sewer or sewers to which the discharge will be made;
b) The maximum daily volume of the discharge and the maximum rate of discharge and the duration of maximum discharge;
c) The maximum limit or permissible range of any specified characteristics of the discharge, including concentrations and/or mass limits determined in accordance with Section 3.8;
d) The period or periods of the day during which the discharge, or a particular concentration, or volume of discharge may be made;
e) The degree of acidity, or alkalinity of the discharge at the time of discharge;
f) The temperature of the trade waste at the time of discharge;
g) The provision by the consent holder, at the consent holder's expense, of screens, grease traps, silt traps or other pre-treatment works to prevent or control the discharge of solids or grease;
h) The provision and maintenance at the consent holder's expense of an access point (whether inspection chambers, manholes or other apparatus or devices) to provide reasonable access to sewers for sampling and inspection;
i) The provision and maintenance of a sampling, analysis and testing programme and flow measurement requirements, at the consent holder's expense;
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 any trade waste charges applicable to that discharge;
k) The provision and maintenance by and at the expense of the consent holder of such meters or devices as may be required to measure the volume or flow rate of any trade waste being discharged from the premises and for the testing of such meters;
l) The provision and maintenance, at the consent holder's expense of such services, (whether electricity, water or compressed air or otherwise), which may be required, in order to operate meters and similar devices;
m) At times specified, the provision by the consent holder to the Council in a Council approved format of all flow and/or volume records and results of analyses (including pre-treatment by-products, eg sewage sludge disposal);
n) The provision and implementation of a Management Plan;

o) Risk assessment of damage to the environment due to an 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; and
v) The duration of the consent.

3.7 Technical Review and Variation of Consent

3.7.1 Variation of consent conditions by Council

The Council may at any time during the term of a trade waste consent, by written notice to the occupier (following a reasonable period of consultation), vary any condition to such extent as the Council considers necessary, following a review of the technical and legal issues considered when setting conditions of consent.

3.7.2 Variation of consent conditions requested by consent holder

The holder of a trade waste consent to discharge 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 3.7.1 of this bylaw.

3.8 Cancellation of the Right to Discharge

3.8.1 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 comply with any condition of the consent;
b) For the failure to maintain effective control over the discharge;
c) For the failure to limit in accordance with the requirements of a consent the volume, nature, or composition of trade waste being discharged;
d) In the event of any negligence which, in the opinion of the Council, threatens the safety of, or threatens to cause damage to any part of the sewerage system or the treatment plant or threatens the health or safety of any person;
e) If any occurrence happens that, in the opinion of the Council, poses a serious threat to the environment;
f) In the event of any breach of a resource consent held by the Council issued under the Resource Management Act 1991;
g) Failure to provide and when appropriate update a Management Plan as required for a conditional trade waste consent;
h) Failure to follow the Management Plan provisions at the time of an unexpected, unscheduled or accidental occurrence;
i) Failure to pay any charges imposed by Council in respect of the trade waste; or

j) If any other circumstances arise which, in the opinion of the Council, render it necessary in the public interest to cancel the right to discharge.

If any process changes require more than 20 working days, reasonable time may be given to comply with the consent conditions.

3.8.2 Summary cancellation

Any trade waste consent or discharge may at any time be summarily cancelled by the Council on giving to the consent holder or person discharging written notice of summary cancellation if:

a) They discharge any prohibited substance;
b) The Council is lawfully directed to withdraw or otherwise terminate the consent summarily;
c) They discharge any trade waste unlawfully;
d) If the continuance of discharge is, in the opinion of the Council, a threat to the environment or public health;
e) If the continuance of the discharge may, in the opinion of the Council, result in a breach of a resource consent held by the Council; or
f) In the opinion of the Council, the continuance of the discharge puts at risk the ability of the Council to comply with conditions of a resource consent and/or requires identified additional treatment measures or costs to seek to avoid a breach of any such resource consent.

