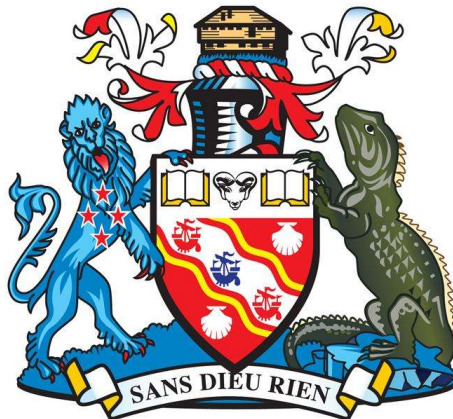


# Trade Wastes Bylaw 2025



As at 04-04-2025

## 1 Title

- (1) This bylaw is the Trade Wastes Bylaw 2025.

## 2 Commencement

- (1) This Bylaw comes into force on 4 April 2025.

## 3 Application

- (1) 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.

## 4 Purpose

- (1) The purpose of this Bylaw is to control and monitor trade waste discharges into public Sewers in order to:
  - (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.

## 5 Scope

- (1) The 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 minimisation and management programmes (including sludges) for trade waste producers.

## 6 Compliance with other Acts

- (1) Nothing in this Bylaw derogates from any of the provisions of any Act and its regulations or any other relevant statutory or regulatory requirements. Any person discharging to the Sewerage System must comply with the requirements of any relevant legislation.

## 7 Interpretation

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

**Analyst** means a testing laboratory Approved in writing by an Authorised Officer.

**Approval** or **Approved** means written consent either by resolution of the Council or by an Authorised Officer.

**Authorised Officer** means any officer appointed by the Council as an enforcement officer under s. 177 of the Local Government Act 2002.

**Biosolids** means Sewage Sludge derived from a Sewage treatment plant that has been treated and/or stabilised to the extent that it is able to be safely and beneficially applied to land.

**Bylaw** or **this Bylaw** means the Trade Wastes Bylaw 2025.

**Characteristic** means any of the physical or chemical characteristics of Trade Waste and may include the level of a characteristic.

**Cleaner Production** means the implementation on Trade Premises, of effective operations, methods and processes appropriate to the goal of reducing or eliminating the quantity and toxicity of wastes.

**Conditional Trade Waste** means trade waste which has, or is likely to have, Characteristics which exceed any Permitted Trade Waste Characteristics but which does not have any Prohibited Trade Waste Characteristics defined in the Discharge Standards.

**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;
- (b) When discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged; and/or
- (c) As described or contained in the Resource Management Act.

**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.

**Council** means the Whanganui District Council.

**Conditional Discharge Permit** means a Permit in writing given by the Council authorising a person to discharge Conditional Trade Waste to the Sewerage System.

**Discharge Standards** or **the Discharge Standards** means the Whanganui Trade Waste Discharge Standards 2025 and any related or subsequent document kept or maintained by Council that lists the Characteristics and activities that are allowed, restricted, or permitted with respect to Trade Wastes in the Whanganui district.

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

**District** means the district of the Council established under the Local Government Act 2002.

**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.

**Foul Water** means the discharge from any sanitary fixtures (any fixture which is intended to be used for sanitation – the term used to describe activities of washing and/or excretion carried out in a manner or condition such that the effect on health is minimised, with regard to dirt and infection) or sanitary appliance (an appliance which is intended to be used for sanitation which is not a sanitary fixture – included are machines for washing dishes and clothes).

**Hazardous Materials** means raw materials, products or wastes containing corrosive, toxic, biocidal, radioactive, flammable or explosive materials, or any material which when mixed with the wastewater stream is likely to generate toxic, flammable, explosive or corrosive materials or any other material likely to be deleterious to the Council Sewer or the health and safety of Council staff and the public; or any hazardous substance as defined in the Hazardous Substances and New Organisms Act 1996 (HSNO).

**Management Plan** means the plan for 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 Sewerage System over any stated period from any single Point of Discharge or collectively from several points of discharge.

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

**Permit Holder** means the person occupying Trade Premises who has obtained a Conditional Discharge Permit to discharge or direct the manner of discharge of trade waste from any Premises to the Council's Sewerage System, and includes any person who does any act on behalf or with the express or implied consent of the Permit Holder (whether for reward or not) and any licensee of the Permit Holder.

