



Trade Waste Bylaw 2013

(as at 22 August 2013)

Te Ture a Rohe Waiparu a Mahi 2013

Governing Body of Auckland Council

Resolution in Council

22 August 2013

Pursuant to the Local Government Act 2002 and Local Government (Auckland Council) Act 2009, the Governing Body of Auckland Council makes the following bylaw.

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1 Title

- (1) This bylaw is the Trade Waste Bylaw 2013.

2 Commencement

- (1) This bylaw comes into force on 1 July 2014.

3 Application

- (1) This bylaw applies to Auckland.

**Part 1
Preliminary provisions**

4 Purpose

- (1) The purpose of this bylaw is to:
- (a) protect the health and safety of all people from potential adverse effects of harmful substances discharged to the public wastewater system;
 - (b) protect the environment from adverse effects of harmful substances discharged to the public wastewater system;
 - (c) protect the public wastewater system from damage and provide for its efficient operation;
 - (d) assist treatment plants within the public wastewater system to process wastewater and produce biosolids of a guaranteed quality;
 - (e) encourage waste minimisation, cleaner production, efficient recycling and reuse of waste streams at business premises.

5 Interpretation

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

Act means the Local Government Act 2002.

approval or **approved** means approval or approved in writing by the council.

approved site means a site approved for the safe disposal of trade waste.

Auckland water organisation has the same meaning as in section 4 of the Local Government (Auckland Council) Act 2009.

biosolids means treated sewage sludge from a wastewater treatment plant that has been treated and/or stabilised to the extent that it is able to be applied to land, and does not include products derived solely from industrial wastewater treatment plants.

characteristic means any of the physical or chemical characteristics of trade waste including any constituent of a trade waste referred to in schedule 1, schedule 2, schedule 3 or the controlled substances standards.

conditional trade waste means:

- (a) any trade waste discharged to the public wastewater system as a result of an activity listed in schedule 2 and complying with the controlled substances standards, unless otherwise approved by council in a trade waste agreement; or
- (b) any trade waste discharged from trade premises, including as a result of an activity listed in schedule 1, where the volume of the discharge exceeds 10 cubic metres per day, or is greater than 0.5 litres per second; or
- (c) any trade waste which the council determines to be conditional trade waste under clause 7.

connection means the lawful and physical connection of a private sewer to the public wastewater system.

consent holder means the holder of a transitional consent and includes any person acting with the express or implied consent of the consent holder and any licensee of the consent holder.

controlled substances standards means the generally accepted limits for concentrations of controlled substances that may be contained in trade waste discharged to the public wastewater system, as determined from time to time by council resolution.

council means the Auckland Council, an Auckland water organisation, or any person delegated or authorised to act on their behalf.

deemed trade waste means any trade waste discharged into the public wastewater system as a result of an activity listed in schedule 1 and which:

- (a) meets the requirements listed in schedule 1 and the controlled substances standards; and
- (b) is not conditional trade waste and does not have any of the prohibited characteristics listed in schedule 3.

disconnect or **disconnection** means the physical cutting or sealing of a private sewer from the public wastewater system.

drain means that section of private pipe, owned and maintained by the occupier, between the occupier's premises and the point of discharge through which wastewater is conveyed from the premises to the public wastewater system.

emergency response procedures means those procedures developed and used to avoid, remedy or mitigate the actual and/or potential adverse effects of any business activities on the environment from an unexpected or unscheduled event resulting in discharge, or potential discharge, with characteristics of concern into the public wastewater system.

grease trap means a device approved by the council that allows kitchen and/or food production wastewater to cool, and the grease to separate from the wastewater.

hazardous material means:

- (a) raw material(s), product(s) or waste(s) containing corrosive, toxic, biocidal, radioactive, flammable or explosive materials; or
- (b) any material which when mixed with the wastewater stream, is likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous to the health and safety of any person or harmful to the wastewater system; or
- (c) contains hazardous substances at sufficient concentrations to exceed the minimum degrees of hazard specified by Hazardous Substances (Minimum Degrees of Hazard) Regulations 2000 under the Hazardous Substances and New Organism Act 1996; or
- (d) meets the definition for infectious substances included in the Land Transport Rule: Dangerous Goods 1999 and NZ Standard 5433: 1999 – Transport of Dangerous Goods on Land; or
- (e) meets the definition for radioactive material included in the Radiation Protection Act 1965 and Regulations 1982;

introduce means to cause trade waste to enter a wastewater system.

legacy bylaw means any of the following:

- (a) Auckland Regional Council Trade Wastes Bylaw 1991;
- (b) Franklin District Council Trade Waste Bylaw 2007;
- (c) Part 9 (Trade Waste) of the North Shore City Bylaw 2000;
- (d) Chapter 17 (Trade Waste) of the Rodney District Council General Bylaw 1998

mandated pre-treatment means management of conditional trade waste through the installation of an approved 'off the shelf' pre-treatment device.

mass limit means the total mass of any characteristic of trade waste that may be discharged to the public wastewater system over any 24-hour period.

meter means any meter, automatic sampler, instrument or device for indicating, recording or sampling the rate of flow, volume or quality of any discharge and any ancillary equipment, devices or fittings used in conjunction with these.

