

Trade Waste Bylaw 2023





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1. Introduction

This Bylaw regulates the discharge of trade wastes to a wastewater system operated by Whangarei District Council (Council).

1.1 Commencement and application

This Bylaw comes into force on 4 August 2023.

1.2 Scope of Bylaw

The Bylaw provides for the:

- a. acceptance of long-term, intermittent or temporary discharge of trade wastes to the wastewater system
- b. establishment of four grades of trade wastes: Permitted, Controlled, Conditional and Prohibited such being defined in clause 4.1.1 of this Bylaw
- c. evaluation of individual trade wastes discharges to be against specified criteria
- d. correct storage of materials to protect the wastewater system and stormwater systems from spillage
- e. installation of flow meters, samplers or other devices to measure flow and quality of the trade waste discharge
- f. pre-treatment of waste before it is accepted for discharge to the wastewater system
- g. sampling and monitoring of trade wastes discharges to ensure compliance with this Bylaw
- h. Council to accept or refuse a trade wastes discharge
- i. 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
- j. administrative mechanisms for the operation of the Bylaw
- k. establishment of waste minimisation and management programmes (including sludges) for trade waste producers.

1.3 Compliance with other Acts

Nothing in this Bylaw shall derogate from any of the provisions of the Health Act 1956, the Health and Safety at Work Act 2015, the Resource Management Act 1991, the Building Act 2004, the Hazardous Substances and New Organisms Act 1996 and their regulations or any other relevant statutory or regulatory requirements. In the event of any inconsistency between legislation the more stringent requirement applies.

This Bylaw shall apply to all Trade premises within the Whangarei District where trade wastes are discharged, or sought, or likely to be discharged to the wastewater system operated by Whangarei District Council or its agents. This Bylaw shall also apply to Tankered Wastes collected for the purpose of discharge to a wastewater system operated by Whangarei District Council or its agents.

Pursuant to S196 of the Local Government Act 2002 (LGA) Council may refuse to accept any type of trade waste which is not in accordance with this Bylaw.

2. Interpretation

Unless inconsistent with the text, any term that is not defined in this section takes its common meaning from the Concise Oxford English Dictionary (eleventh edition).

For the purpose of this Bylaw, unless inconsistent with the context, the following definitions shall apply:

Analyst means a testing laboratory approved in writing by a Council officer on behalf of Council.

Approval or approved means approval or approved in writing Council either by resolution of Council or by a Council officer.

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

Bio solids means sewage sludge derived from a sewage treatment plant that has been treated and/or stabilized to the extent that it is able to be safely and beneficially applied to land and does not include products derived solely from industrial wastewater treatment plants. The term Bio solid/Bio solids is used generally through this document to include products containing Bio solids (e.g. compost).

Characteristic means any of the physical or chemical characteristics of a trade waste and may include the level of a characteristic including characteristics listed in the Trade Waste Control

Chief Executive means the Chief Executive of Whangarei District Council

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. This is required to minimise and manage trade wastes by:

- using energy and resources efficiently, avoiding or reducing the amount of wastes produced
- producing environmentally sound products and services; and
- achieving less waste, fewer costs and higher profits.

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

Consent means consent in writing given by Council and signed by a Council officer.

Consent to discharge authorising a Person to discharge trade waste to the wastewater system.

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

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

- a. when discharged into water, changes or is likely to change the physical, chemical or biological condition of water; or
- b. when 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

or as described or contained in the Resource Management Act 1991.

Contingency management procedures means those procedures developed and used to avoid, remedy, or mitigate the actual and/or potential adverse effects of these activities on the

environment, from an unexpected or unscheduled event resulting in discharge, or potential discharge of contaminants of concern into the wastewater system.

Council and the Council means Whangarei District Council, or any person delegated or authorised to act on their behalf.

Council officer means:

- any officer for the time being appointed by Council to carry out or exercise the duties, offices, or powers of a Council officer referred to in or granted by this Bylaw, his deputy or assistant and in acting as provided by this Bylaw shall act as agent for Council; and
- any officer appointed by Council as an enforcement officer under S177 of the Local Government Act 2002 as an enforcement officer with powers of entry as prescribed by Sections 171-174.

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

District means the District administered by Council as established under LGA 2002.

Domestic wastewater and domestic sewage means either wastewater discharged from premises, used solely for residential activities, or wastes of the same character discharged from other premises, but does not include any solids, liquids or gases that may not be lawfully discharge into sewage drains controlled by this Bylaw. Wastewater or sewage is used interchangeably throughout this document.

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.

Grease trap means any device approved by Council that allows kitchen and/or food production wastewater to cool, and the grease and solids to separate from the wastewater.

Hazardous material means

- a. any raw materials(s), product(s) or waste(s) containing corrosive, toxic, biocidal, ecotoxic (with or without bioaccumulation), 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. any material containing any hazardous substance as defined by the Hazardous Substances and New Organisms Act 1996; or
- d. any material which meets the definition for infectious substances included in the Land transport Rule; Dangerous Goods 2005 and NZ Standard 5433:2012 – Transport of Dangerous Goods on Land; or
- e. any material which meets the definition for radioactive material included in section 96 of the Radiation Safety Act 2016.

Infringement offence means an offence as specified by this Bylaw under s 243 and s 259 of the LGA.

LGA means Local Government Act 2002 – the key legislation (law) that defines what Council's responsibilities are to the community and how they must be fulfilled and reported on.

Long Term Council Community Plan (LTCCP) or Long Term Plan (LTP) means a Long-term plan adopted under S93 of the LGA.

