



Trade Waste Bylaw 2022

Adopted:	15 September 2022
Commences:	22 September 2022
Review Date:	15 September 2027

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Trade Waste Bylaw 2022

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Trade Waste Bylaw 2022

1 Preliminary Provisions

- 1.1 This Bylaw is the **Trade Waste Bylaw 2022**.
- 1.2 This Bylaw is made under sections 145 and 146 of the Local Government Act 2002.

2 Purpose

- 2.1 The purpose of this Bylaw is to:
 - (a) Protect the health and safety of all people from potential adverse effects of harmful substances discharged to the Public Wastewater Network;
 - (b) Protect the environment (including water quality) from adverse effects of harmful substances discharged to the Public Wastewater Network;
 - (c) Manage, regulate against and protect the Public Wastewater Network from damage, misuse or loss and provide for its efficient operation;
 - (d) Prevent unauthorised use of the land, Structures or infrastructure associated with the Public Wastewater Network;
 - (e) Ensure compliance with resource Permit (discharge) conditions;
 - (f) Provide an equitable basis for charging Trade Waste users of the Public Wastewater Network; and
 - (g) Encourage Cleaner Production, efficient recycling and reuse of waste streams at Trade Premises.

3 Application

- 3.1 This Bylaw applies to all Premises within the District where Trade Waste either is, or may be, discharged to the Public Wastewater Network.
- 3.2 This Bylaw also applies to Tankered Waste collected for the purpose of discharge to the Public Wastewater Network.

Explanatory Note: Stormwater discharges to the public Stormwater network are provided for through the Drainage Bylaw.

4 Commencement

- 4.1 This Bylaw comes into force on 22 September 2022.

5 Interpretation and Definitions

5.1 The Manawātū District Council Explanatory Bylaw 2022 applies to, and supplements, this Bylaw.

5.2 In this Bylaw, unless the context requires otherwise:

Act means the Local Government Act 2002.

Acceptable Discharge means a Permitted Trade Waste Discharge into the Public Wastewater Network.

Access Point means a place where a Private Sewer can be accessed for inspection (including sampling or measurement), cleaning or maintenance.

Explanatory Note: Access Point(s) shall be provided in accordance with the New Zealand Building Code.

Approved Site means a monitored site where Tankered Waste can be discharged into the Public Wastewater Network.

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

Characteristic or Characteristics means any of the physical or chemical features of Trade Waste described in Schedules 1 and 2 of this Bylaw.

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 produced on Trade Premises.

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.

Explanatory note: condensate water from floor drains in chillers or freezers is likely to contain Contaminants that require treatment.

Conditional Trade Waste means a Trade Waste which is not a Permitted Trade Waste, Controlled Trade Waste or a Prohibited Trade Waste for which conditions have been placed upon the Permit by Council.

Contaminant means 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 the water; or
- (b) when discharged onto or into land or 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;

Explanatory note – this definition is the same as the definition of “contaminant” in the Resource Management Act 1991, meaning that any substance that is a contaminant under that regime will also be one for the purposes of this Bylaw.

Controlled Trade Waste means a Trade Waste that complies with the physical and chemical Characteristics of a Permitted Trade Waste in accordance with Schedule 1 of this Bylaw, but where the volume exceeds 5m³ per day, for which conditions have been placed upon the Permit by the Council.

Customer means a person occupying a Trade Premises who uses, or may use, the Public Wastewater Network to discharge Trade Wastes.

Discharge Management Plan means a plan for the monitoring, programming and controlling of Trade Waste operations for a Premises that has been incorporated into a Permit through conditions. It may, but is not required to, include provision for Cleaner Production, waste minimisation, monitoring and recording of discharges, contingency management procedures, emergency management procedures for unexpected or unscheduled events, and any relevant industry code of practice.

Disconnect or Disconnection means the sealing off of any of Council’s water services, utilities, drains or sewers to prevent use by a person or Premises.

Domestic Wastewater means Wastewater discharged from sanitary fixtures or appliances in Premises that are used solely for residential activities, or waste of the same character discharged from other Premises with maximum strength parameters as follows:

- (i) Biological dissolved oxygen (BOD₅) 350g/m³
- (ii) Total suspended solids (TSS) 400g/m³
- (iii) Ammonia (NH₄) 60g/m³
- (iv) Phosphate (PO₄) 30g/m³; and
- (v) Total Kjeldahl Nitrogen (TKN) 65g/m³.

Grease Trap means a device that allows kitchen and/or food production Wastewater to cool, and the grease to separate from Wastewater.

Hazardous Substances has the meaning given to it in the Hazardous Substances and New Organisms Act 1996.

Independent Analyst means an accredited test laboratory for the purposes of sampling and testing in accordance with the requirements of this Bylaw.

Mass Limit means the total mass of any Characteristic that may be discharged to the Public Wastewater Network over any twenty-four hour period from any single Point of Discharge or collectively from several points of discharge.

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

Meter means any device able to be calibrated and used to measure the flow, volume or quality of any discharge of Wastewater and any ancillary equipment, devices and fitting; and **metering** means the use of such a device or devices.

New Zealand Waste Strategy means a programme established by the Ministry for the Environment that requires effective waste management, recycling and reuse of waste.

NZS 4304 means the latest edition, complete with any amendments, of New Zealand Standard 4304:2002 Management of Healthcare Waste that was in force at the time this Bylaw was made.

Occupier means a person occupying a Trade Waste Premises that is connected to the Public Wastewater Network.

Permit means a Permit in writing from the Council authorising a person to discharge, including directing the manner of that discharge, of Trade Waste to the Public Wastewater Network.

Permit Holder means the person who has obtained a Permit, and includes any person acting with the express or implied consent of the Permit Holder and any licensee of the Permit Holder.

Permitted Trade Waste means a Trade Waste that complies with all of the requirements for any individual Characteristic or combination of Characteristics set out in Schedule 1 of this Bylaw.

Point of Discharge means the boundary between the Public Wastewater Network and a Private Sewer, but for the purposes of monitoring, sampling and testing, may be an alternative point, as set out in a Permit.

