



WHANGANUI
DISTRICT COUNCIL
Te Kaunihera a Rohe o Whanganui

Statement of Proposal

Proposed Trade Wastes Bylaw 2018

1. SUMMARY OF INFORMATION

Whanganui District Council (“the Council”) is seeking feedback on the proposed Trade Wastes Bylaw 2018 (“the proposed bylaw”) in order to provide for a legislative tool for fair and effective management of non-domestic Trade Wastes entering the Whanganui District Council’s Sewerage System.

Council’s current Trade Wastes Bylaw 2015, will not be fit for purpose once the new waste water plant and treatment system is commissioned in 2018. It has always been Council’s stated intention to adopt a new bylaw to coincide with the commissioning of the new waste water plant. The draft bylaw has been written specifically to manage and control trade wastes entering the new waste water treatment plant.

This bylaw applies to all trade premises within the Whanganui District where sewage of a non-domestic nature is discharged or likely to be discharged to Council’s sewerage system. The bylaw also applies to tankered waste discharged to Council’s sewerage system.

2. INTRODUCTION

The purpose of this bylaw is to:

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- a. protect public health and the environment;
- b. protect the sewerage system infrastructure;
- c. protect sewerage system workers;
- d. ensure compliance with resource consent conditions related to the wastewater treatment plant;
- e. provide a basis for monitoring discharges from industry and trade premises;
- f. provide a basis for charging trade waste users of the sewerage system to cover the cost of conveying, treating and disposing of or reusing their wastes;
- g. ensure that the costs of treatment and disposal are shared fairly between trade waste and municipal dischargers;
- h. promote cleaner production;
- i. encourage waste minimisation; and
- j. encourage water conservation.

3. REASON FOR THE PROPOSAL

This proposal to make the proposed bylaw is required by Council in order for it to retain a system of control over trade wastes entering its wastewater systems including wastewater plant.

With a new Wastewater Treatment Plant currently being built, Council needs to ensure there is a fair and effective system of control over trade waste entering the system to ensure design performance and discharge consent conditions can be met.

The proposed bylaw provides for the:

- a. acceptance of trade waste to the sewerage system;
- b. establishment of three grades of trade waste: permitted, conditional and prohibited;
- c. evaluation of individual trade waste discharges to be against specified criteria;
- d. correct storage of materials in order to protect the sewerage and stormwater systems from spillage;
- e. correct disposal of tankered waste to protect the sewerage system;
- f. installation of flow meters, samplers, continuous online quality monitoring systems, or other devices to measure flow and quality of the trade waste discharge;
- g. pre-treatment of waste before it is accepted for discharge to the sewerage system;
- h. sampling and monitoring of trade waste discharges to ensure compliance with this bylaw;
- i. Council to accept or refuse a trade waste discharge;
- j. charges to be set to cover the cost of conveying, treating and disposing of, or reusing, trade waste and the associated costs of administration and monitoring;
- k. administrative mechanisms for the operation of the bylaw; and
- l. establishment of waste minimization and management programmes (including sludges) for trade waste producers.

The existing consents issued under the current bylaw are intended to be continued, with necessary amendments, within the conditional discharge permit provisions under the proposed new bylaw.

4. OPTIONS

The following options for addressing the perceived problem have been considered:

Option 1: Status Quo - do nothing option allowing the current bylaws provisions to suffice;

Option 2: New bylaw that anticipates the desired changes required with proposed wastewater plant upgrade (preferred option) - new bylaw designed to reflect proposed wastewater plant upgrades and reflect industry best practice;

Option 3: Customer Contracts - no trade waste bylaw and rely solely on customer contracts and existing legislative provisions.

Council's assessment of the above options was undertaken with the knowledge that it is currently within a construction phase of a comprehensive redesigned Wastewater Treatment Plant/System to address known legacy performance issues.

With this in mind the assessment process determined that the most appropriate method of managing trade waste discharges to assist wastewater system performance measures, is through a new improved bylaw based on best practice industry standards and model bylaws. This will provide certainty and consistency for all parties into the future and ensure the waste water treatment plant operates within design parameters and discharge consents conditions.