Management plan means the plan for management of operations on any premises from which trade

waste comes, and may include provision for Cleaner Production, waste minimisation, discharge, contingency management procedures, and any relevant industry codes of practice.

Mass limit means the total mass of any characteristic that may be discharged to the wastewater system over any stated period from any single point of discharge or collectively from several points of discharge.

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

Occupier in relation to trade premises means the person occupying the premises connected to the wastewater system; and includes any agent, manager, foreman, or other person acting or apparently acting in the general management or control of trade premises and includes the owner of the premises if the premises are unoccupied.

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

Point of discharge means the boundary between the public sewer and private drain but for the purposes of monitoring, sampling and testing, may be an alternative designated point as specified in the trade waste consent.

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

Premises means either:

- a. a property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued; 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 is available; or
- 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.

Prohibited trade wastes means a trade waste that has prohibited characteristics as defined in Schedule 1A and does not meet the conditions listed in the Trade Waste Control.

Private drain means that section of drain between the premises and the point of connection to the public wastewater system.

Schedule of Fees and Charges means Council's current Schedule of Fees and Charges

Schedule of rates and charges means the list of items, terms and prices for services associated with the discharge of trade waste as approved by Council.

Sewage sludge means the material settled out and removed from wastewater during the treatment process.

Sewer means the public pipework drainage system that conveys sewage.

Shall means must, is, or are obligated to.

Significant industry is a term to indicate the relative size of a given industry compared to the capacity of the public wastewater system, which services that industry. Industry size relates to the volume and/or loads discharging into the wastewater system. Loads can be the conventional loadings of chemical oxygen demand and suspended solids or some other particular contaminant (e.g. boron, chromium), which may have an effect on the sizing of the wastewater 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.

Stormwater system means all pipes, pumping stations, storage tanks, outfalls and other related structures owned by or under the control of Council, used for the receiving, transporting, treating or disposing of stormwater.

Tankered waste means any type of wastewater which is conveyed by vehicle from any premises for disposal at an approved site.

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

Trade premises means:

- 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 process; or
- d. any other premises discharging 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 Council's wastewater system in the course of any business, trade or industrial process or operation in the course of any activity or operation of a like nature.

Trade waste consent means a consent of the type as described in clause 3 of this Bylaw.

Trade Waste Control means a Trade Waste Control made under clauses 7.8 and 7.9 of this Bylaw and adopted by Council

Wastewater system means all pipes, pumping stations, storage tanks, wastewater treatment plants, outfalls and other related structures owned by or under the control of Council, used for the receiving, transporting, treating or disposing of wastewater.

Wastewater treatment plant means any arrangement of devices and structures used for treating sewage, and/or trade waste prior to discharge to the environment.

Working day means any day of the week other than:

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

3. Applications to discharge trade wastes

3.1 Control of discharges

3.1.1 No person shall:

- a. discharge, or allow to be discharged, any trade waste to a wastewater system except in accordance with the provisions of this Bylaw; or
- b. discharge, or allow to be discharged a prohibited trade waste as defined in clause 4.1.1b into the wastewater system; or
- c. add or permit the addition of condensing water or cooling water to any trade waste which discharge into the wastewater system unless specific approval is given in a consent; or
- d. add or permit the addition of stormwater to any trade waste, which discharges into the wastewater system unless specific approval is given in a consent.

3.1.2 In the event of failure to comply with 3.1.1(a)–(d), Council may physically prevent the discharge to the wastewater system if a reasonable alternative action cannot be established with the discharging party or parties.

3.1.3 Any Person discharging to the wastewater system shall also comply with the requirements of the Hazardous Substances and New Organisms Act 1996 (HSNO) and the Resource Management Act 1991 (RMA).

3.2 In the storage, transport, handling and use of hazardous or harmful materials

- a. All persons on trade premises shall take all reasonable steps to prevent the accidental entry of any of the materials listed in 3.2(c) of this Bylaw from entry into the wastewater system as a result of leakage, spillage or other mishap.
- b. No person shall store, transport, handle or use, or cause to be stored, transported, handled or used any hazardous substance as defined by HSNO or any of the materials listed in 3.2(c) in a manner that may cause the material to enter a wastewater system and cause harmful effects.
- c. Materials referred to in 3.2 (a) and (b) are products or wastes which:
 - i. contain corrosive, toxic, eco-toxic, oxidising, radioactive, flammable or explosive materials; or
 - ii. are likely to generate toxic, eco-toxic, flammable, explosive, oxidising or corrosive materials in quantities likely to be hazardous when mixed with the wastewater stream
 - iii. are likely to be deleterious to the health and safety of Council staff, approved contractors and the public or be harmful to the wastewater system.

4. Trade waste discharges and consents

4.1 Classification of trade waste discharges

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

a. Permitted (consent required if decided by Council)

Is a trade waste that has been approved by and is acceptable to Council as long as it has the physical and chemical Characteristics which comply (without pre-treatment) with the requirements of Council standard as defined in the Trade Waste Control. No consent is required for a permitted trade waste discharge but Council has a right of access to inspect any discharge to determine whether a discharge is a permitted trade waste.

b. Controlled (consent required)

Is a trade waste that requires pre-treatment in order to ensure the discharge meets the conditions of the Trade Waste Control.

c. Conditional (consent required)

Is a trade waste that has conditions placed upon the consent holder by Council.

d. Prohibited (Not consentable)

Is a trade waste that has prohibited Characteristics as defined in Schedule 1A of this Bylaw and does not meet the conditions listed in the Trade Waste Control. This waste is not acceptable for discharge in Council system except if specifically approved by Council as a Conditional trade waste.