4. Trade Waste Approval Criteria

4.1 Pre-treatment

The Council may approve a trade waste discharge subject to the provision of appropriate pre-treatment systems to enable the person discharging to comply with the Bylaw. Such pre-treatment systems shall be provided, operated and maintained by the person discharging at their expense.

Refuse or garbage grinders and macerators shall not be used to dispose of solid waste from trade premises to the sewerage system unless approved by the Council.

The person discharging shall not, unless approved by the Council, add or permit the addition of any potable, condensing, cooling water or stormwater to any trade waste stream in order to vary the level of any characteristics of the waste.

4.2 Mass Limits

A conditional trade waste consent to discharge may impose controls on a trade waste discharge by specifying mass limits for any characteristic.

Mass limits may be imposed for any characteristic. Any characteristic controlled by mass limit shall also have its maximum concentration limited to the value approved by the Council.

When setting mass limit allocations for a particular characteristic the Council shall consider:

a) The operational requirements of and risk to the sewerage system and risks to occupational health and safety, public health and the ultimate receiving environment;

b) Whether or not the levels proposed pose a threat to the planned or actual beneficial reuse of biosolids or sewage sludge;
c) Conditions in the wastewater system near the trade waste discharge point and elsewhere in the wastewater system;
d) The extent to which the available industrial capacity was used in the last financial period and is expected to be used in the forthcoming period;
e) Whether or not the applicant uses cleaner production techniques within a period satisfactory to the Council;
f) Whether or not the applicant has established to the satisfaction of the Council a programme to achieve cleaner production techniques within a satisfactory period;
g) 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;
h) Any requirements of the Council to reduce the pollutant discharge of the wastewater system;
i) How great a proportion the mass flow of a characteristic of the discharge will be of the total mass flow of that characteristic in the wastewater system;
j) The total mass of the characteristic allowable in the wastewater system and the proportion (if any) to be reserved for future allocations; and
k) Whether or not there is an interaction with other characteristics which increases or decreases the effect of either characteristic on the sewer reticulation, treatment process, or receiving water (or land).

5. Sampling, Testing and Monitoring

5.1 Flow Metering

5.1.1 Requirement for flow metering

Flow metering may be required:

a) When there is not a reasonable relationship between a metered water supply to the premises and the discharge of trade waste;
b) When the applicant and the Council cannot agree on a suitable method of flow estimation; or
c) When the discharge represents a significant proportion of the total flow/load received by the Council.

5.1.2 Consent holder's responsibilities

The consent holder shall be responsible for the supply, installation 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 Record keeping

The consent holder shall keep records of flow and/or volume shall make them available for viewing at any time by the Council and shall be submitted to the Council at prescribed intervals, in a format approved by the Council.

5.1.4 Location of meters

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

5.1.5 Calibration of meters

The consent holder shall, if required, arrange for in situ calibration of the flow metering equipment and instrumentation by a person and method approved by the Council upon installation and at least once a year thereafter to ensure its performance. The meter accuracy should be ± 10% but with no greater a deviation from the previous meter calibration of ± 5%. A copy of independent certification of each calibration result shall be submitted to the Council.

5.1.6 Resolving meter error

Should any meter, after being calibrated, be found to have an error greater than that specified in Clause 5.1.5 as a repeatable measurement, the Council may make an adjustment in accordance with the results shown by such tests backdated for a period at the discretion of the Council but not exceeding 12 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 No meter installed

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

5.2.2 Meter out of repair or removed

Should any meter be out of repair or cease to register, or be 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) and they shall pay according to such estimate.

Provided that when by reason of a large variation of discharge due to seasonal or other causes, the average of the previous 12 months would be an unreasonable estimate of the discharge, then the Council may take into consideration other evidence for the purpose of arriving at a reasonable estimate and the person discharging shall pay according to such estimate.

5.2.3 Tampering of meters

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 above.

