**Trade Waste Bylaw Review – Detailed Changes Summary**

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| **Current Bylaw Clause** | **New Draft Clause number** | **Draft Bylaw – Summary of change** |
| Reference Documents | N/A | * Deleted as unnecessary to include in the bylaw and most standards were no referred to within the bylaw so superfluous. These can be included in a guidance document or councils processes if needed. |
| **2300 - Introduction** |  |  |
| 2300.1 - Introduction | 3 – Objective | * First sentence was kept unaltered and included in the new Objective clause which also included as a lead into the overarching purpose statement which is consistent across all 4 water related bylaws. |
| 2300.2 – Short Title and Commencement | 1 – Commencement | * Date the bylaw comes into force will be amended following the consultation process and updated accordingly |
| 2300.3 – Revocation | 2 – Revocation | * First sentence amended to be clear that this bylaw repeals the 2018 amendments and updated the reference to the 2018 bylaw. * Second sentence deleted as was confusing and considered unnecessary |
| 2300.4 – Scope | 4 – Purpose | * 2300.4.1 - The current bylaw wording was largely taken from the model bylaw. This has been re-drafted as a purpose of the bylaw statement and simplified. The wording aligns with the LGA purpose. * 2300.4.2 – the clause around compliance with other acts has been deleted as this was just a statement of law which applies regardless. This can be reflected in the guidance documents that will support the bylaw. |
| 2301 - Definitions | 5 – Definitions | * Some definitions have been deleted as they were not used or not required in the bylaw, such as: infringement, LTCCP, meter, sewer system, territorial authority, and wastewater authority. Reference to Wastewater Authority Council and Territorial Authority (TA) was removed as this was then defined as CHBDC which was then defined as Council. This was simplified to “Council” throughout the definitions and consequently throughout the bylaw. * New definitions have been included for clarification, these are: approved location, change in activity, flow meter, grease converter, holding tank, trench water, warning notice, wastewater system. * Definitions that were amended included:   + Biosolids – last sentence was deleted.   + Characteristic – word properties was used to replace characteristics in sentence.   + Council – more text added to clarify that Council also includes an authorised officer   + Permitted discharge – reference to schedule 1A updated to refer to clause 7.1.1.   + Pre-Treatment – reference to sewerage system was amended to wastewater system throughout the bylaw.   + Prohibited Trade Waste – reference to schedules were updated to reflect new numbering and the last sentence the last part of the sentence deleted as this was contradictory.   + Schedule of rates and charges – rates were replaced with fees as there is no schedule of rates and charges.   + Stormwater – further explanation was included to clarify that this included runoff from hardstands or a roof; and   + Trade Waste – this definition was simplified to clarify what was a trade waste. |
| 2302 - Abbreviations | N/A | * Deleted as most abbreviations were not used in the bylaw. |
| 2303 – General | N/A | * Deleted and unnecessary to include in the bylaw |
| **2304 – Compliance with the Bylaw** |  | * This heading was removed, and Control of Discharges lifted to a level 1 heading. |
| 2304.1 – Control of Discharges | 6 – Control of discharges | * Included potable water into c) * New subclause 2304.1.1 (e) added which was moved from old clause 2306.1 to minimise duplication. * Subclause 2304.1.2 (now 6.1.2) was amended to update cross references and to clarify that it applies to the “person” as defined by the bylaw and the view of council. * Subclause 2304.1.3 was deleted as was duplicated elsewhere and applies regardless. |
| **2305 – Trade Waste Discharges and Consents** |  |  |
| 2305.1 – Classification of Trade Waste Discharges | 7 - Classification of Trade Waste Discharges | * The three classifications of discharges have been clarified and new sub clauses drafted for each. * Three new subclauses for each category have been drafted that defines each category and what is required by Council for each such as confirmation of the category, registration and/or consent. * 2305.1.3 has been deleted as this was a duplication of 2304.1.1. |
| 2305.2 – Application for a Trade Waste Consent | 6.1 General and 8 – Application for a conditional trade waste consent. | * Simplified for clarity around general control of trade waste and what must not be discharged into the wastewater system. * The application process has been clarified in that it only applies to conditional trade waste discharges and not permitted discharges. This has been further clarified in clauses 7 (classification) and 8 (application process). Permitted discharges do not require an application but are required to be registered with Council (clause 7.2). * 2305.2.2 has been deleted as this is already clear throughout the bylaw. * 2305.2.4 – This has been deleted as not required and is covered in the new application process outlined in clause 8. * 2305.2.5 – This subclause has been deleted as duplicated subclause 2305.4. * 2305.2.6 – This is covered by the fees and charges clause so is a duplicate and removed. |