4.1.2 Council is not obligated to accept any trade waste. No application for consent shall be approved where the trade wastes discharge would contain, or is likely to contain, characteristics, which are prohibited.

4.1.3 No person shall discharge, or cause to be discharged, any trade wastes to a wastewater system except in accordance with the provisions of this Bylaw.

4.2 Application for trade waste consent

4.2.1 Every person who does, proposes to, or is likely to:

- a. discharge into the wastewater system any trade waste (either continuously, intermittently or temporarily); or
- b. vary the characteristics of a consent to discharge that has previously been granted; or
- c. vary the conditions of consent to discharge that has previously been granted; or
- d. significantly change the method or means of pre-treatment for discharge under an existing consent,

shall, if required by Council, complete an application in the prescribed form(s) for the consent of Council, to discharge that trade waste, or to the proposed variation(s).

4.2.2 Council reserves the right to deal with the owner as well as the occupier of any trade premises.

4.2.3 Nothing in this Bylaw shall be deemed to prevent Council from dealing separately with trade waste arising from different departments or from different industrial processes carried out in the same trade premises and from treating the application received from the occupier concerned as if separate application had been made in respect of any such different trade waste.

4.2.4 The Applicant shall ensure that the application and every other document conveying required information is properly executed and any act done for, or on behalf of, the eventual consent holder

(whether for reward or not) in making any such application shall be deemed to be an act of the consent holder.

4.2.5 Council may 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, and this may include a management plan.

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

4.3 Processing of an application

Council shall acknowledge the application in writing within 10 Working Days of the receipt of application.

4.4 Information and analysis

Upon receipt of any application for a trade waste consent to discharge from any premises or renewal, or alteration of an existing consent to discharge, or to discharge tankered waste into Council's wastewater system, Council may:

- a. require the applicant to submit any additional information which it considers necessary to reach an informed decision;
- b. require the applicant to submit a Management Plan to the satisfaction of Council;
- c. whenever appropriate, have the discharge investigated and analysed as provided for in clauses 6.1 and 6.3 of this Bylaw.

4.5 Consideration of an application

Within 20 Working Days (or extended as necessary by Council) of receipt of an application complying with this Bylaw and/or all requirements under 4.4, whichever is the later, Council shall, after considering the matters in 4.6 action one of the following in writing:

- a. grant the application as a permitted trade waste and inform the applicant of the decision by issuing the appropriate notice; or
- b. grant the application as a controlled or a conditional trade waste discharge consent and inform the applicant of the decision and the conditions imposed on the discharge by issuing the appropriate notice of consent to the discharge; or
- c. decline the application and notify the applicant of the decision giving a statement for the reasons for refusal.

4.6 Consideration criteria

In considering any application for a trade waste consent or tankered waste into the wastewater system and in imposing any conditions in a consent, Council shall take the quality, volume and rate of discharge of the trade waste into consideration in relation to the:

- a. health and safety of Council staff, authorised agents, independent analysts and the public;
- b. the quality, volume and rate of discharge of the trade waste from such premises or tanker;
- c. the limits and/or maximum values for characteristics of trade waste as specified in Schedules 1A and the Trade Waste Control;
- d. the extent to which the trade waste may react with other trade waste(s) or Domestic Wastewater to produce an undesirable effect, e.g. settlement of solids, production of odours, accelerated corrosion and deterioration of the sewerage System;
- e. the flows and velocities in the sewer or sewers in relation to the material or construction of the

sewer or sewers;

- f. the capacity of the sewers in any wastewater catchment area and the capacity of any wastewater treatment works serving the catchment in which the trade waste is produced;
- g. the nature of Council's wastewater treatment processes and the degree to which the trade waste is capable of being treated in the relevant wastewater treatment plant;
- h. the timing and balancing of flows into the wastewater system;
- i. existence of any statutory requirements relating to the conveyance, treatment or discharge of raw or treated wastewater to receiving waters, the disposal of sewage sludges, beneficial use of Bio solids and any discharge to air (including the necessity for compliance with any resource consent, discharge permit or receiving water quality guidelines);
- j. the effect of the trade waste discharge on the ultimate receiving environment;
- k. the conditions on resource consents for the wastewater system and the residuals from it;
- l. the possibility of unscheduled, unexpected or accidental events and the degree of risk these could cause to humans, the wastewater system and the environment;
- m. consideration for other existing or future discharges;
- n. amenability of the trade waste to pre-treatment;
- o. existing pre-treatment works on the premises and the potential for their future use;
- p. cleaner production techniques and waste minimisation practices;
- q. requirements and limitations related to sewage sludge disposal and reuse;
- r. control of stormwater;
- s. management plan;
- t. tankered waste being discharged at approved locations;
- u. any other matter that Council considers relevant.

4.7 Conditions of trade waste consent

Any consent to discharge may be granted or renewed subject to such conditions that Council may impose including but not limited to:

- a. the particular wastewater system or sewers to which the discharge shall be made;
- b. the maximum daily volume of the discharge, 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 concentration limits and/or mass limits determined in accordance with clause 4.8 of this Bylaw;
- 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 characteristics of the trade waste at the point of discharge;
- f. the provision, maintenance and operation by, or for the consent holder (at their expense) of screens, grease traps, oil traps, silt traps, other partial or preliminary pre-treatment processes, equipment or storage facilities designed to regulate the quality, quantity and rate of discharge or other characteristic prior to the point of discharge;
- g. the provision and maintenance of inspection chambers, manholes or other apparatus or devices to provide reasonable access to private sewers for flow measurement, sampling and inspection