5.3 Sampling and Analysis

5.3.1 Reasons for sampling

As determined by the Council, sampling, testing and monitoring may be undertaken to determine if:

a) A discharge complies with the provisions of this Bylaw;
b) A discharge is permitted or prohibited; and
c) Trade waste consent charges are applicable to that discharge.

5.3.2 Quality control of sampling

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 by sampling or analysis, the dispute may be submitted to a mutually agreed independent arbitrator.

5.3.3 Right of entry to premises

All authorised officers or authorised agents of the Council, or any analyst, may enter any premises believed to be discharging trade waste at any time in order to determine any characteristics of any actual or potential discharge by:

a) Taking readings and measurements;
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.

5.4 Monitoring

5.4.1 Monitoring for compliance

The Council is entitled to audit any trade waste discharge for compliance. Discharge monitoring may be carried out as follows:

a) The Council or its authorised agent will take the sample and arrange for this sample to be analysed in the approved laboratory by agreed 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 discharger. 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; and
e) The Council will audit the trade waste consent conditions including any management plans.

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

5.4.2 Tankered wastes

Tankered wastes shall not be discharged into the Council's sewerage system unless Approval is first obtained from the Council. Any tankered wastes approved for discharge shall be compliant with the Liquid and Hazardous Wastes Code of Practice 2003 and its amendments.

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; and
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 when obtaining Council approval (characteristics and/or amount) or dumping into the Council's sewerage system will be in breach of the Bylaw.

5.4.3 Disinfected/super chlorinated water

Any water used during the repair and construction of water mains shall be de-chlorinated prior to the discharge into the sewerage system, as approved by Council, or where the discharge:

a) Has a chlorine concentration of less than 50 mg/L; and/or
b) Is less than 50 m^3/day in volume.

Application for a temporary discharge consent shall be made. Such water shall not be disposed of to Stormwater or adjacent water courses without appropriate approvals.

6. Bylaw Administration

6.1 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 their trade waste consent in particular, or this Bylaw in general.

In the event of any accident occurring, the Council may review the consent or may require the consent holder, to review the contingency management procedures and resubmit the management plan with the Council for approval.

6.2 Charges and Payment

6.2.1 Charges

The Council may recover fees and charges in accordance with the Local Government Act 2002.

6.2.2 Invoicing

All charges determined in accordance with Clause 6.2.1 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 fees and charges due, in regard to a discharge.

6.2.3 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.

6.2.4 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.

6.2.5 Recovery of Costs

The Council may recover costs under the Local Government Act 2002 relating to

Sections 150 and 151, wilful damage or negligent behaviour (Section 175) and remedying damage arising from breach of Bylaw (Section 176).

6.3 Authorised Officers

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.

The extent and level of delegation to authorised officers will be in accordance with the Council's Register of Statutory Delegations and Warrants.

6.4 Transfer or Termination of Rights and Responsibilities

6.4.1 Limits to transfer of rights

A trade waste consent to discharge shall be issued in the name of the given consent holder and consent does not include any transfer of rights.

6.4.2 Notice to Council of requirement to disconnect

The consent holder shall give 48 hours' notice in writing to the Council of the requirement for disconnection of the discharge connection and/or termination of the discharge consent, except where demolition or relaying of the sewer 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.

6.4.3 Responsibility for a consented discharge

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

6.5 Service of Documents

6.5.1 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; or
d) Personally served on the person discharging.

6.5.2 Service

If any notice or other document is:

a) Sent by post, it will be deemed received on the second day (excluding weekends and public holidays) after posting;
b) Sent by facsimile or email and the sender's facsimile or email machine produces a transmission report indicating that the facsimile or email was sent to the addressee, the report will be prima facie evidence that the facsimile or email was received by the addressee in a legible form at the time indicated on that report; or
c) Sent by courier and the courier obtains a receipt or records delivery on a courier run sheet, the receipt or record of delivery on a courier run sheet will be prima facie evidence that communication was received by the addressee in a legible form 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 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.