occupier means the person occupying any trade premises or the person responsible for any trade, commercial or industrial activity on those trade premises, and includes the owner of the premises if the premises are unoccupied.

output based means management of conditional trade waste by customised pre-treatment facilities or specialist monitoring requirements.

owner means the person who owns the premises from which trade waste originates or on which trade waste is located.

person means a person or body of persons whether corporate or unincorporated, and includes the Crown and any successor of a person.

point of discharge means the boundary between the public wastewater system and private drain but for the purposes of monitoring, sampling and testing, may be an alternative designated point as specified in a transitional consent.

premises means either:

- (a) a property or allotment which is held under separate certificate of title or for which a separate certificate of title may be issued and in respect of which a building consent has or may be issued; or
- (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 exists; or
- (c) an individual unit in a building where units are separately leased; or
- (d) land held in public ownership.

pre-treatment means any approved processing of trade waste designed to reduce or vary any characteristic in a waste before discharge to the public wastewater system in order to comply with a transitional consent or this bylaw.

private sewer means any privately owned pipe or drain system through which wastewater flows before entering into the public wastewater system.

prohibited characteristics means characteristics set out in schedule 3.

prohibited trade waste means any trade waste that has, or is likely to have, any of the prohibited characteristics set out in schedule 3.

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.

screen means a facility used to catch solids prior to the point of discharge.

sewage sludge means the material settled out from wastewater during the treatment process.

sewer means all wastewater pipes, tunnels, manholes and inspection chambers, whether privately owned or part of the public wastewater system.

Standard Methods for the Examination of Water and Wastewater means the latest edition (including the Supplement) as published by the American Water Works Association (AWWA) / American Public Health Association (APHA).

stormwater means surface run-off water originating from precipitation events such as drizzle, mist, rain, sleet, hail or snow.

tankered waste means trade waste which is conveyed by vehicle from any premises for disposal at an approved site.

temporary discharge means:

- (a) a discharge of trade waste for an intermittent or short duration; or
- (b) a short-term discharge of a special or unusual trade waste by an occupier holding a transitional consent; or
- (c) a discharge of tankered waste to a designated point in the public wastewater system.

trade premises means:

- (a) any premises used or intended to be used for any business, 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 premises; or
- (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; or
- (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 to a wastewater system in the course of any business, industrial or trade process or operation, or in the course of any activity or operation of a like nature.

trade waste agreement means an agreement of the type described in subclause 22(1).

trade waste management plan means an overall trade waste management plan for trade premises.

transitional consent means a consent or permit granted under a legacy bylaw and in force immediately prior to the commencement of this bylaw, authorising the discharge of trade waste into the public wastewater system.

wastewater means water or other liquid waste, including sewage and waste matter in solution or suspension, discharged to the public wastewater system.

- (2) A reference in this bylaw to introducing or discharging trade waste includes causing, allowing or instructing the introduction or discharge of trade waste.
- (3) To avoid doubt, compliance with this bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of law.
- (4) Unless the context requires another meaning, a term or expression that is defined in the Act and used in this bylaw, but not defined, has the meaning given by the Act.
- (5) Any explanatory notes and attachments are for information purposes, do not form part of this bylaw, and may be made, amended and revoked without formality.
- (6) The Interpretation Act 1999 applies to this bylaw.

Part 2 Classification of Trade Waste

6 Deemed trade waste

- (1) A person may discharge deemed trade waste into the public wastewater system without a transitional consent or trade waste agreement.
- (2) Notwithstanding subclause 6(1) the council may:
 - (a) require a person discharging deemed trade waste into the public wastewater system to pre-treat that trade waste to specific standards or requirements in order to prevent the discharge damaging or otherwise adversely affecting the public wastewater system;
 - (b) in accordance with the Act, enter premises in order to determine the characteristics of the discharge to the public wastewater system, and to that end may inspect the premises and take samples of any discharge;
 - (c) advise the person of the need to enter into a trade waste agreement, where the council reasonably believes that person is or will be discharging conditional trade waste.
- (3) Nothing in subclause 6(1) derogates from any agreement between the council and a person in relation to water or wastewater services provided by the council.

7 Conditional trade waste

- (1) The council may determine that any trade waste is conditional trade waste where:
 - (a) the pollutant load for any substance or volumetric discharge exceeds five per cent or other council-specified proportion of the total load or volume received at the council's treatment plant; or
 - (b) the trade activity and processes are of such a complexity or size, or employ such chemicals, raw materials, or feedstock, that the risks of producing a trade waste which is not an acceptable discharge are considered significant by the council; or
 - (c) the discharge contains substances that may at times exceed the controlled substances standards.
- (2) No person may discharge or introduce conditional trade waste into the public wastewater system unless authorised to do so under a transitional consent or a trade waste agreement.

8 Prohibited trade waste

- (1) No person may discharge or introduce prohibited trade waste into the public wastewater system.

Part 3 Controls on trade waste discharges

9 Requirements for trade waste discharges

- (1) No person or occupier may introduce or discharge any trade waste into the public wastewater system unless:
 - (a) it is deemed trade waste; or
 - (b) they have a transitional consent or trade waste agreement that authorises the introduction or discharge; and
 - (c) they comply with the conditions set out in that transitional consent or trade waste agreement.
- (2) No person or occupier may introduce or discharge trade waste into the public wastewater system except in accordance with this bylaw.