- at the consent holders expense;
- h. the provision and maintenance of a sampling, analysis and testing programme and flow measurement requirements, at the consent holder's expense;
- i. the method or methods to be used for measuring flow rates and/or volume and taking samples of the discharge for use in determining the amount of any trade waste charges applicable to that discharge;
- j. the provision and maintenance of such services, (whether electricity, water or compressed air or otherwise), which may be required in order to operate meters and similar devices at the consent holder expense;
- k. at times specified, the provision in a Council approved format by the consent holder to Council of all flow and/or volume records and results of analyses;
- l. the provision and implementation by the consent holder of a discharge management plan;
- m. risk assessment of damage to the environment due to an accidental discharge of a contaminant;
- n. waste minimisation and management;
- o. cleaner production techniques;
- p. consent holder's use of third parties for treatment, carriage, discharge and disposal of by-products of pre-treatment of trade wastes;
- q. requirement to provide a bond or insurance in favour of Council where failure to comply with the consent could result in damage to Council's wastewater system, its treatment plants, or could result in Council being in breach of any statutory obligation;
- r. the meeting of any other conditions reasonably necessary to achieve or ensure compliance with this Bylaw and any other legislation.

4.8 Duration

4.8.1 Permitted Discharges shall remain in force indefinitely until either:

- a. cancellation under clauses 3.1.2 or 4.10 of this Bylaw;
- b. the quantity and nature of the discharge changes significantly;
- c. if in the opinion of Council the discharge changes or it is likely to change to such an extent that it becomes a Controlled, Conditional or Prohibited trade waste as such are defined in clause 4.1.1 of this Bylaw;
- d. Council changes the trade waste management procedures by implementation of changed trade waste Bylaw conditions or any amendment to, or replacement of, the trade waste Bylaw; or
- e. the conditions on resource consents for the wastewater system and the residuals from it change.

In all cases, after appropriate consultation, the Person shall make application within 10 Working Days of this change occurring, for a Controlled or Conditional consent in accordance with clause 4.2 of this Bylaw. No new discharge shall occur until such time as the application has been approved.

4.8.2 Subject to clauses 4.10 and 7.1 of this Bylaw, controlled and conditional consents under this Bylaw shall expire at the end of a term fixed by Council subject to the following:

- a. controlled and conditional consents may be given for a term not exceeding five years to a consent holder who at the time of application satisfies Council that:
 - i. the nature of the trade activity, or the process design and/or management of the premises are such that the consent holder has demonstrated ability to meet the conditions of the consent during its term; and/or

- ii. cleaner production techniques are successfully being utilised, or that a responsible investment in cleaner production equipment or techniques is being made; and/or
 - iii. significant investment in pre-treatment facilities has been made, such that a longer period of certainty for the amortizing of this investment is considered reasonable; and/or
 - iv. the reissuing of consent cannot be unreasonably withheld.
- b. in all other cases the term of a controlled or a conditional trade waste consent should not exceed two years;
 - c. in all cases where either the consent holder or the owner of the premises changes, or there is a change of use, a new application for a controlled or a conditional trade waste consent shall be made. It shall be the responsibility of the consent holder to lodge the new application; and
 - d. the conditions on resource consents for the wastewater system and the residuals from it change.

4.8.3 Notwithstanding clause 4.8.2 Council retains the right to review the conditions at an earlier time. The reasons for such an earlier review could include but are not limited to:

- a. the level of consent holder compliance, including any accidents including spills or process mishaps.
- b. matters pertaining to Council resource consents for the wastewater system.
- c. matters pertaining to Council environmental policies and outcomes.
- d. new control and treatment technologies and processes.
- e. any of the matters outlined in Section 5 of this Bylaw.
- f. matters pertaining to Council's legal obligations.

4.9 Technical review and variation

4.9.1 Council at any time may require a person undertaking a permitted discharge to apply for consent in accordance with clause 4.8.1 of this Bylaw.

4.9.2 If Council is having problems with excess organic material from trade premises including but not limited to excess oil and grease from food premises, then the offending industry may be required to apply for a conditional consent such that the conditions imposed shall result in a discharge compliant with the requirements of Council standard as defined in Schedule 1A and the Trade Waste Bylaw.

4.9.3 Council may at any time during the term of a consent, by written notice to the consent holder, vary any condition within the consent to address such issues as a change in the:

- a. nature of the discharge;
- b. wastewater system;
- c. circumstances that cause the condition(s) to become inappropriate or unnecessary;
- d. resource consent limits imposed on the discharges or the use of liquids or solids from Council's wastewater treatment plant;
- e. legal requirements imposed on Council.

4.9.4 The consent holder may seek to vary any condition of a consent at any time during the term of a consent by written application to Council, as provided for in clause 4.7 of this Bylaw.

4.10 Suspension or cancellation of the right to discharge

4.10.1 Council may suspend or cancel any consent or right to discharge at any time by giving 15 Working Days written-notice to the consent holder, if the consent holder fails to:

- a. comply with any condition of the consent;
- b. maintain effective control over the discharge;
- c. limit the volume, nature, or composition of trade waste being discharged in accordance with the requirements of the consent;
- d. take any action which in the opinion of Council, threatens the safety of, or threatens to cause damage to any part of the wastewater system or the wastewater treatment plant or threatens the environment or the health or safety of any person;
- e. pay any charges due under this Bylaw;
- f. if any other circumstances arise which, in the opinion of Council, render it necessary in the public interest to cancel the right to discharge;
- g. If any process changes require more than 15 Working Days, reasonable time may be given to comply with the consent conditions.