6.6 Breaches and Infringement Offences

6.6.1 Penalties

Any person who is in breach of this Bylaw commits an offence and shall on summary conviction be liable to a maximum penalty of $200,000 in accordance with Section 242(5) of the Local Government Act 2002.

6.7 Transitional Provisions

6.7.1 Applications

Any application for a consent to discharge trade waste made under the Southland District 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.

6.7.2 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.

This Bylaw has been confirmed by resolution passed at a meeting of the Southland District Council held on 20 June 2018.

THE COMMON SEAL of the
SOUTHLAND DISTRICT COUNCIL
was hereunto affixed in the presence of:

_____ **MAYOR**

_____ **CHIEF EXECUTIVE**

Appendix A: Schedule of Permitted Waste Characteristics

1. Introduction

1.1 The nature and levels of the characteristics of any wastewater discharged to the Southland District Council system shall comply at all times with the following requirements, except where the nature and levels of such characteristics are varied by the Southland District Council as part of an approval to discharge a wastewater.

1.2 The Southland District Council shall take into consideration the combined effects of wastewater discharges and may make any modifications to the following acceptable characteristics for individual discharges the Southland District Council believes are appropriate.

1.3 The nature and levels of any characteristic may be varied to meet any new Resource Consents or other legal requirements imposed on the Southland District Council.

2. Physical Characteristics

2.1 Flow a) The 24 hour flow volume shall be less than 5 m^3. b) The maximum instantaneous flow rate shall be less than 2.0 L/s.	Flows larger than the guideline values shall be a "conditional" trade waste consent. A lower maximum temperature may be required for large volume discharges.
2.2 Temperature The temperature shall not exceed 50°C.	Higher temperatures: • cause increased damage to Sewer structures. • increase the potential for anaerobic conditions to form in the wastewater. • promote the release of gases such as H2S and NH3. • can adversely affect the safety of operations and maintenance personnel.
2.3 Solids a) Non-faecal gross solids shall have a maximum dimension which shall not exceed 15 mm and gross solids shall have a quiescent settling velocity which shall not exceed 50 mm/minute. b) The suspended solids content of any Wastewater shall have a maximum concentration which shall not exceed 2,000 g/m^3. c) The settleable solids content of any wastewater shall not exceed 50 mL/L. d) The total dissolved solids concentration in any Wastewater shall not exceed 10,000 gm/m^3. e) Fibrous, woven, or sheet film or any other materials which may adversely interfere with the free flow of wastewater in the drainage system or treatment plant shall not be present in any discharge.	Gross solids can cause sewer blockages. High suspended solids contents can cause Sewer blockages and overload the treatment processes.

2.4 Oil and grease a) There shall be no free or floating layer. b) A trade waste with mineral oil, fat or grease unavoidably emulsified, which in the opinion of the Southland District Council is not biodegradable shall not exceed 200 g/m^3 as petroleum ether extractable matter when the emulsion is stable at a temperature of 15°C and when the emulsion is in contact with and diluted by a factor of 10 by raw Sewage, throughout the range pH 6.0 to pH 10.0. c) A trade waste with oil, fat or grease unavoidably emulsified, which in the opinion of the Southland District Council is biodegradable shall not exceed 500 g/m^3 when the emulsion is stable at a temperature of 15°C and when the emulsion is in contact with and diluted by a factor of 10 by raw Sewage throughout the range pH 4.5 to pH 10.0. d) Emulsified oil, fat or grease shall not exceed 100 g/m^3 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 pH 4.5 to pH 10.0.	Oils and greases can cause sewer blockages, may adversely affect the treatment process and may impair the aesthetics of the receiving water. Where the treatment plant discharges to a sensitive receiving water, lower values should be considered. In terms of oil and greases, biodegradable refers to the bio-availability of the oil and greases and the biochemicals thereby produced and means the oil and grease content of the waste decreases by 90% or more when the wastewater is subjected to a simulated wastewater treatment process which matches the Southland District Council treatment system. If quick break detergents are being used, the operator shall ensure that proper separation systems are being used. If not, oil will reappear in drainage systems as a free layer.