**Permitted Trade Waste** means trade waste with Characteristics which comply with the Discharge Standards.

**Person** includes 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 but for the purposes of monitoring, sampling and testing, must be as designated in the trade waste Conditional Discharge Permit.

**Pre-treatment** means any processing of trade waste designed to reduce or vary any Characteristic in a waste before discharge to the Sewerage System.

**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 (e.g. reserve) for a particular purpose; or

(d) Individual units in buildings which are separately leased or separately occupied.

**Private Drain** means that section of drain between the Premises and the point of connection to the Council's Sewerage System.

**Prohibited Trade Waste** means trade waste that has prohibited Characteristics and does not meet the conditions as defined in the Discharge Standards.

**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 infrastructure in place for the collection, treatment and disposal of Sewage and trade wastes, including all Sewers, pumping stations, storage tanks, Sewage treatment plants, outfalls, and other related structures operated by the Council and used for the reception, treatment and disposal of Sewage and trade wastes.

**Significant Industry** is a term to indicate the relative size of a given industry compared to the capacity of the Sewerage System (including Sewage treatment plant) which services that industry. Industry size relates to volume and/or loads discharging into the Sewerage System. Loads can be the conventional loadings of BOD5 and SS or some other particular Contaminant (e.g. boron, chromium) which will have an effect or the propensity to have an effect on the sizing of the Sewerage System, the on-going system operation and/or the quality of the treated effluent that is discharged.

**Stormwater** means 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.

**Trade Premises** means any Premises discharging Sewage of a non-domestic nature;

**Trade Waste** is any liquid that is or may be discharged from a Trade Premises or tanker to the Council's Sewerage System of a non-domestic nature.

**Working Day** means any day of the week other than:

- (a) A Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Labour Day, Wellington Anniversary Day; and
- (b) A day in the period commencing with the 25th day of December in a year and ending with the 2nd day of January in the following year.

## 8 Control of discharges

- (1) No person may:

- (a) Discharge, or allow to be discharged, any trade waste to the Sewerage System except in accordance with the provisions of this Bylaw or in accordance with a Conditional Discharge Permit issued under this Bylaw;
- (b) Discharge, or allow to be discharged, a Prohibited Trade Waste or any Stormwater into the Sewerage System; or
- (c) Add or permit the addition of any solid waste or Cooling Water to any trade waste which discharges into the Sewerage System except in accordance with a Conditional Discharge Permit issued under this Bylaw.

## Part 1 – Classification and Conditional Discharge Permits

### 9 Trade waste classification and requirement for Conditional Discharge Permit

- (1) Trade Waste Discharges are classified as one of the following types in accordance with the following table:

| Classification | Criteria  | Discharge Permit required?                                  |
|----------------|---|---|
| Permitted      | Meets all limits contained in the Discharge Standards                       | No Discharge Permit required                                |
| Conditional    | Does not meet one or more of the limits set out in the Discharge Standards. | Conditional Discharge Permit required                       |
| Prohibited     | Contains any prohibited substance set out in the Discharge Standards.       | Not to be discharged - not able to issue a Discharge Permit |

### 10 Application for trade waste Conditional Discharge Permit

- (1) Every person who does, proposes to, or is likely to:
- (a) Discharge any Trade Waste into the Sewerage System other than Permitted Trade Waste, or
  - (b) Vary the Characteristics of a Trade Waste Discharge that has previously been granted a Conditional Discharge Permit, or
  - (c) Vary any of the conditions of a Conditional Discharge Permit that has previously been granted, must apply to the Council for a Conditional Discharge Permit.
- (2) Every application for a Conditional Discharge Permit must be in such a prescribed form as the Council may decide and accompanied by a Trade Waste application fee in accordance with Council’s schedule of fees and charges. The Council may refuse to process an application for a Conditional Discharge Permit until any fee is paid.

## **11 Information and analysis**

- (1) On the receipt of any application for a Conditional Discharge Permit or variation of a discharge, the Council may:
  - (a) Require the applicant to submit any additional information that it considers necessary for it to reach an informed decision;
  - (b) Require an application to be supported by an independent report/statement completed by a suitably experienced and external auditor to verify any or all information supplied by the applicant;
  - (c) Require the applicant to submit a Management Plan; and/or
  - (d) Carry out such investigation or analysis of the Trade Waste as provided for in clause 23 of this Bylaw.