Pre-treatment means any processing of Trade Waste designed to reduce or vary any Characteristic before discharge to the Public Wastewater Network in order to ensure the Trade Waste complies with this Bylaw or a Permit issued under this Bylaw.

Private Sewer means that section of a privately-owned pipe or drainage network between the Dwelling or Premises through which wastewater flows up to the Point of Discharge to the Public Wastewater Network.

Prohibited Trade Waste means a Trade Waste that contains or is likely to contain Characteristics that are prohibited or are present in concentrations that are prohibited as set out in Schedule 2 of this Bylaw.

Public Wastewater Network means all Sewers, pumping stations, storage tanks, wastewater treatment plants, sea outfalls and other related Structures, assets or land that are owned by or under the control of the Council and used for the collection, transport, treatment or disposal of Wastewater.

Sewer means any pipework that conveys Wastewater (including Trade Waste), whether privately owned or as part of the Public Wastewater Network.

Sludge means the material settled and removed from Wastewater during the treatment process.

Stormwater means all rainfall and surface run-off water resulting from precipitation events (for example drizzle, mist, rain, hail or snow), including rainfall and run-off water from constructed impervious areas such as roads, pavement, roofs, and urban areas.

Tankerred Waste is water or other liquid, including waste matter in solution or suspension, that is conveyed by Vehicle for disposal at an Approved Site, but does not include Domestic Wastewater discharged directly from house buses, caravans, buses and similar Vehicles.

Trade Premises means any Premises:

- (a) used or intended to be used for:
 - (i) any business, industrial or trade purpose; or
 - (ii) the storage, transfer, treatment, or disposal of waste materials, composting organic materials, or for other waste management purposes; and
- (b) from which:
 - (i) a Contaminant is discharged in connection with any industrial or trade process; or
 - (ii) Wastewater that is not Domestic Wastewater is discharged; and
- (c) includes any Premises that are wholly or mainly used for agricultural or horticultural purposes.

Trade Waste means any liquid, excluding Domestic Wastewater with or without matter in suspension or solution that is or may be discharged from Trade Premises.

Wastewater means water or other liquid waste, including Domestic Wastewater and waste matter in solution or suspension, discharged to the Public Wastewater Network.

- 5.3 A reference in this Bylaw to discharging Trade Waste includes causing, allowing or instructing the discharge.
- 5.4 Reference should be made to Section 2 of the Manawatu District Explanatory Bylaw 2022, and its amendments, for any other definitions not included in clause 5.2.
- 5.5 Any explanatory notes are for information purposes only. They do not form part of this Bylaw, and may be inserted, amended, removed or replaced by the Council at any time.
- 5.6 This Bylaw should be read in conjunction with the Drainage Bylaw, Water Supply Bylaw and Solid Waste Bylaw.

Explanatory Note – Part 2 of the Legislation Act 2019 applies to the interpretation of this Bylaw.

Part One – Control of Discharges

6 Trade Waste Discharges that are not allowed

- 6.1 A person must not:
- (a) discharge, or allow the discharge of, Trade Waste to the Public Stormwater Network; or
 - (b) discharge, or allow the discharge of, Trade Waste to the Public Wastewater Network except in accordance with this Bylaw or in accordance with a Permit issued under this Bylaw; or
 - (c) add, or allow the addition of, any potable, Condensing Water, or Cooling Water to any Trade Waste that discharges into the Public Wastewater Network, including when done for the purpose of diluting the Trade Waste in order to vary the level of any Characteristic of the waste, unless such action is expressly permitted in a Permit issued under this Bylaw; or
 - (d) add, or allow the addition of, Stormwater to any Trade Waste that discharges into the Public Wastewater Network, unless such action is expressly authorised in a Permit issued under this Bylaw.
- 6.2 Every person must inform the Council immediately (by phone within 1 Working Day of detecting the incident) upon discovery of any leakage, spillage or other mishap involving a Contaminant, Hazardous Substance, or other Trade Waste, that may have led to:
- (a) a Contaminant or Hazardous Substance entering the Public Stormwater Network or Public Wastewater Network; or
 - (b) a Trade Waste entering the Public Stormwater Network or Public Wastewater Network in breach of this Bylaw or any Permit issued under it.
- 6.3 Every person who has informed the Council of an incident in accordance with Clause 6.2 must provide Council with a written incident report within 10 Working Days of the incident.

7 Storage, Transportation and Handling of Hazardous Substances

- 7.1 All persons on Trade Premises must take all reasonably practicable steps to prevent any of the Hazardous Substances listed in clause 7.3 from entering into the Public Wastewater Network as a result of leakage, spillage or other mishap.
- 7.2 No person may store, transport, handle or use, or cause or allow to be stored, transported, handled or used, any Hazardous Substance listed in clause 7.3 in a way that results or may result in the Hazardous Substance entering the Public Wastewater Network.
- 7.3 The Hazardous Substances referred to in clauses 7.1 and 7.2 are those products or wastes containing corrosive, toxic, biocidal, radioactive, flammable or explosive materials which are likely to:

- (a) generate toxic, flammable, explosive or corrosive materials in quantities likely to be Hazardous, when mixed with the Wastewater stream; or
 - (b) be deleterious to the health and safety of the Council's staff, approved contractors, or members of the public.
- 7.4 Any person who carries out the off-site disposal of any Hazardous Substances listed in clause 7.3 must keep records of such disposal and make those records available for inspection by the Council within 10 days of a request for inspection.

Part Two – Treatment of Trade Waste

8 Pre-treatment

- 8.1 The Council may approve Pre-treatment systems, so as to enable the person to discharge a Permitted Trade Waste. Such Pre-treatment systems shall be provided, operated and maintained by the person discharging at their expense.
- 8.2 Where approval is given under clause 8.1, the Customer must use the approved Pre-treatment for any discharge of a Permitted Trade Waste, and comply with any conditions imposed by the Council on its approval.
- 8.3 A Customer must ensure that grease interceptors are fitted in all their food Premises or any other Premises where any fat, grease or oil could be present in the Trade Waste discharge, and that the provisions of clause 10 are complied with.
- 8.4 A Customer must ensure that interceptor traps are fitted to Wastewater discharges from their Trade Premises where oils, grit or other pollutants are likely to be present.
- 8.5 A Customer must ensure that a permanent sink screen is fitted to any sink (except hand washing basins) in their food Premises, so as to minimise the risk of food waste entering the grease interceptor or the Public Wastewater Network, unless an exemption is given by the Council in writing.