2.5 Solvents and other organic liquids There shall be no free layer (whether floating or settled) of solvents or organic liquids	Some organic liquids are denser than water and will settle in sewers and traps.
2.6 Emulsions of paint, adhesive, rubber, plastic For the purpose of this subclause: • Latex emulsion means an emulsion containing paint, adhesive, rubber, plastic, or similar material. • Treatable in relation to emulsion wastewater means the total organic carbon content of the waste decreases by 90% or more when the wastewater is subjected to a simulated wastewater treatment process which matches the Southland District Council treatment system: a) Latex emulsions which are not treatable may be discharged into the Sewer subject to the total suspended solids not exceeding 1,000 g/m^3. b) Southland District Council may require pre-treatment of latex emulsions if the emulsion wastewater unreasonably interferes with the operation of the specific treatment plant. Latex 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.	Latex emulsions vary considerably in their properties and local treatment works may need additional restrictions depending on the experience of the specific treatment plant and the quantity of latex to be treated.
2.7 Radioactivity Radioactivity levels shall not exceed the Office of Radiation Safety Code of Practice CSP1 for the Use of Unsealed Radioactive Material.	The Ministry of Health's Office of Radiation Safety administers the Radiation Safety Act 2016 and the Radiation Safety Regulations 2016 on behalf of the New Zealand Government. This legislation controls all dealings with ionising radiation.
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 final effluent discharge consent.	Colour may cause aesthetic impairment of receiving waters and adverse effects on lagoon treatment processes and ultra-violet disinfection. Where potential for such problems exists, a level of colour which is rendered not noticeable after 100 dilutions may be used as a guideline.

3. Chemical Characteristics

3.1 pH value The pH shall be between 6.0 and 10.0 at all times.	Extremes of pH: • can adversely affect biological treatment processes. • can adversely affect the safety of operations and/or maintenance personnel. • cause corrosion of sewer structures. • increase the potential for the release of toxic gases such as H_2S and HCN.
3.2 Organic strength 3.2.1 The Carbonaceous Biochemical Oxygen Demand (BOD) of any waste shall not exceed 1000 g/m^3.	The loading on a treatment plant is affected by Biochemical Oxygen Demand (BOD) rather than Chemical Oxygen Demand (COD). For any particular waste type there is a fixed ratio between COD and BOD. For domestic sewage it is about 2.5:1 (COD :BOD), but can range from 1:1 to 100:1 for Trade Waste. Therefore BOD is important for the treatment process and charging, but because of the time taken for testing, it is often preferable to use COD for monitoring.
3.3 Maximum concentrations 3.3.1 Introduction The maximum concentrations permissible for the chemical characteristics of an acceptable discharge are set out in the following tables: General chemical characteristics Table 1A.1 Heavy metals Table 1A.2 Organic compounds Table 1A.3 Where appropriate, maximum daily limits (kg/day) for Mass Limit controlled discharges are also given.	Where a consistent relationship between BOD and COD can be established the discharge may be monitored using the COD test.

3.3.2 General chemical Characteristics

Table 1 - General chemical Characteristics

Characteristic	Maximum concentration (g/m^3)	
MBAS (Methylene blue active substances)	500 g/m^3	MBAS is a measure of amniotic surfactants. High MBAS can: • adversely effect the efficiency of activated sludge plants. • impair the aesthetics of receiving waters.
Ammonia (measured as N) - free ammonia - ammonium salts	 50 g/m^3 200/g/m^3	High ammonia: • may adversely effect the safety of operations and maintenance Personnel. • may significantly contribute to the nutrient load to the receiving environment.
Kjeldahl nitrogen	150 g/m^3	High Kjeldahl nitrogen may significantly contribute to the nutrient load of the receiving environment.
Total phosphorus (as P)	50 g/m^3	High phosphorus may significantly contribute to the nutrient loading of the receiving environment. Phosphorus is the nutrient most likely to cause an adverse algal response in fresh water.
Sulphate (measured as SO_4)	500 g/m^3	Sulphate: • may adversely affect sewer structures. • may increase the potential for the generation of sulphides in the wastewater if the sewer is prone to become anaerobic.
Sulphite (measured as SO_2)	15 g/m^3	Sulphite has potential to release SO_2 gas and thus adversely affect the safety of operations and maintenance personnel. It is a strong reducing agent and removes dissolved oxygen thereby increasing the potential for anaerobic conditions to form in the wastewater.