4.10.2 Council may cancel any consent or right to discharge immediately by giving written notice to the consent holder, if the:

- a. discharge contains any prohibited substance;
- b. Council is lawfully directed to withdraw or otherwise terminate the consent summarily;
- c. consent holder discharges any trade waste unlawfully which Council determines may endanger the health or safety of any person, damage any part of the wastewater system or cause serious environmental effects as a result of the discharge;
- d. discharge is not effectively controlled in accordance with the requirements of a consent;
- e. continuance of discharge may, in the opinion of Council, result in a breach of resource consent held by Council;
- f. Council's opinion is that the continuance of the discharge puts at risk the ability of Council to comply with conditions of a resource consent and/or requires additional treatment measures or costs to seek to avoid a breach of any such resource consent.

4.10.3 Council may suspend or cancel any consent or right to discharge, by giving 15 Working Days notice to the consent holder for circumstances other than those in sections 4.10.1 (a)-(f) where it is in the public interest to do so.

5. Trade waste approval criteria

5.1 Pre-treatment

Council may approve a Controlled or Conditional trade waste consent subject to the provision of appropriate pre-treatment systems to enable the Person discharging to comply with this Bylaw, with any such pre-treatment system(s) to be provided, operated and maintained by the Person discharging at their expense. Service contracts for all such devices should be retained at all times that the system(s) operate(s) in accordance with manufacturers specifications. Any waste removed is to be disposed of in an appropriate and responsible manner and/or at appropriate facilities.

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

5.2 Dilution

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

5.3 Food premises

Food premises are required under this Bylaw and the Building Act 2004 to provide a means of reducing the amounts of fats, oils and greases (FOGs) discharged to the sewer, most commonly by use of a grease trap. Any grease trap shall meet the standards set out in G13, Section 4 of the New Zealand Building Code and approved documents published by the Building Authority. Trade waste consent conditions may include frequency of grease trap maintenance where ineffective operation is evident.

5.4 Mass limits

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

Mass limits may be imposed for any characteristic. Any characteristic of a discharge with a mass limit imposed shall also have its maximum concentration limited to the value scheduled unless approved otherwise.

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

- a. the operational requirements of and risk to the wastewater system, and risks to occupational health and safety, public health, and the ultimate receiving environment;
- b. whether or not the levels proposed pose a threat to the planned or actual beneficial reuse of bio solids or sewage sludge;
- c. conditions in the wastewater system near the trade waste point of discharge and elsewhere in the wastewater system;
- d. the extent to which the available industrial capacity was used in the last financial period and is expected to be used in the forthcoming period;
- e. whether or not the applicant uses cleaner production techniques within a period satisfactory to Council;
- f. 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;
- g. any requirements of Council to reduce any contaminant discharge of the wastewater system;
- h. how great a proportion the mass flow of a characteristic of the discharge shall be of the total mass flow of that characteristic in the wastewater system;
- i. the total mass of the characteristic allowable in the wastewater system, and the proportion (if any) to be reserved for future allocations; and
- j. 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.

6. *Sampling, analysis and monitoring*

6.1 Flow metering

6.1.1 Flow metering may be required by 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 Council will not approve a method of flow estimation; or

c. when the discharge represents a significant proportion of the total flow/load received by Council.

6.1.2 The consent holder is responsible for the supply, installation, calibration, reading and maintenance of any meter required by Council for the measurement of the rate or quantity of discharge of trade waste. These devices are subject to the approval of Council, but shall remain the property of the consent holder.

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

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

6.1.5 The consent holder shall arrange for in situ calibration of the flow metering equipment and instrumentation by a Person and method Approved by Council upon installation and at least once a year thereafter to ensure its performance. The meter accuracy shall 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 Council.

6.1.6 Should any meter installed for the specific purpose of measuring a trade waste discharge, after being calibrated, be found to have an error greater than that specified in Clause 6.1.5 of this Bylaw as a repeatable measurement, Council may make an adjustment to the fee calculation in accordance with the results shown by such tests back-dated for a period at the discretion of Council but not exceeding 12 months, and the consent holder shall pay or be credited a greater or lesser amount according to such adjustment.

6.2 Estimating discharge

6.2.1 Where no meter or similar apparatus is warranted, Council may require that a percentage of the water supplied to the premises (or other such basis as seems reasonable) be used for estimating the rate or quantity of flow for the purposes of charging. If this cannot be achieved then Council has the right to require installation of a Council Approved flow measurement at the consent holder's expense.

6.2.2 Should any meter be out of repair or cease to register, or be removed, Council shall estimate the discharge for the period since the previous reading of such meter, (based on the average of the previous 12 months) charged to the Person discharging and the Person discharging shall pay according to such estimate. Provided that when by reason of a large variation of discharge due to seasonal or other causes, the average of the previous 12 months would be an unreasonable estimate of the discharge, then Council may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the Person discharging shall pay according to such an estimate.

6.2.3 Where in the opinion of Council, a meter has been tampered with, Council (without prejudice to the other remedies available) may declare the reading void and estimate the discharge as provided above in Clauses 6.2.1 or 6.2.2.

6.3 Sampling and analysis

6.3.1 As determined by Council sampling, analysis 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 a permitted, controlled, conditional, or prohibited, under Clause 4.1.1 of this Bylaw;

- c. a discharge complies with the provisions of the Trade Waste Control as a permitted or controlled discharge and any consent to discharge; and
- d. trade waste charges are applicable to that discharge.

6.3.2 The sampling, preservation, transportation and analysis of the sample shall be undertaken by a Council officer, or the Person discharging in accordance with accepted standard methods, or by a method specifically approved by Council. The Person discharging shall be responsible for all reasonable costs. Where a dispute arises as to the validity of the methods or procedures used for sampling or analysis, the dispute may be submitted to a mutually agreed independent arbitrator.