## **12 Consideration of a Conditional Discharge Permit application**

- (1) In considering any application for a Conditional Discharge Permit, the Council must take into consideration any submissions of the applicant as well as 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, Council's agents and the public;
  - (b) The limits and/or maximum values for Characteristics of trade waste as specified in the Discharge Standards;
  - (c) The extent to which the trade waste may react with other trade waste or wastewater to produce an undesirable effect, e.g. settlement of solids, production of odours, accelerated corrosion and deterioration of the Sewerage System 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 wastewater treatment works, and other facilities;
  - (f) The nature of any wastewater treatment process and the degree to which the trade waste is capable of being treated in the wastewater treatment works;
  - (g) The timing and balancing of flows into the wastewater system;
  - (h) Any statutory requirements relating to the discharge of raw or treated wastewater to receiving waters, the disposal of wastewater sludges, beneficial use of Biosolids, 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 wastewater 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 wastewater system and the environment;
- (l) Consideration for other existing or future discharges;
- (m) Amenability of the trade waste to Pre-treatment;
- (n) Any existing Pre-treatment works on the Premises and the potential for their future use;
- (o) Cleaner Production techniques and waste minimisation practices;
- (p) The requirements and limitations related to Sewage Sludge disposal and reuse;
- (q) The control of Stormwater;
- (r) Any Management Plan;
- (s) Tankered Waste being discharged at an Approved location; and
- (t) Any other matter that the Council considers relevant.

*Explanatory note: The Council is not obliged to accept any trade waste. No application for a Trade waste Conditional Discharge Permit will be granted where the Trade waste discharge would contain, or is likely to contain, Characteristics which are prohibited unless the prohibited Characteristic can be treated so as to allow a Conditional Discharge Permit to be granted.*

### **13 Decision on application**

- (1) On receipt of an application complying with this Bylaw, the Council will, after considering the matters in clause 12, do one of the following:
  - (a) Advise the Applicant, in writing, that the Trade Waste is Permitted Trade Waste;
  - (b) Grant the application as a Conditional Trade Waste Discharge and issue the appropriate Conditional Discharge Permit; or
  - (c) Decline the application and notify the applicant, in writing, of the decision giving a statement of the reasons for declining to grant the application.

### **14 Conditions of Conditional Discharge Permits**

- (1) Any Conditional Discharge Permit may be granted subject to such conditions as the Council may consider appropriate and necessary to meet the requirements and objectives of this Bylaw, 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 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, or for the Permit Holder, at the Permit Holder's expense, of screens, grease traps, silt traps or other Pre-treatment works to control trade waste discharge Characteristics to the Conditional Discharge Permit levels;
- (h) The provision and maintenance at the Permit Holder's expense of inspection chambers, manholes or other apparatus or devices to provide reasonable access to drains for sampling and inspection;
- (i) The provision and maintenance of Process Protection Units, to control trade waste discharge Characteristics to the Conditional Discharge Permit levels, at the Permit Holder's expense;
- (j) The provision and maintenance of a sampling, analysis and testing programme and flow measurement requirements, at the Permit Holder's expense;
- (k) The method or methods to be used for the measuring flow rates and/or volume, taking samples of the discharge, for use in determining the amount of any trade waste charges applicable to that discharge;
- (l) The provision and maintenance by, and at the expense of, the Permit 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;
- (m) The provision and maintenance by, and at the expense of, the Permit Holder of such online continuous monitoring systems as may be required to measure the quality of any trade waste being discharged from the Premises, and for the testing and calibration of such meters;
- (n) The provision and maintenance, at the Permit 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;
- (o) At times specified, the provision by the Permit Holder to the Council of all flow and/or volume records and results of analyses (including Pre-treatment by-products e.g. Sewage Sludge disposal) in a Council Approved format;
- (p) The provision and implementation of a Management Plan;
- (q) Risk assessment of damage to the environment due to an accidental discharge of a chemical;
- (r) Waste minimisation and management;

- (s) Cleaner Production techniques;
- (t) Remote control of discharges;
- (u) The Permit Holder's use of third parties for treatment, carriage, discharge or disposal of by-products of Pre-treatment of trade waste (including Sewage Sludge disposal);
- (v) Requirement to provide a bond or insurance in favour of the Council where failure to comply with the Conditional Discharge Permit 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;
- (w) Remote monitoring of discharges;
- (x) Such Pre-treatment as may be necessary.