9 Amalgam Traps

- 9.1 A Customer for any dentist's Premises must ensure that suitable amalgam traps are installed on all spittoons and on sink wastes used for washing dentistry equipment.
- 9.2 The Customer is responsible for the continuing effective operation of the amalgam trap and the regular disposal of amalgam waste in accordance with the requirements of the Permit.

10 Grease Interceptors

- 10.1 A consent under the Building Act 2004 must be obtained before installing a grease interceptor, in addition to any Permit for the discharge required under this Bylaw.

- 10.2 The grease interceptor required by clause 8.3 must be a passive trap with a minimum capacity of 1000 litres, unless otherwise agreed with Council in writing.
- 10.3 The installation of grease trap converters or mechanical removal systems is prohibited.
- 10.4 The Customer is responsible for cleaning the grease interceptor, at the intervals specified in the Permit, and must have available on the Premises documentary proof of an ongoing maintenance contract for the grease interceptor with a Council-approved operator.
- 10.5 Customers must use a Council-approved contractor to dispose of any grease interceptor waste.
- 10.6 The Council may, with notice, inspect a grease interceptor in accordance with the relevant Permit or approval, and more frequently if it has failed previous inspections.

Part Three – Classification of Trade Waste

11 General Classification

- 11.1 Trade Wastes shall be classified as one of the following:
 - (a) Permitted Trade Waste;
 - (b) Controlled Trade Waste;
 - (c) Conditional Trade Waste;
 - (d) Prohibited Trade Waste; or

12 Permitted Trade Waste

- 12.1 A person may discharge Permitted Trade Waste into the Public Wastewater Network without a Permit.
- 12.2 Notwithstanding clause 12.1, the Council may:
 - (a) in accordance with clause 8.1, require pre-treatment of the Permitted Trade Waste to a specific standard or requirement in order to prevent the discharge damaging or otherwise adversely affecting the Public Wastewater Network; and
 - (b) in accordance with the Act, enter and inspect Premises to determine the Characteristics of the discharge to the Public Wastewater Network and, in doing so, take samples of any discharge.
- 12.3 Discharges of Permitted Trade Waste may continue until such time as:
 - (a) in the opinion of the Council, the discharge changes or is likely to change to the extent that it is properly characterised as a Controlled, Conditional or Prohibited Trade Waste; or

- (b) the Council changes the requirements for Characteristics of Permitted Trade Waste by amendment to, or replacement of, Schedule 1 of this Bylaw, and the discharge no longer meets these requirements; or
- (c) the discharge causes a detrimental effect on the Public Wastewater Network or Receiving Environment, which may (without limitation) be attributable to:
 - (i) the total dissolved concentration of the Trade Waste;
 - (ii) emulsions of paint, latex, adhesive, rubber or plastic that cause coagulation or a blockage at the mixing zone in the Public Wastewater Network; or
 - (iii) colouring of the discharge to the extent that it impairs wastewater treatment processes.

12.4 If clause 12.3 applies, Council will notify the Customer in writing.

12.5 If notice is given under clause 12.4, that the Discharge has become a Controlled Trade Waste or Conditional Trade Waste, the Customer must within 10 Working Days of receiving the notice apply to Council for a Trade Waste Permit, or cease discharging the Trade Waste.

13 Controlled and Conditional Trade Wastes

- 13.1 A person must not discharge a Controlled Trade Waste or a Conditional Trade Waste into the Public Wastewater Network except in accordance with a Permit issued under this Bylaw.
- 13.2 Where a Permit has been issued, the Permit Holder must comply with any conditions imposed on that Permit.
- 13.3 Controlled Trade Waste and Conditional Trade Wastes are subject to additional requirements set out in Part 4 of this Bylaw.

14 Prohibited Trade Waste

- 14.1 A person must not discharge any Prohibited Trade Waste into the Public Wastewater Network.
- 14.2 No application for a Permit under this Bylaw can be made for a Prohibited Trade Waste.
- 14.3 Any Customer whose Premises produces a Prohibited Trade Waste must provide to the Council, on request, full records of the disposal of the waste in compliance with all statutory and regulatory requirements.

15 Tankered Waste

- 15.1 Tankered Waste must not be discharged into the Public Wastewater Network, except at a dedicated Approved Site by Council-approved contractors certified as compliant

with the Liquid and Hazardous Wastes Code of Practice by the certifying body, and in accordance with this Bylaw.

15.2 The Council may accept Tankered Wastes for discharge at an Approved Site subject to:

- (a) the discharge consisting solely of waste from domestic septic tanks, which is to be confirmed by material data sheets detailing the contents of the waste; or
- (b) for a discharge not solely sourced from domestic septic tanks, the Council-approved Contractor:
 - (i) supplying material safety data sheets detailing the contents of a waste to Council on request, and;
 - (ii) obtaining tests (at their cost) to determine the Characteristics of the waste to the extent they are unknown, which demonstrate that the contents do not include a Prohibited Trade Waste; and
 - (iii) not collecting or transporting the waste to the Approved Site until appropriate arrangements and methods for disposal have been approved by the Council; and
 - (iv) thoroughly washing the tanker in between loads of waste before disposal at the Approved Site, so as to prevent cross-contamination between tanker loads; and
 - (v) providing at least 48 hours' notice before the disposal of such wastes.

15.3 A person must not dispose of, or allow the disposal of, Tankered Waste by:

- (a) incorrect disclosure of contents (Characteristics and/or amount); or
- (b) dumping into the Public Wastewater Network other than at an Approved Site.