6.3.3 All Council officers, or any appointed 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 taking samples for testing,

of any solid, liquid or gaseous material or any combination or mixture of such materials being discharged.

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.

6.4 Monitoring

6.4.1 Monitoring for compliance

Council is entitled to monitor and audit any trade waste discharge for compliance. Whether for a Permitted, a Controlled or a Conditional trade waste consent discharge monitoring may be carried out as follows:

- a. Council or its authorised agent shall take the sample with appropriate preservation, and arrange for this sample to be analysed in an approved laboratory by agreed/approved analytical methods;
- b. the sampling procedure shall be appropriate to the trade waste and the analytical method to be used;
- c. Council shall audit the sampling and analysis carried out by a self-monitoring trade waste Person discharging. Analysis shall be performed by an approved laboratory. Inter-laboratory checks are to be part of this process;
- d. Council shall audit the sampling and analysis carried out by an Analyst. Analysis shall be performed by an approved laboratory. Inter-laboratory checks are to be part of this process; and
- e. Council shall audit the trade waste consent conditions including any Management Plans.

At the discretion of Council all costs of monitoring shall be met by the consent holder either through direct payment to the laboratory or to Council in accordance with Council's charging policy.

6.4.2 Sampling methodology

Normally a single grab or composite sample is sufficient. If 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 Person discharging for appropriate analysis and/or storage;
- b. a second portion of the sample shall be analysed at a laboratory approved by Council;
- c. a third portion of the sample is retained by Council for 20 Working Days, for additional analysis if required.

Due consideration shall be applied to any changes that could occur in retained trade waste samples and provisions to mitigate against changes shall be adopted where practicable.

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 properly.

All samples shall be preserved, handled, transported and delivered to an approved laboratory according to approved standards.

6.4.3 Tankered Waste

Tankered waste shall not be discharged into Council's wastewater system by any person discharging or consent holder not compliant with the WasteMINZ Liquid and Hazardous Wastes Code of Practice (or any subsequent Code of Practice that amends or replaces it).

Council may by resolution select a preferred waste tracking system different from the one specified in the WasteMINZ Liquid and Hazardous Wastes Code of Practice (or any subsequent Code of Practice that amends or replaces it).

Tankered waste may only be discharged by an operator holding a trade waste consent, and into Council's wastewater system at approved locations.

Council may accept tankered waste for discharge at an Approved location.

Tankered waste shall:

- a. be transported by a Registered Offensive Trade license holder licensed to discharge domestic septic tank or industrial wastes;
- b. have material safety data sheets (MSDS) available to Council detailing the contents of a waste;
- c. be pre-tested to determine their character if the contents of the waste are not known. Specialist advice on pre-treatment or acceptance may be required. The cost of all analyses and advice shall be borne by the Registered Offensive Trade license holder;
- d. not be picked up and transported to the disposal site until appropriate arrangements and method for disposal have been determined by Council;
- e. in order to prevent cross-contamination between tanker loads, the tanker shall be thoroughly washed prior to collecting a load for disposal into the wastewater system;
- f. have 24 hours notice given for the disposal of wastes other than those sourced from domestic septic tanks.

Any person illegally disposing of, or causing to be disposed, tankered waste either by incorrect disclosure of contents (characteristics and/or amount) or dumping into Council's wastewater system at other than the prescribed location shall be in breach of the Bylaw.

6.4.4 Disinfected/super chlorinated water

Any water used during the repair and construction of water mains shall be dechlorinated prior to the discharge into the wastewater system. Application for a Temporary Discharge consent shall be made. Such water shall not be disposed of to stormwater or adjacent watercourses without appropriate approvals.

Explanatory note:

The WasteMINZ Liquid and Hazardous Code of Practice 2nd edition dated 2012 is available on www.wasteminz.org.nz.

7. Bylaw administration

7.1 Review of decisions

If any Person is dissatisfied with any decision by a Council officer made under this Bylaw, that Person may, by notice delivered to the Chief Executive of Council not later than 20 Working Days after the decision by a Council officer is served upon that Person, request the Chief Executive to review any such decision and such a decision shall be final. Nothing in this clause shall affect any right of appeal under the LGA.

7.2 Accidents and non-compliance

The Person discharging shall inform Council immediately on discovery of any accident including spills or process mishaps, which may cause a breach of this Bylaw.

In the event of any accident occurring on premises for which there is a trade waste consent then Council may review the consent under Clause 4.9 of this Bylaw or may require the consent holder, within 20 working days of the date such requirement is notified to the consent holder in writing, to review the contingency management procedures and re-submit for approval the management plan with Council.

In the event of an accident occurring on the premises of a Permitted trade waste discharge, Council may require the Person discharging to apply for a Controlled or Conditional trade waste consent.

7.3 Charges and payments

7.3.1 Charges

Council may recover fees and charges in accordance with the LGA and in accordance with Council's Schedule of Fees and Charges.

7.3.2 Invoicing

All charges determined in accordance with Clause 7.3.1 of this Bylaw shall be invoiced in accordance with Council's standard commercial practice. The invoice shall provide each Person discharging with a copy of the information and calculations used to determine the extent of any charges and fees due, in regard to a discharge.

7.3.3 Cease to discharge

The Person discharging is deemed to be continuing the discharge of trade waste and shall be liable for all charges, until notice of disconnection is given by the consent(s) holder.

7.3.4 Failure to pay

All fees and charges payable under this Bylaw shall be recoverable as a debt. If the Person discharging fails to pay any fees and charges under this Bylaw Council may cancel the right to discharge in accordance with Clause 4.10 of this Bylaw.