10 Hazardous materials

- (1) No person or occupier may store, transport, handle or use, or cause or allow to be stored, transported, handled or used, any hazardous materials in a way which results or may result in the materials entering the public wastewater system.
- (2) Any person who carries out the off-site disposal of any hazardous materials must keep records of such disposal and make such records available for inspection by the council within four hours of a request to inspect by the council.
- (3) An occupier must inform the council immediately upon discovery of any trade waste accident, including spills or process mishaps, which may cause a breach of any transitional consent or this bylaw.

11 The council may require testing and maintenance of meters and other apparatus

- (1) If required by the council, the occupier must provide testing and maintenance of:
 - (a) such meters as may be required to measure the volume and rate of discharge of any trade waste being discharged into the public wastewater system;

- (b) apparatus for determining the nature and composition of any trade waste being discharged into the public wastewater system.

12 Dilution of trade waste

- (1) No person or occupier may add or allow the addition of any water whatsoever to any trade waste unless specific approval is given in a transitional consent or current trade waste agreement, and such discharge is in accordance with any conditions set out in that transitional consent or trade waste agreement.
- (2) No person or occupier may add or allow the addition of stormwater to any wastewater unless:
 - (a) the area from which the stormwater originates is part of the trade premises and is included in any transitional consent and appropriate detention or treatment devices are in place and maintained in accordance with that consent; or
 - (b) prior written approval or a transitional consent has been granted by the council, and such discharge is in accordance with any conditions set out in that approval or consent; or
 - (c) the trade premises are within the council approved combined sewer system catchment area and there is no provision for separate stormwater drainage.

Part 4 – Transitional consents

13 Continuation of transitional consent

- (1) A transitional consent continues until it is surrendered or expires or is cancelled in accordance with this bylaw.

14 Application to vary transitional consent

- (1) Any person or occupier wishing to:
 - (a) vary the characteristics of a discharge authorised under a transitional consent; or
 - (b) vary the conditions of a transitional consent (other than the term of the consent);must apply to the council to do so.
- (2) Where the council requires additional information in relation to a variation application under subclause 14(1), it may require any such information at the cost of the occupier. That information may include but is not limited to:
 - (a) an independent audit by a suitably experienced and external person to verify any or all information supplied by the occupier; and/or
 - (b) investigation and/or analysis of the trade waste discharge.
- (3) Where any trade premise has separate points of discharge from more than one area, any variation application must be accompanied by a separate description of the trade waste to be discharged from each area. The council may require a separate variation application for each point of discharge.
- (4) The council may, at its discretion, deal with the owner of trade premises instead of the occupier in relation to a variation application, and this bylaw applies to such an owner as if references to occupier were to owner.
- (5) The occupier must ensure that a variation application, and every other document conveying required information, is accurate and properly executed.
- (6) The council may, in its discretion:
 - (a) grant the variation application in whole or in part, in which case the conditions of the transitional consent are varied accordingly; or
 - (b) decline the variation application (in which case reasons for its decision will be given).

15 Matters for consideration when processing an application

- (1) In considering an application under clause 14, the council will consider the quality, volume and rate of discharge of the trade waste from the trade premises (either on its own or in combination with other discharges of trade waste to the public wastewater system), and any other matter that it considers, on reasonable grounds, to be relevant, which may include:
 - (a) the health and safety of any person;
 - (b) the limits or maximum values for characteristics of trade waste as set out in schedules to this bylaw and the controlled substances standards;
 - (c) the extent to which the trade waste may react with other liquid wastes within the public wastewater system to produce an undesirable or hazardous effect;
 - (d) the material or construction of any part or component of the public wastewater system;
 - (e) the capacity of any part or component of the public wastewater system;
 - (f) the nature of any wastewater treatment process and the degree to which the trade waste is capable of being treated in a wastewater treatment system;
 - (g) any statutory requirements (including compliance with any resource consent or relevant receiving water quality guidelines) relating to the treatment or disposal of raw or treated wastewater or sewage sludge to receiving environments, including water, land or air environments;
 - (h) other existing or likely future discharges; and
 - (i) the compliance history of an occupier with regards to any other trade waste consent or permit.
- (2) Without limiting subclause 15(1), the council will also consider ways in which the volume or rate of discharge of trade waste on the premises may be managed, or the quality of trade waste on the premises may be altered (including cleaner production practices) or ways in which trade waste may be disposed of other than the public wastewater system and may either:
 - (a) impose conditions on a consent requiring volume management or change in character of trade waste before it is discharged to the public wastewater system; or
 - (b) require disposal of trade waste (whether or not it is prohibited trade waste) to a place other than by the public wastewater system.
- (3) Without limiting subclause 15(1), the council may also take into account any previously set flow and/or mass limits that apply to any part of the public wastewater system, and in so doing may consider:
 - (a) conditions in the public wastewater system, near the trade waste discharge point and elsewhere in the system;
 - (b) whether or not there is any net benefit to be gained by the increase of one characteristic of trade waste concurrently with the decrease of another characteristic;
 - (c) any requirement on the council to reduce the characteristic of any discharge from the public wastewater system to the environment and the council's ability to meet those requirements;
 - (d) the total mass of any substance contained in the trade waste allowable in the public wastewater system and the proportion if any to be reserved for future allocations; and
 - (e) whether a substance or other characteristic of the trade waste will react or affect wastewater in the public wastewater system and have an unwanted effect.
- (4) In considering an application under clause 14 the council may consider any relevant planning documents or council policies, as well as any trade waste management plan and/or emergency response procedures.