Part Four – Trade Waste Permits

16 Requirements for Permits

- 16.1 Any person may apply to the Council :
- (a) for a Permit to discharge any Controlled Trade Waste or Conditional Trade Waste (either continuously, intermittently or temporarily) into the Public Wastewater Network; or
 - (b) to vary a Permit.
- 16.2 Permit applications under Clause 16.1 must be in the prescribed form and be accompanied by the applicable fee set out in Council's current Schedule of Fees and Charges.
- 16.3 The Council may require a Discharge Management Plan to accompany the application for Permit.
- 16.4 The Council may request further information to be provided (at the applicant's expense) in support of the application.
- 16.5 Where a Trade Premises has more than one Point of Discharge, an application must be accompanied by a description of the Trade Waste to be discharged from each Point of Discharge. The Council may, at its discretion, require a separate application for a Permit to discharge Trade Waste from each Point of Discharge.

17 Consideration of Permit Applications

- 17.1 the Council will, in its discretion, decide whether to:
- (a) grant the application in whole or in part, and impose or amend any conditions of the Permit that the Council considers appropriate; or
 - (b) decline the application, in which case the Council must provide reasons in writing for doing so.
- 17.2 In making a decision under clause 17.1, the Council will consider:
- (a) the quality, volume, and rate of discharge of the Trade Waste;
 - (b) any impact on the health and safety of Council staff, agents and members of the public;
 - (c) the degree of departure from the requirements for any Characteristic as specified in Schedules 1 and 2 of this Bylaw;
 - (d) the extent to which the Trade Waste may react with other liquid wastes in the Public Wastewater Network to produce an undesirable effect e.g. settlement of solids, production of odours, accelerated corrosion, and deterioration of the Public Wastewater Network, etc.;

- (e) the flows, velocities, timing and balancing of flows to the Public Wastewater Network and the material or construction of any part of that network;
- (f) the capacity of the Public Wastewater Network and any part of that network;
- (g) the nature of any wastewater treatment process and the degree to which the Trade Waste is capable of being treated in the Public Wastewater Network;
- (h) the compliance history of the applicant or any other person who is likely to be materially responsible for or involved with the discharge, with particular regard to compliance with any other Trade Waste Permit;
- (i) the effect of the Trade Waste on the ultimate receiving environment;
- (j) the possibility of unscheduled, unexpected or accidental events and the degree of risk these could cause to people, the Public Wastewater Network and the environment;
- (k) any other existing or likely future discharges;
- (l) any statutory requirements relating to the discharge of raw or treated Wastewater or Sludge to receiving environments, the beneficial use of Biosolids, including water, land or air environments (including the necessity for compliance with any resource consent, permit or water classification);
- (m) any relevant Council planning documents or policies;
- (n) the effect of any Discharge Management Plan supplied with the application;
- (o) any requirements and limitations related to Sludge disposal and re-use;
- (p) the control of stormwater;
- (q) what (if any) Pre-treatment of the Trade Waste will occur (including any specific requirements for the Premises under clauses 8-10 of this Bylaw), and how Pre-treatment systems will be operated and maintained;
- (r) any alternatives to the Trade Waste discharge, including the ways in which Trade Waste may be disposed of other than via the Public Wastewater Network;
- (s) the use of any refuse or garage grinders, and macerators, and their ongoing operation and maintenance;
- (t) the extent to which the applicant has adopted or is able to adopt Cleaner Production practices; and
- (u) any other matter that the Council considers relevant when having regard to the purpose and terms of this Bylaw.

18 Permit Conditions

18.1 Where the Council imposes or amends any conditions on a Permit under clause 17.1(a), it may include any conditions it considers appropriate, including those referred to in Schedule 3 of this Bylaw.

18.2 When imposing conditions that set mass limit allocations for a particular Characteristic, the Council will consider:

- (a) the operational requirements of and risk to the Public Wastewater Network, and risks to occupational health and safety, public health, and the ultimate receiving environment;
- (b) whether or not the levels proposed pose a threat to the planned or actual beneficial reuse of Biosolids or Sludge;
- (c) conditions in the Public Wastewater Network near the Point of Discharge and elsewhere in the Public Wastewater Network;
- (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 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;
- (f) any requirements of the Council to reduce the pollutant discharge of the Public Wastewater Network;
- (g) 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 Public Wastewater Network;
- (h) the total mass of the Characteristic allowable in the Public Wastewater Network, and the proportion (if any) to be reserved for future allocations;

Guidance Note: The Biochemical Oxygen Demand (BOD₅) of any waste may be restricted where the capacity for receiving and treating BOD₅ is limited.

- (i) whether or not there is an interaction with other Characteristics that increases or decreases the effect of either Characteristic on the Public Wastewater Network, treatment process, or receiving environment; and
- (j) any other matter that the Council considers relevant when having regard to the purpose and terms of this Bylaw.

19 Metering

19.1 The Council may require flow or volume metering of Trade Waste discharge as a condition of Permit where:

- (a) a reasonable relationship between a metered water supply to the Premises and the discharge of Trade Waste does not exist; or

- (b) the Council has determined not to approve a method of flow estimation; or
 - (c) in the opinion of the Council, the discharge represents a significant proportion of the total flow/load of Wastewater it receives.
- 19.2 Where metering is required by way of a condition of a Permit, the following provisions apply:
- (a) The Permit Holder will be responsible for the supply, installation, reading and maintenance of any Meter;
 - (b) Any Meter must be approved by the Council, but will remain the property of the Permit Holder;
 - (c) The Permit Holder must ensure that records of flow rate and/or volume are available for viewing at any time by the Council, and submit such records to the Council at prescribed intervals, in the format approved by the Council;
 - (d) Meters must be located in a position approved by the Council, taking into account:
 - (i) the manufacturer's installation specifications;
 - (ii) the required degree of accuracy of Meter readings; and
 - (iii) the need for Meters to be readily accessible for reading and maintenance;
 - (e) The Permit Holder must arrange for in situ calibration of the volume and/or flow rate of any Meter and instrumentation by a person and method (both of which are approved by the Council) at the time of Meter installation and at least once a year thereafter to ensure its ongoing performance. The meter accuracy must be $\pm 10\%$, but with no greater a deviation from the previous meter calibration of $\pm 5\%$. The Permit Holder must promptly submit a copy of independent certification of each calibration to the Council.
- 19.3 Should any Meter, after being calibrated, be found to have an error greater than the parameters specified in clause 19.2(e) 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, and the Permit holder must pay or be credited a greater or lesser amount according to such adjustment.
- 19.4 Where any Meter is out of repair or ceases to register or is removed, the Council will estimate the discharge for the period since the previous reading of the Meter based on the:
- (a) average of the previous 12 months' readings; or
 - (b) any other reasonable factors where it can be shown by the Permit Holder that estimation based on the method in (a) would be unreasonable.
- 19.5 Where a Meter appears to have been tampered with, the Council (without prejudice to the other remedies available) may declare the reading void and estimate the discharge as provided in clause 19.4.