## 15 Mass Limits

- (1) A Conditional Discharge Permit may specify a Mass Limit for any Characteristic.
- (2) Any Characteristic permitted by Mass Limit must also have its Maximum Concentration limited to the value scheduled unless Approved otherwise.
- (3) When setting Mass Limit allocations for a particular Characteristic the Council will consider:
  - (a) The operational requirements of and risk to the wastewater system
  - (b) Potential risks to occupational health and safety, public health, and the ultimate receiving environment;
  - (c) Whether or not the levels proposed pose a threat to the planned or actual beneficial reuse of Biosolids or Sewage Sludge;
  - (d) Conditions in the Sewerage System near the Trade Waste discharge point and elsewhere in the wastewater system;
  - (e) 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;
  - (f) Whether or not the applicant uses or proposes to use Cleaner Production techniques within a period satisfactory to the Council;
  - (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's resource consents to reduce any Contaminant 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 Sewerage 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.

## **16 Duration of Conditional Discharge Permit**

- (1) Subject to clauses 19 and 20, a Conditional Discharge Permit issued under this Bylaw will expire at the end of a term fixed by the Council in its discretion provided that no permit term shall extend beyond the expiry of any relevant Resource Consent held by the Council, or 10 years whichever is the shorter.

## **Part 2 – Technical Review and Variation**

### **17 Technical review and variation**

- (1) The Council may at any time undertake a technical review of a Trade Waste Discharge. The reasons for a review may include (without limitation):
    - (a) the level of consent holder compliance, including any accidents, spills or process mishaps; or
    - (b) the Council has good reason to believe that the quantity and nature of the discharge changes, or is likely to change, to such an extent that it becomes non-compliant, and/or it becomes either a Conditional or Prohibited Trade Waste; or
    - (c) new information becomes available; or
    - (d) there is a need to meet any new resource consent imposed on the discharge from the Council's treatment plant or there are any changes in the resource consent conditions held by the Council; or
    - (e) there is a need to meet other legal or environmental requirements imposed on the Council, or
    - (f) any of the matters outlined in clauses 19.1 or 20.1.
  - (2) Following such a review, and after the Council consults with the occupier of the Premises from which the Trade waste is discharged, the Council may, by written notice to that person:
    - (a) vary any condition of a Conditional Discharge Permit to such an extent as the Council considers necessary; or
    - (b) require an occupier to apply for a Conditional Discharge Permit in accordance with clause 10.11.
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- (3) Where the occupier is required to apply for a Conditional Discharge Permit, no new discharge is permitted before the granting of such a consent.

## **18 Permit Holder may apply to vary Conditional Discharge Permit conditions**

- (1) The Permit Holder may at any time during the term of a Conditional Discharge Permit, by written application to the Council, seek to vary any condition of the Conditional Discharge Permit.
- (2) Any request for variation will be considered and decisions will be made in accordance with clauses 12, 13 and 14 of this Bylaw.

## **Part 3 – Suspension or Cancellation of the Right to Discharge**

### **19 Summary cancellation**

- (1) Any Conditional Discharge Permit or the right to discharge as a Permitted Trade Waste Discharge may at any time be summarily cancelled by the Council issuing the Permit Holder or then occupier of Premises from which the Trade Waste is discharged with written notice of such cancellation if:
  - (a) The discharge contains any prohibited substance;
  - (b) The discharge is otherwise unlawful;
  - (c) The continuance of the discharge, in the opinion of the Council;
    - (i) is a threat to the environment or public health,
    - (ii) may result in damage to the network or wastewater treatment plant, or
    - (iii) 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, or
  - (d) The Council is lawfully directed to withdraw or otherwise to terminate the Conditional Discharge Permit summarily.

### **20 Suspension or cancellation on notice**

- (1) Council may suspend or cancel any Conditional Discharge Permit or right to discharge as a Permitted Trade Waste discharge at any time following 20 Working Days' notice to the Permit Holder or person discharging any trade waste:
  - (a) For failure to comply with the provisions of the Discharge Standards;
  - (b) For the failure to comply with any condition of the Conditional Discharge Permit;
  - (c) For failure to maintain effective control over the discharge;

- (d) For failure to limit in accordance with the requirements of a Conditional Discharge Permit the volume, nature, or composition of trade waste being discharged;
  - (e) 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;
  - (f) If any occurrence happens that, in the opinion of the Council, poses a serious threat to the environment;
  - (g) In the event of any breach of a resource consent held by the Council issued under the Resource Management Act 1991;
  - (h) For failure to provide and when appropriate update a Management Plan as required for a Conditional Discharge Permit;
  - (i) For failure to follow the Management Plan provisions at the time of an unexpected, unscheduled or accidental occurrence;
  - (j) For failure to pay any charges under this Bylaw; or
  - (k) 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.
- (2) If any process changes require more than 20 Working Days, reasonable time may be given to comply with the Conditional Discharge Permit conditions.