16 Conditions

- (1) An application under clause 14 may be granted subject to some or all of the limits set out in the

controlled substances standards, and to such special conditions as the council may impose, including as to:

- (a) the specific approved site(s) or point(s) of connection to the public wastewater system into which the trade waste must be discharged;
 - (b) the average and maximum daily volume of the discharge and the average and maximum rate of discharge and the duration of any maximum discharge;
 - (c) the average, maximum limit and/or permissible range of any specified characteristics of the trade waste discharge including mass limits and concentrations;
 - (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 occupier, at their expense, of appropriate screens, grease traps, silt traps or other partial or preliminary pre-treatment process, equipment or storage facilities designed to regulate the quality, quantity and rate of discharge or other characteristics of trade wastes prior to the point of discharge with approval by the council;
 - (h) the frequency at which any equipment required by the consent must be maintained, calibrated, audited and cleaned, including a requirement that documentation for the removal of concentrated wastes from the trade premises are available for sighting by the council;
 - (i) the provision and maintenance at the occupier's expense of inspection chambers, manholes or other apparatus or devices to provide reasonable access to private sewers for sampling and inspection;
 - (j) the provision and maintenance at the occupier's expense of a flow measurement system which is capable of measuring and logging all trade wastes discharged, together with a sampling chamber containing equipment to enable the collection of any type of samples of trade waste;
 - (k) the provision for the design, location, and specification of, and any material alteration to, the flow measurement system to require the approval of the council prior to installation or alteration;
 - (l) a sampling and testing programme and flow measurement requirements and the requirement to meter the flow of trade waste discharges in cases set out within clause 23 of this bylaw;
 - (m) the implementation of any trade waste management plan or emergency response procedures;
 - (n) the frequency of inspections by the council of records of off-site disposal of hazardous materials, and time limits for the provision of this information;
 - (o) the occupier's use of third parties for treatment, carriage, discharge and disposal of hazardous materials and by-products of pre-treatment of trade wastes;
 - (p) the indemnification of the council by the occupier against claims for damage or loss arising from the occupier's discharge or interruptions to the discharge;
 - (q) the provision of a bond or insurance in favour of the council where failure to comply with the permit could result in damage to the public wastewater system or could result in the council being in breach of any statutory obligation; and
 - (r) any other conditions the council considers appropriate.
- (2) Conditions under subclause 16(1) may be imposed as mandated pre-treatment or output based conditions.
- (3) A trade waste management plan required as a condition of a transitional consent must include:
- (a) responsibilities, practices, procedures, processes and resources for developing, implementing, achieving, reviewing and monitoring the consent requirements of the council;
 - (b) the monitoring, programming and controlling activities undertaken by the occupier, including emergency response procedures, for trade waste from the occupier's premises.

- (4) Without limiting subclause 16(1), when granting any variation application the council may impose conditions requiring flow metering of trade waste:
- (a) where there is no reasonable relationship between a metered water supply to the premises and the discharge of trade waste; or
 - (b) where the occupier and the council cannot agree on a suitable method of trade waste flow estimation; or
 - (c) in any other case, where the council determines that flow metering is necessary.

17 The council may vary transitional consents

- (1) The council may, on its own initiative and at any time during the term of a transitional consent, by written notice to the occupier vary any condition of that consent to the extent that the council considers, on reasonable grounds, necessary or desirable, in order to:
- (a) address any change in the nature, quality or characteristics of the discharge;
 - (b) address any change in the public wastewater system;
 - (c) meet any legal requirements imposed on the council;
 - (d) address any information that may have become available to council since granting the consent; or
 - (e) to address any other matter reasonably relating to the transitional consent.
- (2) Despite subclause 17(1), the council may not extend the term of a transitional consent.

18 Expiry of transitional consents

- (1) A transitional consent expires on the earlier of:
- (a) the end of the term stated in the consent;
 - (b) the consent holder ceasing to occupy the premises for which the consent is held, unless the consent is transferred in accordance with clause 19.
- (2) For the avoidance of doubt, nothing in subclause 18(1) affects the cancellation of a transitional consent under the legacy bylaw under which it was granted or under the terms of the transitional consent or under clause 20 of this bylaw.

19 Transfer of rights and responsibilities

- (1) The occupier named in any transitional consent or trade waste agreement must not, without the approval of the council:
- (a) transfer to any other person the rights and responsibilities provided for under the permit or this bylaw;
 - (b) allow trade waste, sewage or any water from any other premises to be discharged through the occupier's premises to the public wastewater system.

20 Suspension or cancellation

- (1) The council may at any time suspend or cancel a transitional consent if, in the opinion of the council:
- (a) the occupier has failed to comply with any condition of that consent; or
 - (b) the occupier has failed to maintain effective control over any trade waste discharge; or
 - (c) the occupier has failed to comply with any provision of this bylaw; or
 - (d) circumstances exist which make it necessary in the public interest to cancel that consent; or

- (e) any negligence of the occupier threatens the safety of, or threatens to cause damage to any part of, the public wastewater system or threatens the health or safety of any person.
- (2) The suspension or cancellation of a transitional consent under subclause 20(1) does not affect the council's powers under Part 6 of this bylaw or under the Act where any person or occupier commits an offence.
- (3) The council reserves the right to disconnect the premises from the public wastewater system following suspension or cancellation under subclause 20(1).