20 Duration of Permit

- 20.1 When granting an application under clause 17.1(a), the Council must determine the appropriate term of the Permit, up to a maximum of five years, and state that in the Permit.
- 20.2 In determining a term under clause 20.1, the Council will have regard to, without limitation:
- (a) the ability of the applicant to meet the conditions of a Permit by reference to the nature of the activity, the process design and/or the management of the Trade Premises;
 - (b) whether Cleaner Production techniques are successfully being utilised, or that a responsible investment in Cleaner Production equipment or techniques is being made; and
 - (c) whether significant investment in Pre-treatment facilities has been made by the applicant, such that a longer period of certainty for the amortising of this investment is considered reasonable.
- 20.3 A Permit will remain valid for the term set out in the Permit, unless it is suspended or cancelled earlier in accordance with clause 22.
- 20.4 A Permit is personal to the Permit Holder at a specific Premises and is not transferable to a new Occupier or a different Premises, except as provided for in clause 26.1(a).

21 Permit Variation at Council's initiative

- 21.1 The Council may, on its own initiative and at any time during the term of a Permit, by written notice to the Permit Holder, vary any Permit condition to the extent that the Council, on reasonable grounds, considers it necessary or desirable. Reasons for variation may include to:
- (a) address any change in the nature, quality or Characteristics of the discharge;
 - (b) address any change in the Public Wastewater Network;
 - (c) meet any resource consent or condition imposed on the discharge from any of the Council's Wastewater Treatment Plants;
 - (d) meet any other legal requirement imposed on the Council;
 - (e) address any other matter reasonably related to the Permit.
- 21.2 The Council must state the reasons for any variation to a Permit condition in any notice provided under clause 21.1.
- 21.3 A Permit Holder who receives a notice under clause 21.1 will be given a reasonable time period, specified in the notice, in which to comply with any varied Permit conditions.

22 Suspension or Cancellation of the Right to Discharge

- 22.1 Subject to clause 22.2 to 22.4, the Council may, at any time and with immediate effect, suspend or cancel a Permit if, the Council determines that:
- (a) a Permit Holder is in breach of any condition of a Permit issued under this Bylaw;
 - (b) a Permit Holder fails to maintain effective control over the Trade Waste discharge;
 - (c) a Permit Holder fails to comply with any provision of this Bylaw;
 - (d) there is any negligence by the Permit Holder, including any accidental discharge or incident, which threatens the safety of, or threatens to cause damage to, any part of the Public Wastewater Network or threatens the health or safety of any person;
 - (e) there is a discharge from a Trade Premises, including any accidental discharge or incident, that causes a serious threat to the environment;
 - (f) the Permit Holder fails to provide, or update (where appropriate), a Discharge Management Plan;
 - (g) the Permit Holder has not complied with the Discharge Management Plan at the time of an unexpected, unscheduled or accidental occurrence;
 - (h) any fees and charges set under clause 25.1 have not been paid by the Permit Holder; or
 - (i) the Permit Holder has discharged any Prohibited Waste.
- 22.2 Before suspending or cancelling a Permit for any of the grounds set out in clause 22.1(a) to (i), the Council must provide 20 Working Days' written notice to the Permit Holder of its intention to suspend or cancel a Permit under clause 22.1.
- 22.3 A Permit Holder who receives a notice under clause 22.2 may submit a response to Council for its consideration.
- 22.4 If a submission is received by the Council within 10 Working Days of the notice being given, the Council must consider that submission when determining whether to suspend or cancel the Permit.
- 22.5 The suspension or cancellation of a Permit under this clause does not limit the Council's powers under this Bylaw, the Act, or any other enactment where a person commits an offence.
- 22.6 Where a Permit is cancelled under clause 22.1, the Permit Holder is not relieved from any obligations existing up to and at the date of cancellation. In the case of suspension, a Permit Holder's obligations continue.

23 Disconnection

- 23.1 The Council reserves the right to disconnect a Trade Waste Premises from the Public

Part Five – Miscellaneous

24 Sampling and Monitoring

- 24.1 Sampling, testing and monitoring may be required by the Council to determine if:
- (a) A discharge complies with the provisions of this Bylaw;
 - (b) A discharge is a Permitted, Controlled, Conditional, or Prohibited Trade Waste; and
 - (c) Any charges are applicable to that discharge in accordance with this Bylaw.
- 24.2 Any sampling, testing, and monitoring will be carried out in accordance with the Act, this Bylaw, and any Health and Safety policies of that particular site.
- 24.3 The Council and/or any person called upon by Council to assist may, at any reasonable time, and in accordance with the Act enter and/or access any Trade Premises believed to be discharging Trade Waste in order to determine the Characteristics of any Trade Waste discharge by:
- (a) taking readings and measurements;
 - (b) carrying out an inspection, including observing accidental occurrences and clean-ups; and/or
 - (c) taking samples for testing;
- of any solid, liquid, or gaseous material or any combination or mixture of such materials being discharged.
- 24.4 Analysis of any samples taken in accordance with clause 24.3 must be undertaken by an Independent Analyst, to the satisfaction of the Council.
- 24.5 Council will provide the Permit Holder or Occupier with a copy of the results of any reading or sample taken at their Trade Premises in accordance with clause 24.3.
- 24.6 Where the power in clause 24.3 is exercised on Trade Premises for which a Permit has been granted, the Permit Holder will be responsible for all reasonable costs of sampling and monitoring under this clause.
- 24.7 Where a dispute arises between the Council and a Customer as to the method, approach, or conduct of sampling carried out under clause 24.3 or analysis carried out under clause 24.4, and the parties are unable to resolve the dispute between themselves, the dispute may be submitted to a technical expert nominated by the Council or an independent arbitrator for resolution, and each party must bear their own costs and contribute equally to the costs of the technical expert or arbitrator.
- 24.8 In situations where monitoring is not required under a Permit or otherwise, it is the responsibility of the person discharging to ensure that any discharge from the Trade Waste Premises complies with this Bylaw.