## **Part 4 – Sampling, testing and monitoring**

### **21 Flow metering**

- (1) Flow metering may be required by the Council:
- (a) On discharges when there is not a reasonable relationship between a metered water supply to the Premises, and the discharge of trade waste;
  - (b) When the Council will not approve a method of flow estimation; and/or
  - (c) When the discharge represents a significant proportion of the total flow or load received by the Council.
- (2) The Council may enter any Trade Premises for the purpose of the supply, installation, reading and maintenance of any meter required by the Council for the measurement of the rate or quantity of discharge of trade waste.
- (3) If required by the Council, a Permit Holder shall be responsible for the supply, installation, reading and maintenance of any meter required by the Council for the measurement of the rate or quantity of discharge of trade waste. These devices shall be subject to the approval of the Council, but shall remain the property of the Permit Holder.

- (4) Records of flow and/or volume shall be available for viewing at any time by the Council, and shall be submitted to the Council at prescribed intervals by the Permit Holder in a format Approved by the Council.
- (5) Meters shall be located in a position Approved by the Council which provides the required degree of accuracy and should be readily accessible for reading and maintenance. The meters shall be located in the correct position according to the manufacturer's installation instructions.
- (6) The Permit Holder shall arrange for in situ calibration of the flow metering equipment and instrumentation by a person and method Approved by the Council upon installation and at least once a year thereafter to ensure its performance. The meter accuracy should be  $\pm 10\%$  but with no greater a deviation from the previous meter calibration of  $\pm 5\%$ . A copy of independent certification of each calibration result shall be submitted to the Council.
- (7) Should any meter, after being calibrated, be found to have an error greater than that specified in clause 21.6 as a repeatable measurement, the Council may make an adjustment in accordance with the results shown by such tests back-dated for a period at the discretion of the Council but not exceeding 12 months.

## 22 Estimating discharge

- (1) The Council, at its discretion, may require that instead of discharge being measured by meter it is measured by applying a formula whereby the discharge is calculated as a percentage of the water supplied to the Premises (or other such basis as the Council deems reasonable).
- (2) Should any meter be out of repair or cease to register, or be removed, the Council may estimate the discharge for the period since the previous reading of such meter (based on the average of the previous 12 month's flow).

*Explanatory Note: If 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.*

## 23 Sampling and analysis

- (1) Sampling, testing and monitoring may be undertaken to determine if:
  - (a) A discharge complies with the provisions of this Bylaw;
  - (b) A discharge is to be classified as permitted, conditional, or prohibited;
  - (c) A discharge complies with any provisions of the Discharge Standards for Permitted Discharge or any Conditional Discharge Permit to discharge; and
  - (d) Trade Waste charges are applicable to that discharge.
- (2) The taking, preservation, transportation and analysis of the sample shall be undertaken by an Authorised Officer or agent of the Council, or the person discharging in accordance with

accepted industry standard methods, or by a method specifically Approved by the Council, including continuous online quality monitoring systems. The person discharging shall be responsible for all reasonable costs.

- (3) Where a dispute arises as to the validity of the methods or procedures used for sampling or analysis, the dispute may be submitted to a mutually agreed independent arbitrator.
- (4) 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.
  - (d) Observing accidental occurrences and clean-up.
- (5) Authorisation for entry to Premises is given under the LGA and entry shall be in compliance with the health and safety policies of that particular site.

## **24 Monitoring for compliance**

- (1) The Council is entitled to monitor and audit any trade waste discharge for compliance. Trade waste 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 an Approved laboratory by agreed/Approved analytical methods, or will utilise a continuous online quality monitoring system;
  - (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 Conditional Discharge Permit conditions including any Management Plans.
- (2) 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.