21 Disconnection

- (1) The council may require an occupier, at their expense, to disconnect the premises from the public wastewater system where:
 - (a) the occupier's transitional consent expires under clause 18;
 - (b) the council suspends or cancels a transitional consent under clause 20, or a transitional permit has been suspended or cancelled under the legacy bylaw under which it was granted;
 - (c) the occupier breaches clauses 8, 9 or 10 of this bylaw.
- (2) If the consent holder fails to comply with any such requirement, the council may at its discretion, and at the consent holder's expense, access the premises in accordance with the Act in order to disconnect it from the public wastewater system and carry out such other works as it considers necessary to prevent the further discharge of trade waste into the public wastewater system.

Part 5 – Miscellaneous

22 Trade waste agreements

- (1) The council may, at any time and at its discretion, enter into a written agreement with any occupier for the discharge and reception of trade wastes into the public wastewater system. Any such agreement may be made in addition to or in place of a transitional consent.
- (2) Any agreement with the council to discharge trade waste into the public wastewater system which was in force immediately prior to the commencement of this bylaw, is, for the purposes of this bylaw, treated as if it were a trade waste agreement referred to in subclause 22(1).

23 Metering, monitoring and sampling

- (1) Where flow and/or volume metering of any trade waste discharge is required as a condition of a transitional consent:
 - (a) the consent holder is responsible at their own expense, for the supply, installation and maintenance of any meter or devices as may be required by the council to measure the volume or flow rate of any trade waste being discharged from the premises and for the testing of such meters and of such services (whether electrical, water supply compressed air or other services) which may be required in order to operate meters and similar devices.
 - (b) any flow and/or volume meter or device is subject to the approval of the council but remains the property of the consent holder.
 - (c) measurement of flow and/or volume must be carried out by or on behalf of the occupier in accordance with BS 3680: Part 11A, BS 3680: Part 11B and BS 5728: Part 3, or another council approved methodology.
 - (d) records of flow and/or volume, for up to five years, must be readily available for viewing, or electronic analysis (i.e. spreadsheet compatible) at any time by the council for purposes of audit.
 - (e) flow and/or volume meters must be readily accessible for reading and maintenance and as close as practicable to the point of discharge.
 - (f) the consent holder must arrange for calibration of flow and/or volume metering equipment and instrumentation in accordance with NZS 10012: Part 1 upon installation and at least once a year thereafter to ensure performance within +/- 10% of its reading. On request, a copy of

independent certification of each calibration, for up to five years, must be submitted to the council.

- (2) Where flow metering of any trade waste discharge is required as a condition of a transitional consent and any flow meter is out of repair or ceases to register or is removed, the council will estimate the discharge for the period since the previous reading of such flow meter based on:
 - (a) the average of any number of the previous readings; or
 - (b) any other reasonable factors where it can be shown by the occupier that estimation based on the method in subclause 23(2)(a) would be unreasonable.
- (3) Where a flow meter has been tampered with the council (without prejudice to other remedies available) may declare the reading void and estimate the discharge as provided in subclause 23(2).
- (4) Where no flow meter or similar device is required as a condition of a transitional consent, the council may estimate the discharge of trade waste on the following basis:
 - (a) the volume of water supplied to the trade premises, taking into account the proportion of that volume which is estimated to be discharged to the wastewater system; or
 - (b) the characteristic of the discharge measured at a previous time during similar operating conditions; or
 - (c) the characteristic measured during the immediately preceding charging period.
- (5) Where monitoring of any trade waste discharge is required as a condition of a transitional consent to ensure compliance with other conditions of the consent, the council:
 - (a) will require the occupier to monitor the discharge of the trade waste; and
 - (b) may independently monitor the discharge of trade waste.
- (6) For the purposes of monitoring any trade waste discharge, sampling must be undertaken to the satisfaction of the council in accordance with a procedure designed in accordance with BS 6068: Section 6.10 or NZS 5667-10 or any standard that succeeds it or another approved methodology.
- (7) The transitional consent holder must provide to the council or an authorised officer the results of any sampling, analysis, flow measurements or other monitoring requirements such as pre-treatment system maintenance, within 12 hours by request of the council.
- (8) In any case of non-compliance with the conditions of a transitional consent, or where an anomalous result is obtained, the results of the analysis must be reported to the council as soon as is practicable and in all cases within one working day.
- (9) For the purposes of monitoring any trade waste discharge, analysis must be undertaken:
 - (a) in accordance with methods or procedures validated against the "Standard Methods for the Examination of Water and Waste Water" or by such alternative method or procedure approved by council; and
 - (b) by a laboratory accredited for the purpose or an alternative laboratory approved by the council.
- (10) The transitional consent holder may request that any independent sample taken by the council under subclause 23(9)(b) is divided into three equal parts and that one part is delivered within 24 hours of completion of sampling to each of:
 - (a) the consent holder; and
 - (b) the council or an approved laboratory for analysis;
 - (c) an approved alternative laboratory for retention for a period of 20 working days from the date of receipt, in a manner which preserves as far as reasonably possible the characteristics of the sample.
- (11) Where a dispute arises as to the validity of the methods or procedures used for compliance sampling or analysis under this clause, the dispute must be submitted to an independent expert nominated by the council. The independent expert's ruling is final.
- (12) Where a dispute arises that is not related to the validity of the methods or procedures used for compliance sampling or analysis, the dispute must be submitted to an arbitrator for resolution and each party must bear their own costs and contribute equally to the costs of an arbitrator.