3.3.2 General chemical Characteristics

Table 1 - General chemical Characteristics

Sulphide as H_2S on acidification	5 g/m^3	Sulphides in wastewater may: cause corrosion of sewer structures, particularly the top non-wetted part of a sewer. • generate odours in sewers which could cause public nuisance. • release the toxic H_2S gas which could adversely affect the safety of operations and maintenance personnel.
Chlorine (measured as Cl_2) - free chlorine - hypochlorite	 3 g/m^3 30 g/m^3	Chlorine: • can adversely affect the safety of operations and maintenance personnel • can cause corrosion of sewer structures.
Dissolved aluminium	300 g/m^3	Aluminium compounds, particularly in the present of calcium salts, have the potential to precipitate as a scale which may cause a sewer blockage.
Dissolved iron	300 g/m^3	Iron salts may precipitate and cause a sewer blockage. High concentrations of ferric iron may also present colour problems depending on local conditions.
Boron (as B)	25 g/m^3	Boron is not removed by conventional treatment. High concentrations in effluent may restrict irrigation applications.
Bromine (as Br_2)	5 g/m^3	High concentrations of bromine may adversely affect the safety of operations and maintenance personnel.
Fluoride (as F)	30 g/m^3	Fluoride is not removed by conventional wastewater treatment, however pre-treatment can easily and economically reduce concentrations to below 20 g/m^3.
Cyanide - weak acid dissociable (as CN)	5 g/m^3	Cyanide may produce toxic atmospheres in the sewer and adversely affect the safety of operations and maintenance personnel.

Table 2 - Heavy metals†		
Metal	Maximum concentration (g/m^3)	
Antimony Arsenic Barium Beryllium Cadmium Chromium Cobalt Copper Lead Manganese Mercury Molybdenum Silver Nickel Selenium Thallium Tin Zinc	10 5 19 0.005 0.5 5 10 10 10 20 0.005 10 2 10 10 10 20 10	Heavy metals have the potential to: • impair the treatment process • impact on the receiving environment • limit the reuse of sludge and effluent. 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 acceptable. Specialist advice should be sought.
† Heavy metals shall be accepted up to the maximum concentrations given only when specifically approved.		

3.3.3 Organic compounds

Table 3 - Organic compounds

Compound	Maximum concentration (g/m^3)	
Formaldehyde (as HCHO)	50 g/m^3	Formaldehyde in the sewer atmosphere can adversely affect the safety of operations and maintenance personnel.
Phenolic compounds (as phenols) - excluding chlorinated phenols	50 g/m^3	Phenols may adversely affect biological treatment processes. They may not be completely removed by conventional treatment and subsequently impact on the environment.
Chlorinated phenols	0.02 g/m^3	Chlorinated phenols can adversely affect biological treatment process and may impair the quality of the receiving environment.
Petroleum hydrocarbons	30 g/m^3	Petroleum hydrocarbons may adversely affect the safety of operations and maintenance personnel.
Halogenated aliphatic compounds†	1 g/m^3	Because of their stability and chemical properties these compounds: • may adversely affect the treatment processes. • may impair the quality of the receiving environment. • may adversely affect the safety of operations and maintenance personnel.
Monocyclic aromatic hydrocarbons	5 g/m^3	These compounds (also known as benzene series) are relatively insoluble in water and are normally not a problem in trade waste. They may be carcinogenic and may adversely affect the safety of operations maintenance personnel.
Polycyclic (or polynuclear) aromatic hydrocarbons (PAHs)	0.05 g/m^3	Many of these substances have been demonstrated to have an adverse effect on the health of animals. Some are also persistent and are not degraded by conventional treatment processes.
Halogenated aromatic hydrocarbons (HAHs) Polychlorinated biphenyls (PCBs) Polybrominated biphenyls (PBBs)	 0.002 g/m^3 0.002 g/m^3	Because of their stability, persistence and ability to bioaccumunicate in animal tissue these compounds have been severely restricted by health and environmental regulators.
Pesticides (general)† (includes insecticides, herbicides, fungicides and excludes organo-	0.2 g/m^3	The category covers all pesticides other than those that are specifically listed below.