Part Six – Bylaw Administration

25 Fees and Charges

- 25.1 The Council may from time to time, by resolution, set fees and charges payable by Permit Holders or Occupiers of Trade Premises for any one or more of the following:
- (a) administering this Bylaw;
 - (b) processing Permit applications, as well as administering and monitoring Permits under this Bylaw;
 - (c) receiving, treating and disposing of Trade Waste; or
 - (d) inspection of Premises to check for compliance with the Bylaw.
- 25.2 Any fees and charges set under clause 25.1 are to be recorded in the Council's current Schedule of Fees and Charges.
- 25.3 Customers, Permit Holders, and any other persons must pay any applicable fees and charges set under clause 25.1

26 Transfer or Termination of Rights and Responsibilities

- 26.1 A Permit Holder must not, without the written approval of the Council:
- (a) transfer to any other party the rights and responsibilities provided for under a Permit and/or this Bylaw;
 - (b) allow a Point of Discharge used by the Permit Holder to serve another Premises, or the Private Sewer to that Point of Discharge to be connected to by another Premises; or
 - (c) without limiting clause 26.1(b), allow Wastewater from any other party to be discharged at their Point of Discharge.
- 26.2 In determining whether to give approval under clause 26.1 in the event of a change of ownership of a Trade Waste Premises, the Council must not unreasonably withhold approval if the Characteristics of the discharge remain the same.
- 26.3 A Permit Holder or any other person discharging into the Public Wastewater Network must give at least 48 hours' notice in writing to the Council of any temporary or permanent disconnection of the Point of Discharge and/or the termination of the Permit. Despite this, if the disconnection of the Point of Discharge involves relaying of the Private Sewer and a subsequent re-connection to the Council Wastewater Network, at least seven Working Days' notice in writing must be given.
- 26.4 Where notice is given under clause 26.3 of a permanent disconnection and/or termination of Permit, the Permit Holder or person discharging:
- (a) will be liable for any applicable Trade Waste fee and charges to the end of the current charging period; and

- (b) must provide to the Council their address for delivery of the final invoice.
- 26.5 The Council may, at its discretion, waive some or all of the fees and charges that would otherwise apply under clause 26.4(a).
- 26.6 A Permit will automatically terminate if the Permit Holder ceases to occupy the Premises for which the Permit is issued and either:
 - (a) the Permit Holder does not seek the Council's approval under clause 26.1(a) prior to them ceasing to occupy the Premises; or
 - (b) the Council declines to give approval under clause 26.1(a).
- 26.7 Where a Permit is terminated under clause 26.6, the Permit Holder is not relieved from any obligations existing up to and at the date of termination.

Part Seven – Offences, Repeals and Savings

27 Offences and Breaches

- 27.1 Every person, Customer, Permit Holder, or Owner or Occupier of Trade Premises who:
 - (a) fails to comply with, or acts in contravention of, any provision of this Bylaw; or
 - (b) breaches the conditions of any Permit granted pursuant to this Bylaw; or
 - (c) fails to comply with a notice served under this Bylaw;

commits an offence under section 239 of the Act, and may be liable for a fine as specified in section 242 of the Act, or for an infringement fee set out in an infringement notice issued under section 245 of the Act.

Explanatory Note: This clause should be read in conjunction with clauses 9 and 10 of the Manawātū District Explanatory Bylaw 2022.

- 27.2 In all cases, the Council may recover reasonable costs associated with any damage to the Public Wastewater Network or Stormwater Drainage Network or any breach of this Bylaw, in accordance with sections 175 and 176 of the Act.
- 27.3 The Council may issue infringement notices, in such forms and for such amounts as are authorised in any regulations made under section 259 of the Act.
- 27.4 Where there is non-compliance with this Bylaw or other statutory and legal requirements, Council may serve notice on the person, Customer, Permit Holder, or Owner or Occupier of Trade Premises, advising the nature of the breach and the steps to be taken within a specified period to remedy it.
- 27.5 If, after the specified period, the person, Customer, Permit Holder, or Owner or Occupier of Trade Premises persists with the breach or has failed to adequately remedy it, Council may do any one or more of the following:

- (a) carry out further inspections, and charge a re-inspection fee;
 - (b) issue a fine for any relevant infringement offence;
 - (c) undertake works itself to remedy the breach, with costs recoverable from the person, Customer, Permit Holder or Owner or Occupier of Trade Premises; or
 - (d) disconnect the Private Sewer without further notice.
- 27.6 In the event a Private Sewer is disconnected under clause 27.5(d), the supply will be reconnected only after remedy of the breach to the satisfaction of Council and payment of any relevant costs, including the reconnection fee.
- 27.7 Where a breach results in risk to public health or safety, or risk of consequential damage to Council assets, the Council may take immediate action to remedy the breach and recover all its reasonable costs associated with the works (including administrative charges) from the owner of the Trade Premises. Such immediate action may include disconnecting a Private Sewer.
- 27.8 The Council may remove or alter a work or thing that is, or has been, constructed in breach of this Bylaw, and recover the costs of removal or alteration from the person who committed the breach, in accordance with section 163 of the Act.