- (13) In situations where monitoring is not specifically required, it is the responsibility of the occupier to ensure that any discharge from the trade waste premises complies with this bylaw.
- (14) The council or an independent analyst approved in accordance with subclause 23(9)(b) may, at any reasonable time and in accordance with the Act enter and/or access any trade premises believed to be discharging trade waste in order to determine the characteristics of any trade waste discharge by:
 - (a) taking readings and measurements;
 - (b) taking samples of any solid, liquid or gaseous material or any combination of such materials being discharged;
 - (c) observing accidental occurrences and clean up.

Part 6

Enforcement, offences and penalties

24 Offences

- (1) A person who breaches this bylaw commits an offence under section 239 of the Act.

Explanatory note: As at 22 August 2013 the maximum penalty for a person convicted of the offence of breaching a trade waste bylaw is a fine of \$200,000 per offence.

25 Removal of works

- (1) The council may, at its discretion and upon giving such notice to the occupier as is reasonable in the circumstances:
 - (a) remove or alter any work or thing that is, or has been, constructed in breach of this bylaw; and
 - (b) recover on demand the full costs of removal or alteration from the occupier or other person who committed the breach.

26 Default by occupier

- (1) If an occupier defaults in undertaking any action(s) required under this bylaw, the council may at its discretion upon giving notice to the occupier, undertake that action(s) and recover on demand the full cost of undertaking the action(s) from the occupier.

Part 7

Savings and transitional provisions

27 Savings and transitional provisions

- (1) Any resolution or other decision made under a legacy bylaw remains in force in the area to which it applied to the same extent as it did immediately prior to the commencement of this bylaw, until revoked or replaced by an equivalent resolution or decision made by the council under this bylaw.
- (2) Despite subclause 27(1), to the extent that any such resolution or decision would require the payment of a uniform annual charge for the reception and disposal of trade waste, it is of no effect.
- (3) To avoid doubt, and subject to subclause 27(2), any resolution or other decision to which subclause 27(1) applies and which concerns fees or charges continues to apply to a transitional consent after the commencement of this bylaw, even though the resolution or decision may have been expressed as applying for a period of time ending with the date of the commencement of this bylaw, until replaced or modified by a resolution or decision made under this bylaw.
- (4) Any licence, consent, permit, dispensation, permission or other form of approval made under a legacy bylaw, other than a transitional consent, and in force immediately prior to the commencement of this bylaw, continues in force but:

- (a) expires on the date specified in that approval; or
 - (b) if no expiry date is specified, expires 12 months from the date that this bylaw commences;
and
 - (c) can be renewed only by application made and determined under this bylaw.
- (5) Any application for a consent, permit, dispensation, permission or other form of approval made under a legacy bylaw that was filed but not determined before the commencement of this bylaw must be dealt with by the council as if it had been made under this bylaw.

Schedules

Schedule 1: Deemed trade waste activities

Explanatory notes:

1. Deemed trade waste must also meet the controlled substances standards and may not have any of the prohibited characteristics in schedule 3.
2. A discharge from any trade premises, including the types of premises listed in this schedule, of more than 10 cubic metres per day, or is greater than 0.5 litres per second is a discharge of conditional trade waste.

Source of Discharge	Requirements
Aquariums	Must meet quarantine requirements
Bakeries	Appropriate in-floor bucket trap and appropriate in-sink bucket trap
Barber / Hairdresser	Appropriate in-floor bucket trap and appropriate in-sink bucket trap
Beauticians	Nil
Building construction	No discharge to sewer permitted.
Business offices with minimal hot food	Nil
Cafés / takeaways with minimal hot food	Appropriate in-floor bucket trap and appropriate in-sink bucket trap
Carpet cleaners	20 micron filtration
Chemists / pharmacists	Nil
Churches with catering facilities	Appropriate in-floor bucket trap and appropriate in-sink bucket trap
Community hall with minimal hot food	Nil
Cooling towers	Discharge not to exceed 500 litres an hour
Day care	Nil
Delicatessen with no hot food	Nil
Dental surgery	Amalgam trap and segregation of waste amalgam
Dental technician	Plaster trap
Doctors surgery	Nil
Dog groomer	Appropriate in-floor bucket trap and appropriate in-sink bucket trap and No organophosphorus pesticide to the sewer
Dry cleaners	Screens to remove solids Solvent recovery unit
Engineering workshops, car wash / valet / automotive	Screens to remove solids No open areas allowing discharge of rainwater to sewer Appropriate in-ground water/oil separator, appropriate in-ground bucket trap Equipment maintenance requirements and discharge limits apply
Florist	No herbicide to sewer Appropriate in-floor bucket trap and appropriate in-sink bucket trap
Food business with minimal hot food preparation	Appropriate in-floor bucket trap and appropriate in-sink bucket trap
Fruit and vegetable, retail	Appropriate in-floor bucket trap and appropriate in-sink bucket trap
Funeral parlour	Nil
General Retail (excluding food)	Nil