7.3.5 Recovery of costs

In all cases Council may recover costs associated with damage to Council wastewater system and/or breach of this Bylaw in accordance with Sections 175 and 176 of the LGA.

7.3.6 Council officers

All Council officers, or other Persons authorised under S174 or S177 or paragraph 32 of Schedule 7 of the LGA shall possess and produce on request warrants of authority and evidence of identity.

Any Council officer may at any reasonable time enter any premises believed to be discharging trade waste to determine any characteristic of any discharge by:

- a. taking readings and measurements;
- b. taking samples of any solids, liquids or gaseous material or any combination or mixtures of such materials being discharged;
- c. observing accidental occurrences and clean up;
- d. carrying out any inspection and/or assessment of the premises.

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

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.

7.4 Transfer or termination of rights and responsibilities

7.4.1 A trade waste consent to discharge shall be issued in the name of the consent holder. The consent holder shall not, unless written approval is obtained from Council:

- a. transfer to any other party the rights and responsibilities provided for under this Bylaw, and under the consent;
- b. allow a point of discharge to serve another premises, or the private drain to that point to extend by pipe or any other means to serve another premises; or
- c. in particular and not in limitation of the above, allow trade waste from any other party to be discharged at their point of discharge.

7.4.2 Renewal of a trade waste consent on change of ownership of premises shall not be unreasonably withheld if the characteristics of the trade waste remain unchanged.

7.4.3 The Person discharging shall give 2 working days' notice in writing to Council of their requirement for disconnection of the discharge connection and/or termination of the discharge consent, except where demolition or relaying of the discharge drain is required, in which case the notice shall be within 7 Working Days. The Person discharging shall notify Council of the new address details for final invoicing.

On permanent disconnection and/or termination the Person discharging may at Council's discretion be liable for trade waste charges to the end of the current charging period.

7.4.4 When a Person discharging ceases to occupy premises from which trade waste are discharged into the wastewater system any consent granted shall terminate but without relieving the Person discharging from any obligations existing at the date of termination.

7.5 Service of documents

7.5.1 Delivery or post

Any notice or other document required to be given, served or delivered under this Bylaw to a Person discharging may (in addition to any other method permitted by law) be given or served or delivered by being:

- a. sent by pre-paid ordinary mail, courier, or facsimile, or email to the consent holders at the consent holders last known place of residence or business;
- b. sent by pre-paid ordinary mail, courier, or facsimile, or email to the Person discharging at any address for service specified in the consent to discharge;
- c. where the Person discharging is a body corporate, sent by pre-paid ordinary mail, courier, or facsimile, or email to, or left at its registered office; or
- d. personally served on the Person discharging.

7.5.2 Service

If any notice or other document is:

- a. sent by post it shall be deemed received on the first day (excluding weekends and public holidays) after posting;
- b. sent by facsimile or email and the sender's facsimile or email machine produces a transmission report indicating that the facsimile or email was sent to the addressee, the report shall be prima facie evidence that the facsimile or email was received by the addressee in a legible form at the time indicated on that report;
- c. sent by courier and the courier obtains a receipt or records delivery on a courier run sheet, the receipt or record of delivery on a courier run sheet shall be prima facie evidence that the communication was received by the addressee at the time indicated on the receipt or courier run sheet, or left at a conspicuous place at the trade premises or is handed to a designated Person(s) nominated by the consent holder then that shall be deemed to be service on, or delivery to the consent holder at that time.

7.5.3 Signature

Any notice or document to be given, served or delivered shall be signed by a Council officer.

7.6 Offences

Every Person discharging, or Owner or Occupier of Trade premises who:

- a. fails to comply with or acts in contravention of any provision of this Bylaw;
- b. breaches the conditions of any consent to discharge granted pursuant to this Bylaw;
- c. fails to comply with a notice served under this Bylaw; or
- d. commits an offence under S239 of the LGA, and is liable to prosecution or the issue of an Infringement notice under S245 of the LGA.

In all cases Council may recover costs associated with damage to Council Sewerage System and/or breach of this Bylaw in accordance with S175 and S176 of the LGA.

7.7 Transitional provisions

7.7.1 Applications

Any application for a consent to discharge trade waste made under Whangarei District Council 2012 Trade Waste Bylaw for which a consent has not yet been granted at the time of this new Bylaw coming into force, shall be deemed to be an application made under Clause 4.2 of this Bylaw.

7.7.2 Existing trade waste consents

Every existing trade waste consent granted under any previous Bylaw shall continue in force as if it were consent under this Bylaw until it reaches its expiry date provided that no consent shall run beyond 5 years from the date of this Bylaw coming into effect.

7.8 Trade waste controls

1. Council may make controls about the discharge of trade waste into the public wastewater system.
2. Any controls made under subclause 1):
 - a. may specify limits on the flow rate and volume of trade waste discharges from trade premises;
 - b. may specify limits on the substances and other permitted characteristics of trade waste discharges from any trade premise;

- c. must be made in accordance with clause 7.9;
- d. may be amended, replaced or revoked in accordance with clause 7.9 with all necessary modifications; and
- e. will be publicly available.

7.9 Procedure for making trade waste controls

- 1. Council must before making a control under clause 7.8:
 - a. be satisfied that the control is appropriate to give effect to the purpose of the Bylaw;
 - b. have regard to the effectiveness, efficiency and reasonableness of the control; and
 - c. have regard to the general decision-making requirements under Subpart 1 of Part 6 of the Local Government Act 2002.