## **25 Preferred monitoring strategy**

- (1) If required by the Council the holder of a Conditional Discharge Permit shall comply with the Council's preferred monitoring strategies.
- (2) The Council's preferred monitoring strategies are as follows:
  - (a) A continuous online quality monitoring system may be used for sampling and monitoring;
  - (b) In the absence of online monitoring, samples may be collected by making use of a flow proportional sampling methodology;
  - (c) In the absence of flow proportional sampling a time interval sampling methodology may be used; and
  - (d) If none of the methodologies mentioned above are available, a single grab or composite sample will be sufficient.

## **26 Grab sampling**

- (1) If grab sampling is required, the grab or composite sample can be split equally into three as follows:
  - (a) One portion of the sample goes to the trade waste discharger for appropriate analysis and/or storage;
  - (b) A second portion of the sample shall be analysed at a laboratory Approved by the Council; and
  - (c) A third portion of the sample is retained by the Council for 20 Working Days, for additional analysis if required.
- (2) Due consideration will be applied to any changes that could occur in retained trade waste samples and provisions to mitigate against changes will be adopted where practicable.
- (3) In all cases the samples shall be handled in an appropriate manner such that the Characteristics being tested for are, as far as reasonably possible, preserved.
- (4) All samples shall be preserved, handled, transported and delivered to an Approved laboratory according to best possible practice and Approved standards.

## **Part 5 – Bylaw Administration**

### **27 Charges and invoicing**

- (1) The Council may from time to time set such fees and charges as it considers appropriate in accordance with the Local Government Act 2002.



*Explanatory note: All charges determined in accordance with this clause will be invoiced in accordance with Council's standard commercial practice. The invoice will provide each person discharging with a copy of the information and calculations used to determine the extent of any charges and fees due, in regard to a discharge.*

*The Council may also recover costs associated with trade waste conveyance, treatment, and discharge by setting rates under the Local Government (Rating) Act 2002.*

## **28 Failure to pay**

- (1) All fees and charges payable under this Bylaw will be recoverable as a debt.

## **29 Transfer or termination of Conditional Discharge Permit**

- (1) A Permit Holder must not, unless written Approval is obtained from the Council:
  - (a) Transfer to any other party the rights and responsibilities provided for under the discharge permit;
  - (b) Allow a Point of Discharge authorised by that permit to serve Premises other than those referred to in the permit; or
  - (c) In particular, and not in limitation of the above, allow Sewage from any other Premises or person to be discharged at the Point of Discharge.
- (2) The person discharging must give 48 hours' notice in writing to the Council of their requirement for Disconnection and/or termination of the Conditional Discharge Permit, except where demolition or relaying of the discharge drain is required, in which case the notice must be within seven Working Days.
- (3) When a person discharging ceases to occupy Premises from which trade wastes are discharged into the Sewerage System any Conditional Discharge Permit granted will terminate but without relieving the person discharging from any obligations existing at the date of termination.

## **30 Cease to discharge**

- (1) The person discharging will be deemed to be continuing the discharge of Trade waste and will be liable for all appropriate charges, until Notice of Disconnection is received by the Council.

*Explanatory note: Renewal of a trade waste Conditional Discharge Permit on change of ownership of Premises will not be unreasonably withheld if the Characteristics of the Sewage remain unchanged.*

*The person discharging must 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.*

### **31 Service of documents**

- (1) 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 delivered to any person appearing to be in charge of the Premises discharging trade waste or otherwise as set out in any Conditional Discharge Permit.

### **32 Offences**

- (1) Every person who:
  - (a) Fails to comply with or acts in contravention of any provision of this Bylaw;
  - (b) Breaches the conditions of any Conditional Discharge Permit granted pursuant to this Bylaw;  
and/or
  - (c) Fails to comply with a notice served under this Bylaw,commits an offence under s. 239 of the LGA.
- (2) In addition the Council may recover costs associated with damage to the Council Sewerage System and/or breach of this Bylaw in accordance with s. 175 and s. 176 of the LGA respectively.

### **33 Transitional provisions**

- (1) Any application for a Conditional Discharge Permit to discharge Trade Waste made under the Whanganui District Council Trade Wastes Bylaw 2025 for which a Conditional Discharge Permit has not been granted at the time of this Bylaw coming into force will be deemed to be an application made under clause 10 of this Bylaw.
- (2) Every existing trade waste conditional consent will continue in force as if it were a Conditional Discharge Permit under this Bylaw until it reaches its expiry date.