Source of Discharge	Requirements
premises, cafes, or coffee lounges)	
Hairdresser	Appropriate in-floor bucket trap and appropriate in-sink bucket trap
Health industries, medical centres	Screens to remove solids Appropriate in-floor bucket trap and appropriate in-sink bucket trap Plaster traps Equipment maintenance requirements and discharge limits apply
Hotels and motels with catering facilities	Appropriate in-floor bucket trap and appropriate in-sink bucket trap
Kitchens / dining halls	Appropriate in-floor bucket trap and appropriate in-sink bucket trap Equipment maintenance requirements and discharge limits apply
Laundries - small	Appropriate in-floor bucket trap and appropriate in-sink bucket trap Screens to remove lint and solids Equipment maintenance requirements and discharge limits apply
Marae with catering facilities	Appropriate in-floor bucket trap and appropriate in-sink bucket trap
Motels (without restaurant)	Nil
Optical processes	Appropriate solids settlement pit
Paint and panel beaters	No open areas allowing discharge of rainwater to sewer Appropriate in-ground water/oil/paint separator, appropriate in-ground bucket trap Equipment maintenance requirements and discharge limits apply
Pet shop	Appropriate in-floor bucket trap and appropriate in-sink bucket trap
Residential care facilities	Appropriate in-floor bucket trap and appropriate in-sink bucket trap
Restaurants or school canteens	Appropriate in-floor bucket trap and appropriate in-sink bucket trap Equipment maintenance requirements and discharge limits apply
Retail butchers and fishmongers	Appropriate in-floor bucket trap and appropriate in-sink bucket trap
Sandwich shop, salad bar, juice bar, coffee shop, fast food or take-away bar	Appropriate in-floor bucket trap and appropriate in-sink bucket trap Equipment maintenance requirements and discharge limits apply
Sanitary bin washing	Screening and temperature control
Schools, polytechnics, universities (with laboratories / catering facilities)	Appropriate in-floor bucket trap and appropriate in-sink bucket trap
Service Stations and Automotive servicing workshops / garages	No open areas allowing discharge of rainwater to sewer Appropriate in-ground water/oil/paint separator, appropriate in-ground bucket trap Equipment maintenance requirements and discharge limits apply
Swimming pool / spa (residential, hotel, or club)	No open areas draining rainwater to sewer Discharge must be less than 20 L/minute
Veterinary	Appropriate in-floor bucket trap and appropriate in-sink bucket trap

Source of Discharge	Requirements
	No organophosphorus pesticide to sewer No open areas draining rainwater to the sewer
X-ray (<10 standard x-ray films a day, e.g. small professional customers, chiropractors, veterinary clinics, dentists, GPs)	Dilute silver rich solutions may be discharged to sewer in quantities of less than 1 litre per day.

Schedule 2: Conditional trade waste activities

Trade waste resulting from the following activities will be regarded as conditional trade waste:

- Beverage manufacture
- Boat hard-stand areas associated with marinas
- Concrete batching plants
- Dairy products processing
- Drum and container recycling
- Footwear manufacture
- Hazardous materials (manufacture of, storage, transport, use)
- Heavy vehicle / truck wash / equipment and container washing facilities
- Hospitals, mortuaries
- Landfill (leachate discharge)
- Manufacturing of chemicals, and of chemical, petroleum, coal, rubber and plastic products
- Manufacturing of clay, glass, plaster, masonry, asbestos, and related mineral products
- Manufacturing, fabrication or surface coating of metal products, machinery or equipment
- Manufacturing or warehousing of fertiliser or soil amendment products
- Manufacturing, warehousing or recycling of food or food products
- Manufacturing, warehousing or recycling of paper or paper products
- Meat, fish and shellfish processing
- Printers, including screen printers
- Stock sale yards
- Tanneries and leather finishing
- Timber treatment plants
- Textile fibre and textile processing
- Waste management processors and waste treatment facilities

Schedule 3: Prohibited trade waste

Prohibited trade waste is trade waste that has or is likely to have any of the prohibited characteristics set out below. 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 council for the purpose of discharging waste.

Prohibited characteristics

- (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 wastewater in the wastewater system; or damage any part of the wastewater system; or
 - (b) in any way, directly or indirectly, cause the quality of the effluent or biosolids and other solids from any wastewater treatment plant to breach the conditions of a permit issued under the Resource Management Act 1991, or water right, permit or other governing legislation; or
 - (c) prejudice the occupational health and safety of any person or people; or
 - (d) after treatment be toxic to fish, animal or plant life in the receiving waters; or
 - (e) cause malodorous gases or substances that cause the discharge of any wastewater treatment plant to receiving waters to be coloured.
- (2) 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; or
 - (b) dry solids, solids longer than 30mm, heavy solids which settle faster than 50mm/minute, fibrous material, sheet films, and anything which may react to form a solid mass.
 - (c) liquid, solid or gas which could be flammable or explosive in the wastes, including oil, fuel, solvents (except as allowed for in Schedule 1), calcium carbide and any other material which is capable of giving rise to fire or explosion hazards either spontaneously or in combination with sewage; or
 - (d) asbestos; or
 - (e) the following organo-metal compounds:
 - i. tin (as tributyl and other organotin compounds); or
 - ii. chromium (as organic compounds); or
 - (f) genetic wastes, being all wastes that contain or are likely to contain genetically altered material from premises where the genetic alteration of any material is conducted; or
 - (g) any health care wastes covered by NZS 4304 or any pathological or histological wastes; or
 - (h) radioactivity levels in excess of national radiation laboratory guidelines.
 - (i) any pharmaceutical liquid waste containing cytotoxic ingredients. Cytotoxic waste means waste that is contaminated by a cytotoxic drug.