5. PROPOSED PROPOSED BYLAW AT A GLANCE

The proposed bylaw essentially classifies and controls non domestic trade wastes as either Permitted, Conditional or Prohibited.

- **Permitted:** Permitted type and quantity of trade waste discharge in accordance with the bylaws schedule
- **Conditional:** Fails to meet discharge limits therefore requiring a conditional discharge permit.
- **Prohibited:** Discharge contains prohibited substance. No discharge or permit allowed.

The bylaw then contains a level of administrative clauses mostly surrounding the discharge permit application, issue, conditions, fees, sampling and variations to discharge permits.

6. FORM OF BYLAW

The attached Proposed Whanganui District Council Trade Wastes Bylaw 2018 is considered the most appropriate form of bylaw for the purposes of public consultation.

Regulating trade waste discharge by bylaw is an option that is contemplated by the Local Government Act 2002. A number of territorial authorities in New Zealand have adopted trade waste bylaws based on the New Zealand Standard Model Trade Waste Bylaw NZS 9201.23:2004. This proposed form of bylaw is a mixture of NZS 9201, adaptations from other Territorial Authority's Trade Wastes Bylaws and specific provisions to meet our design requirements.

7. CONSULTATION AND SUBMISSION

Section 156(1)(b) of the Local Government Act 2002 (“LGA 2002”) requires Council to use the Special Consultative Procedure for the adoption, review or amendment of a bylaw. The proposed bylaw requires full public consultation as embodied in the LGA 2002 Special Consultative Procedure.

Section 148 of the Local Government Act 2002 contains specific and special requirements for bylaws relating to trade wastes. These requirements are in addition to that within s. 156 but the Council may comply with both by using a single process.

Section 148 specifically requires –

- (a) At least 2 months before making the bylaw, give public notice of the intention to make bylaw.
- (b) Notice to include –
 - trade wastes to which bylaw will relate
 - copies of proposed bylaw
 - Council prepared to receive and consider submissions not less than 2 months after publication of notice
- (c) Council must consult anyone the Minister of Health specifies.
- (d) Council must send a copy of the proposed bylaw to the Minister of Health for comment.
- (e) Council must consider any representation received.

Council intends incorporating both s. 148 and 156 requirements within its special consultative procedure on the matter as detailed below.

Additionally Council intends to consult directly with key trade waste producers that it currently consults with and trade waste collectors likely to be directly impacted by the proposed bylaw.

A copy of the Statement of Proposal, including the proposed bylaw and information about making a submission can be obtained from the Council website www.whanganui.govt.nz

You can make a submission online at www.whanganui.govt.nz/haveyoursay or alternatively submission forms are available from the Whanganui District Council Customer Service counter at the main municipal building located at 101 Guyton Street, the Davis Central City Library and Gonville Library. Please indicate whether you would like to speak to your submission and include contact details. People who wish to be heard by Council will be given the opportunity to do so. The time and venue for the hearing of submissions is yet to be confirmed.

For any queries please contact Arno Bernadie, Senior Wastewater Engineer, on (06) 349 0001.

The period for making submissions is from **9am Friday 15 December 2017 and 4.00pm Friday 23 February 2018**

8. STATEMENT PROPOSING THE PROPOSED BYLAW

Council proposes to consider submissions on the proposed bylaw.

9. REASONS

Council considers a proposed bylaw is necessary in order for it to retain a system of control over trade wastes entering its wastewater systems including rebuilt wastewater treatment plant.

10. PROPOSED CONSULTATION PLAN

TASK	DATE
Council approval of the Statement of Proposal and proposed bylaw for public consultation	Wednesday 6 December 2017
Submissions Open	9am Friday 15 December 2017
Submissions close	4.00pm Friday 23 February 2018
Hearing of submissions	20 March 2018. TBC
Deliberations	11 April 2018 TBC
Final adoption by Council	To Be Confirmed