Explanatory note:

Subpart 1 of Part 6 of the Local Government Act 2002 refers to the need to define the problem, identify and assess reasonably practicable options and consider the views of persons affected by the decision to the extent Council in its discretion considers proportionate to the significance of the matters affected by the decision.

Schedule 1A – Prohibited discharge characteristics

This schedule defines prohibited trade waste.

Prohibited characteristics

OB.1.1

Any discharge has prohibited characteristics if it has any solid liquid or gaseous matters or any combination or mixture of such matters which by themselves or in combination with another material shall immediately or in the course of time:

- a. interfere with the free flow of sewage in the wastewater system;
- b. damage any part of the wastewater system;
- c. in any way, directly or indirectly, cause the quality of the treated sewage or residual Bio-solids and other solids from any sewage treatment plant in the catchment to which the waste was discharged to breach the conditions of a consent issues under the Resource Management Act, or water right, permit or other governing legislation;
- d. prejudice the occupational health and safety risks faced by sewerage workers;
- e. after treatment be toxic to fish, animals or plant life in the receiving waters;
- f. cause malodorous gases or substances to form which are of a nature or sufficient quantity to create a public nuisance; or
- g. have a colour or colouring substance that causes the discharge from any sewage treatment plant to receiving waters to be coloured.

OB.1.2

A discharge has prohibited Characteristics if it has any characteristic which exceeds the concentration or other limits specified in Schedule 1A unless specifically approved for that particular consent.

OB.1.3

A discharge has prohibited characteristics if it has any amount of:

- a. harmful solids, including dry solid wastes and materials which combine with water to form a cemented mass;
- b. liquid, solid or gas which could be flammable or explosive in the wastes, including oil, fuel, solvents (except as allowed for in Schedule 1A), calcium carbide, and any other material which is capable of giving rise to fire or explosion hazards either spontaneously or in combination with sewage;
- c. asbestos;
- d. tin (as tributyl and other organotin compounds);
- e. any organochlorine pesticides;
- f. genetic wastes, as follows: all wastes that contain or are likely to contain material from a genetically modified organism that is not in accordance with an approval under the Hazardous Substances and New Organisms Act. The material concerned may be from premises where the genetic modification of any organism is conducted or where a genetically modified organism is processed;
- g. any health care waste prohibited for discharge to a wastewater system by NZS 4304 or any pathological or histological wastes; or
- h. radioactivity levels in excess of Office of Radiation Safety guidelines.

Schedule 1B – Trade waste charges

Fees and charges are set by Council resolution. This may be done by the annual planning process, fee setting or similar transparent public process in accordance with the LGA.

In the following table Whangarei District Council states what categories they shall charge, or may charge under the tenure of this Bylaw.

Administrative charges		
Category		Description
A1	Connection Fee	payable on application for connection to discharge.
A2	Compliance Monitoring	the cost of sampling and analysis for trade waste discharges.
A3	Disconnection Fee	payable on an application for disconnection of a ceased trade waste discharge.
A4	Trade waste Application Fee	payable on an application for trade waste discharge.
A5	Trade waste consent Renewal Fee	payable on an application for renewal of an existing trade waste consent.
A6	Re-inspection Fee	payable for each re-inspection visit by Council where a notice served under this Bylaw has not been complied with by the trade waste Person discharging.
A7	Special rates for loan charges	additional rates for servicing loans raised for the purposes of constructing or improving the wastewater system.
A8	Temporary Discharge Fee	payable prior to receipt of Temporary Discharge.
A9	Annual trade waste Charges	<p>an annual management fee for a trade waste discharge to cover Council's costs associated with:</p> <ul style="list-style-type: none"> • administration • general compliance monitoring • general inspection of trade waste premises • use of the wastewater system • this charge may vary depending on the trade waste sector and category of the discharge.
A10	Rebates for Trade premises within the District	<p>reduction in fees is provided for in Section 150(2). Section 150(4) of the LGA which states that the fees prescribed by Council shall not provide for Council to recover more than the reasonable cost incurred by Council for the matter which the fee is charged.</p> <p>In no event shall the resultant charge be less than Council's sewerage charge for the equivalent period.</p>
A11	New or Additional Trade Premises	pay the annual fees and a pro rata proportion of the various trade waste charges relative to flows and loads.
B1	Volume	payment based on the volume discharged \$/m3.

Administrative charges		
Category		Description
B2	Flow rate	payment based on the flow rate discharged \$/L/s.
B3	Suspended Solids	payment based on the mass of suspended solids \$/kg.
B4	Organic loading	payment based on the Biochemical Oxygen Demand or Chemical Oxygen Demand \$/kg.
B5	Nitrogen	payment based on the defined form(s) of nitrogen \$/kg.
B6	Phosphorus	payment based on the defined form(s) of phosphorus \$/kg.
B7	Metals	payment based on the defined form(s) of metal(s) \$/kg.
B8	Transmissivity	a charge based on the inhibiting nature of the trade waste to UV light used by Whangarei District Council's disinfection process.
B9	Screenable Solids	payment based on the mass of screenable solids \$/kg.
B10	Toxicity charge	payment based on the defined form(s) of the toxic substance(s) \$/kg and/or \$/m ³ .
B11	Incentive Rebate	a rebate for discharging materials beneficial to Council's wastewater system \$/kg and/or \$/m ³ .
B12	Depreciation	operating cost related to capital and normally spread across the volume and mass charges.
B13	Capital	apportioned upfront or term commitment capital cost of specific infrastructure required to accommodate a conditional consent.
Tankerred waste charges		
C1	Tankerred Wastes	set as a fee(s) per tanker load, or as a fee(s) per cubic metre, dependent on trade waste category.



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