Additional information to Trade Waste Bylaw 2013

This document is for information purposes only and does not form part of this bylaw. It contains matters made pursuant to this bylaw, and information to help users understand, use and maintain this bylaw. The document may be updated at any time.

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**Section 1
History of Bylaw**

Action	Description	Date of Decision	Decision Reference	Commencement
Make	The following trade waste bylaws in force on 31 Oct 2010 deemed to have been made by Auckland Council (a) Auckland Regional Council Trade Wastes Bylaw 1991; (b) Franklin District Council Trade Waste Bylaw 2007; (c) Part 9 (Trade Waste) of the North Shore City Bylaw 2000; (d) Chapter 17 (Trade Waste) of the Rodney District Council General Bylaw 1998.	01 Nov 2010	Section 63 Local Government (Auckland Transitional Provisions) Act 2010	01 Nov 2010
Revoke	The following bylaws: (a) Auckland Regional Council Trade Wastes Bylaw 1991; (b) Franklin District Council Trade Waste Bylaw 2007; (c) Part 9 (Trade Waste) of the North Shore City Bylaw 2000; (d) Chapter 17 (Trade Waste) of the Rodney District Council General Bylaw 1998	22 August 2013	GB/2013/85	30 June 2014
Make	Trade Waste Bylaw 2013	22 August 2013	GB/2013/85	1 July 2014

**Section 2
Related Documents**

Document Title	Description of Document	Location of Document
Decision Minutes and Agenda	Decisions on submissions to proposed trade waste bylaw	www.aucklandcouncil.govt.nz
Hearings Report	Background and summary of submissions to proposed trade waste bylaw	www.aucklandcouncil.govt.nz
Trade waste Bylaw Review Statement of Proposal	Provides background to the trade waste bylaw	http://www.watercare.co.nz/about-watercare/news/Pages/Trade-Waste-Bylaw-Review-Submissions-Invited.aspx
Long Term Plan	Outlines financial plans	www.aucklandcouncil.govt.nz
Annual Plan	Sets fees	www.aucklandcouncil.govt.nz
The Local Government Act 2002	Provides certain functions, duties, powers and penalties to make and enforce this bylaw	www.legislation.govt.nz
The Health Act 1956	Provides certain functions, duties, powers and penalties to make and enforce this bylaw	www.legislation.govt.nz
New Zealand Bill of Rights Act 1990	Provides for rights against unreasonable search or seizure	www.legislation.govt.nz
Bylaws Act 1910	Provides for certain matters related to the validity of bylaws	www.legislation.govt.nz
Interpretation Act 2009	Provides for certain matters related to the interpretation of bylaws	www.legislation.govt.nz

**Section 3
Delegations**

Clause	Function, Duty, Power to be Delegated	Delegated Authority	Date of Delegation Decision	Decision Reference	Commencement of Delegation
All	All powers, duties and functions.	Watercare Services Limited	22 August 2013	GB/2013/85	1 July 2014

**Section 4
Enforcement Powers**

Legislative Provision	Description of Legislative Provision
Part 8 of Local Government Act 2002	162 Injunctions restraining commission of offences and breaches of bylaws 163 Removal of works in breach of bylaws 164 Seizure of property not on private land 165 Seizure of property from private land 168 Power to dispose of property seized and impounded 171 General power of entry 172 Power of entry for enforcement purposes 173 Power of entry in cases of emergency 175 Power to recover for damage by wilful or negligent behaviour 176 Costs of remedying damage arising from breach of bylaw 178 Enforcement officers may require certain information 181 Construction of works on private land 182 Power of entry to check utility services 185 Occupier may act if owner of premises makes default 186 Local authority may execute works if owner or occupier defaults 187 Recovery of cost of works by local authority 188 Liability for payments in respect of private land 239 Offences punishable on summary conviction 242 Penalties for offences
Health Act 1956	23 General powers and duties of local authorities in respect of public health 30 Penalties for permitting or causing nuisances 33 Proceedings in respect of nuisances 34 Power to abate nuisance without notice 65 General provisions as to bylaws 66 Penalties for breach of bylaws 137 Offences punishable on summary conviction

**Section 5
Offences and Penalties**

Bylaw provision	Description of offence	Fine	Infringement fee	Other penalty
cl 24	A person who breaches this bylaw commits an offence under section 239 of the Act.	Under section 242 of the Local Government Act 2002 a person who is convicted of an offence against a trade waste bylaw liable to a fine not exceeding \$200,000. Under section 66 of the Health Act 1956, a person who breaches a bylaw is liable to a fine not exceeding \$500 and, in the case of a continuing offence, to a further fine not exceeding \$50 for every day on which the offence has continued.	nil	