phosphate, organo-chlorine and any pesticides not registered for use in New Zealand)		Pesticides: • may adversely affect the treatment processes. • may impair the quality of the receiving environment. • may adversely affect the safety of operations and maintenance Personnel.
Organophosphate pesticides*†	0.1 g/m^3	

* Excludes pesticides not registered for use in New Zealand.

† These compounds shall be accepted up to the given maximum concentration only when specifically approved.

3.3.4 Inhibitory chemicals

No chemical shall be discharged which shall inhibit the performance of the wastewater treatment process such that in the opinion of the Southland District Council will put it at risk from not achieving its environmental statutory requirements.

3.4 Pharmaceutical Waste

3.4.1 These are generally products, including liquid antibiotics, returned by customers in accordance with the Health and Disability Services Standards – Pharmacy Services Standard NZS 8134.7:2010. Pharmacies must not discharge more liquid pharmaceutical waste per month than the volumes listed below. The volume limit is based on the concentration of active ingredients in the product.

Table 4 – Liquid Waste from Pharmacies

Volume Limit	Active Concentration
10 Litres	125mg/5ml
5 Litres	250mg/5ml
3 Litres	Above 250mg/5ml

Any discharge above these limits should be a controlled discharge and require a trade waste consent.

No waste may contain cytotoxic waste which is prohibited. Refer Appendix B – 2.13 (h).

Appendix B: Schedule of Prohibited Waste Characteristics

1. Introduction

1.1 Prohibited characteristics are present if their concentration exceeds background levels. The background level in relation to any substance means the extent to which that substance is present (if at all) in the municipal water supply used on the trade premises, or in any other water supply that is approved by the Southland District Council for the purpose of discharging waste.

2. Prohibited Characteristics

2.1.1 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 wastewater system, or
b) Damage any part of the wastewater system, or
c) In any way, directly or indirectly, cause the quality of the effluent or residual biosolids and other solids from any wastewater treatment plant in the catchment to which the waste was discharged to breach the conditions of a consent issued under the Resource Management Act 1991, or water right, permit or other governing legislation, or
d) Prejudice the occupational health and safety risks faced by sewerage workers, or
e) After treatment be toxic to fish, animals or plant life in the receiving waters, or
f) Cause malodorous gases or substances to form which are of a nature or sufficient quantity to create a public nuisance, or
g) Have a colour or colouring substance that causes the discharge of any wastewater treatment plant to receiving waters to be coloured.

2.1.2 A discharge has prohibited characteristics if it has any characteristic which exceeds the concentration or other limits specified in Appendix A unless specifically approved for that particular consent.

2.1.3 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 Appendix A), 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) The following organo-metal compounds:
    - Tin (as tributyl and other organotin compounds)
    - Chromium (as organic compounds)
    - Copper
d) Any organochlorine pesticides.
e) Any genetic wastes, as follows:

    All wastes that contain or are likely to contain genetically altered material from premises where the genetic alteration of any material is conducted.

f) Any health care waste covered by NZS 4304 or any pathological or histological wastes.
g) Radioactivity levels in excess of National Radiation Laboratory guidelines.
h) Any pharmaceutical liquid waste containing cytotoxic ingredients. Cytotoxic waste means waste that is contaminated by a cytotoxic drug.