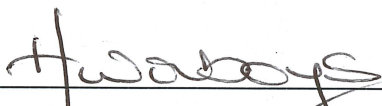
28 Repeals, Savings and Transitional Provisions

- 28.1 Any Permit, exemption or approval granted under the Trade Wastes Bylaw 2015 that was in force immediately before the commencement of this Bylaw, continues in force as if it is a Permit, exemption or approval of that kind issued under this Bylaw, but:
 - (a) it expires on the date specified in such Permit, exemption or approval; or
 - (b) where no expiry date is specified, it expires 12 months from the commencement of this Bylaw, and
 - (c) in the event of either (a) or (b), it may be renewed only by application made and considered in accordance with this Bylaw.

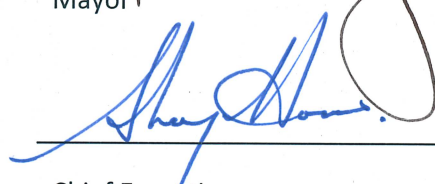
This Bylaw was made by the Manawatū District Council by resolution at a Council meeting on 15 September 2022 and must be reviewed within five years.

Sealed with the Common Seal
of the MANAWATŪ DISTRICT COUNCIL
in the presence of:





Mayor



Chief Executive

Schedule 1: Permitted Discharge Characteristics

Introduction

Permitted Trade Wastes must comply with all of the requirements for Characteristics that are set out in this Schedule.

Failure to comply with one or more of these characteristics will mean that a Permit is required for a Controlled or Conditional Trade Waste.

Requirements for Physical Characteristics

Flow

- a. The 24 hour flow volume must be less than 5 m³.
- b. The maximum instantaneous flow rate shall be less than 2.0 L/s.

Explanatory note: Trade Waste discharges in excess of these flow limits may be subject to Mass Limits in accordance with their Trade Waste Permit.

Temperature

The temperature must not exceed 40 °C.

Solids

- a. Non-faecal gross solids must have a maximum dimension that does not exceed 15 mm.
- b. The suspended solids content must have a maximum concentration that does not exceed 2000 g/m³.

Guidance note: for significant industry this may be reduced, by way of a Permit, to 600 g/m³.

- c. The settleable solids content must not exceed 50 mL/L.
- d. Fibrous, woven, or sheet film or any other materials that may adversely interfere with the free flow of Wastewater in the Public Wastewater Network must not be present.

Fat, Oil and grease

- a. There must not be any free or floating layer of fat, oil, or grease.
- b. A Trade Waste with mineral oil, fat or grease unavoidably emulsified, which is not biodegradable, must not exceed 200 g/m³ as petroleum ether extractable matter when the emulsion is stable at a temperature of 15 °C and when the emulsion is in contact with and diluted by a factor of 10 by raw sewage, throughout the range of pH 6.0 to pH 10.0.
- c. A Trade Waste with oil, fat or grease unavoidably emulsified, which is biodegradable may not exceed 500 g/m³ when the emulsion is stable at a temperature of 15°C and when the emulsion is in contact with and diluted by a factor of 10 by raw sewage throughout the range of pH 4.5 to pH 10.0.
- d. A Trade Waste with emulsified oil, fat or grease must not exceed 100 g/m³ as petroleum ether extractable matter when the emulsion is unstable at a temperature of 15 °C and when the emulsion

is in contact with and diluted by a factor of 10 by raw sewage throughout the range of pH 4.5 to pH 10.0.

Solvents and other organic liquids

There must not be any free layer (whether floating or settled) of solvents or organic liquids.

Emulsions of paint, latex, adhesive, rubber, plastic

- a. For emulsions that are not treatable, the total suspended solids must not exceed 1000 g/m³ unless otherwise agreed with the Council in writing.
- b. For emulsions that are treatable, the Council must have approved the Pre-treatment used in accordance with clause 8.1 of this Bylaw.

Radioactivity

Radioactivity levels must not exceed Office of Radiation Safety Code of Practice CSP1 for the use of Unsealed Radioactive Material.

Colour

No waste may have colour or colouring substance that causes the discharge to be coloured to the extent that it impairs wastewater treatment processes.

Requirements for pharmaceutical waste only

Liquid waste discharged monthly from pharmacies must not exceed the following volumes and concentrations of active ingredients:

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

Guidance note: any discharge above these limits is a controlled discharge and will require a Trade Waste Permit. No waste may contain cytotoxic waste or liquid antibiotics, given these are prohibited under Schedule 2.

Requirements for Chemical Characteristics

pH value

The pH must be between 6.0 and 9.0 at all times.

Organic strength

The Biochemical Oxygen Demand (BOD₅) of any waste may be restricted where the capacity for receiving and treating BOD₅ is limited. A BOD₅ restriction may be related to mass limits.

Maximum concentrations

The maximum concentrations permissible are set out in Table 1 (general chemical Characteristics), Table 2 (heavy metals) and Table 3 (organic compounds and pesticides).

Guidance note: mass limits may also be imposed for larger discharges as part of a Trade Waste Permit.

Table 1: General Chemical Characteristics

Characteristic	Measured as	Maximum Concentration (g/m ³)
Anionic detergent	MBAS (Methylene Blue Active Substances)	500
Ammonia	N	50
- free ammonia - ammonium salts		200
Kjeldahl Nitrogen	N	150
Total Phosphorus	P	50
Sulphate	SO ₄	500 1500 (with reasonable mixing*)
Sulphite	SO ₂	15
Chlorine	Cl ₂	3
- free chlorine		30
- hypochlorite		
Dissolved Aluminium	Al	100
Dissolved Iron	Fe	100
Boron	B	25
Bromine	Br ₂	5
Fluoride	F	30
Cyanide -	CN weak acid dissociable	5

*Reasonable Mixing, for the purposes of this Bylaw, means equivalent to an area 10 times the width of the pipe or receiving waterway.

Table.2 Heavy Metals

Metal	Maximum Concentration (g/m³)	Metal	Maximum Concentration (g/m³)
Antimony	10	Manganese	20
Arsenic	5	Mercury	0.05
Barium	10	Molybdenum	10
Beryllium	0.005	Nickel	10
Cadmium	0.5	Selenium	10
Chromium	5	Silver	2
Cobalt	10	Thallium	10
Copper	10	Tin	20
Lead	10	Zinc	10

Table 3 Organic Compounds and Pesticides

Compound	Maximum Concentration (g/m³)
Formaldehyde (as HCHO)	50
Phenolic compounds (as phenols) excluding chlorinated phenols	50
Chlorinated phenols	0.02
Petroleum hydrocarbons	30
Halogenated aliphatic compounds	1
Monocyclic aromatic hydrocarbons	5
Polycyclic (or polynuclear) aromatic hydrocarbons (PAHs)	0.05
Halogenated aromatic hydrocarbons (HAHs)	0.002
Polychlorinated biphenyls (PCBs)	0.002
Polybrominated biphenyls (PBBs)	0.002 each
Pesticides (general) (includes insecticides, herbicides, fungicides and excludes organophosphate, organochlorine and any pesticides not registered for use in New Zealand)	0.2 in total
Organophosphate pesticides	0.1
	0.1

Schedule 2: Prohibited Characteristics

Any discharge has prohibited Characteristics if it has any solid liquid or gaseous matters, or any combination or mixture of such matters, which by themselves or in combination with any other matters will immediately or in the course of time:

- (a) interfere with the free flow of Wastewater in the Public Wastewater Network;
- (b) damage any part of the Public Wastewater Network;
- (c) in any way, directly or indirectly, cause the quality of the treated Wastewater or residual biosolids and other solids from any Wastewater treatment plant in the catchment to which the waste was discharged to breach the conditions of any consent issued under the Resource Management Act 1991, water right, permit or other governing legislation;
- (d) prejudice the occupational health and safety of workers maintaining or operating the Public Wastewater Network;
- (e) after treatment, be toxic to fish, animals or plant life in the receiving environment;
- (f) cause malodorous gases or substances to form which are of a nature or sufficient quantity to create a nuisance; or
- (g) have a colour or colouring substance that causes the discharge from any Wastewater treatment plant to receiving waters to be coloured.

A discharge has a prohibited Characteristic if it has any amount of:

- (a) harmful solids, including dry solid wastes and materials, that combine with water to form a cemented mass;
- (b) liquid, solid or gas that could be flammable or explosive in the wastes, including oil, fuel, solvents (except as allowed for in Schedule 1 of this Bylaw), calcium carbide, and any other material that is capable of giving rise to fire or explosion hazards either spontaneously or in combination with Wastewater;
- (c) asbestos;
- (d) tin (as tributyl and other organotin compounds);
- (e) any organochlorine pesticides;
- (f) cytotoxic waste or liquid antibiotics; or
- (g) genetic wastes, as follows:
 - i. any 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;
 - ii. any health care waste prohibited for discharge to a Public Wastewater Network by NZS 4304 or any pathological or histological wastes; or

- iii. radioactivity levels in excess of the Office of Radiation Safety Code of Practice CSP1 for the use of Unsealed Radioactive Material.

A discharge has prohibited Characteristics if it does not comply with the requirements for any Characteristic specified in Schedule 1 of this Bylaw, unless such non-compliance is specifically approved by the Council by way of a Permit.

Schedule 3: General Conditions for Trade Waste Permits

Any Permit may be granted subject to such conditions that the Council considers appropriate, including, but not limited to conditions that concern any one or more of the following:

- (a) the parameters for any Characteristic, including any variation from the requirements set out in Schedule 1 of this Bylaw;
- (b) the provision of appropriate Pre-treatment systems (at the Permit Holder's expense), and information on how the system will be operated and maintained;
- (c) the particular Approved Site(s) or Point(s) of Discharge to which the discharge must be made;
- (d) the average and maximum daily volume of the discharge, the average and maximum rate of discharge, and the duration of any maximum discharge;
- (e) the average maximum limit and/or permissible range of any Characteristics of the discharge, including mass limits and concentrations;
- (f) the period or periods of the day during which the discharge or a particular concentration or volume of discharge may be made;
- (g) the degree of acidity or alkalinity of the discharge at the time of discharge;
- (h) the temperature of the Trade Waste at the time of discharge;
- (i) the provision and maintenance (at the Permit Holder's expense) of appropriate screens, Grease Traps, silt traps or other Pre-treatment works, equipment or storage facilities designed to control discharge Characteristics to the Permitted levels;
- (j) the provision and maintenance (at the Permit Holder's expense) of inspection chambers, manholes or other apparatus or devices to provide reasonable access to sewers for sampling and inspection;
- (k) the provision and maintenance of a sampling, analysis and testing programme and flow measurement requirements (at the Permit Holder's expense);
- (l) the method to be used for measuring flow rates and volume of discharge, as well as for taking samples of the discharge for use in determining the amount of any applicable Trade Waste charges;
- (m) the frequency of providing the Council with records of discharge flows and volumes, as well as off-site disposal of Hazardous materials, and the time limits for the provision of this information;
- (n) the implementation of a Discharge Management Plan;
- (o) risk assessment of damage to the environment due to an accidental discharge of a chemical;

- (p) Cleaner Production practices;
- (q) remote control of discharges;
- (r) the Permit Holder's use of third parties for treatment, carriage, discharge or disposal of by-products of Hazardous materials and by-products of pre-treatment of Trade Waste;
- (t) imposing conditions on the maintenance of equipment, including monitoring timeframes for Permit Holders to provide reports of inspection and maintenance;
- (u) specific requirements for activities, including:
 - i. food Premises discharging trade wastes must install grease traps, operate these in accordance with manufacture specifications and maintain these in good working order;
 - ii. dentists must install suitable amalgam traps on all spittoons and on sink wastes used for washing dentistry equipment, and comply with stated operating and maintenance standards;
- (v) the indemnification of the Council by the Permit Holder against claims for damage or loss arising from the Permit Holder's discharge or interruptions to that discharge;
- (w) the provision of a bond or insurance in favour of the Council where failure to comply with the Permit could result in damage to the Public Wastewater Network, or could result in the Council being in breach of any statutory obligation; and
- (x) provision for any planned and spot inspections of the Trade Premises by the Council Officers and contractors, including taking samples and measurements, for the purpose of ensuring the Permit Holder is complying with the Permit and the Bylaw.