| 2305.3 – Processing of an application | N/A | * This clause was also a duplicate of 2305.4.2 and has been captured under sub clause 8.1.5. This can also be covered in the guidance documents. |
| 2305.4 – Information and analysis | 8.1.4 | * 2305.4.1 (b) was deleted from this clause and was included into sub clause 8.1.1 as a requirement to submit a management plan with the application form. |
| 2305.5 – Consideration of an Application | 8.2 – Decision on application | * This is now clause 8.2.1. |
| 2305.6 – Consideration Criteria  2305.7 – Conditions of Trade Waste Consent | 8.3 – Conditions of Trade Waste Consent  Clause 8.4 – Conditions of Trade Waste Consent (Tankered) | * Clause 2305.6 was largely deleted and now covered by clause 8.3. * Clause 2305.7 was revised and e), f), l) and o) to S) were deleted as covered elsewhere in the bylaw or duplicated. * These clauses have been redrafted to simplify and clarify what conditions may be applied by council. * A new set of conditions which apply only to tankered waste was included as clause 8.4 to specifically manage tankered waste as there are different issues to manage through conditions of consent to other trade waste discharges |
| 2305.8 – Duration | 7 – Classification of Trade waste Discharges | * This clause was deleted, and duration simplified and included with clause 7. * Permitted discharges no longer require an application so no duration is applicable provided they comply with the provisions of the bylaw. * Conditional consents were limited to a term not exceeding 5 years with most of the clause being captured through conditions on the consent. This can also be captured in the guidance documents to be drafted to support the bylaw. * The review clause was duplicated with 2305.9 and now captured clause 8.7. |
| 2305.9 – Technical Review and Variation | 8.7 – Review of Trade Waste Discharge | * This clause was amended to reflect that permitted discharges do not require a consent. * The ability to amend the schedules by resolution has been removed as not legally able to do this unless a full bylaw review is undertaken. |
| 2305.10 – Cancellation of the Right to Discharge | 8.7 – Review of Trade Waste Discharge | * These clauses have bee redrafted and simplified to clarify the process. |
| **2306 – Trade Waste Approval Criteria** |  |  |
| 2306.1 – Pre-Treatment | 8.6 – Pre-Treatment | * This clause has been redrafted to clarify when pre-treatment is required and a list of what types of pre-treatment may be suitable depending on the nature of the discharge. * The first and third paragraph were duplicates of 2305.7 and 2304.1.1 (c). * The second paragraph was moved to clause 6.1.1 e). |
| 2306.2 – Mass Limits | 8.5 – Mass Limits | * Clarified the intent of the first paragraph that conditions (rather than controls) may be applied to specify mass limits. * Reference to sewage system throughout the clause has been amended to wastewater system. * This clause was also moved up to be before pre-treatment. |
| **2307 – Sampling, Testing and Monitoring** | **Clause 9 – Sampling, Testing and Monitoring** |  |
| 2307.1 – Flow Metering | 9.3 – Flow Metering | * Clause 2307.1.1 was deleted as this was already covered by clause 2305.7 (now clause 8.3.1 g) to J)) * 2307.1.2 to 2307.1.6 are now subclauses 9.3.1 to 9.3.5. * 9.3.1 was clarified to outline how Council will require flow meters by adding in “as a condition of consent”. |
| 2307.2 – Estimating Discharge | 9.4 – Estimating Discharge | * Clause 2307.2.2 has been simplified * Clause 2307.2.3 has been clarified to state that tampering is an offence prior to stating what Council may do if tampering is considered to have occurred. |
| 2307.3 – Sampling and Analysis | 9.2 – Sampling and Analysis | * Subclause 2307.3.1 (now 9.1.1) – This was reworded to simplify wording. An additional item (e) was added to the list around determining the most efficient means of operating the wastewater system. * New subclause 9.2.1 included to specify that the consent holder is to provide an access point for samples to be taken. * New subclause 9.2.2 included to specify that the sample must be representative of the discharge to allow for the variability of what is being discharged daily. * Subclause 2307.3.2 (now 9.2.3) was amended to include sampling and the last sentence was deleted as a dispute resolution is not commonly included like this in a bylaw. * New subclauses 9.2.4 to 9.2.6 have been included that simplify and condense clause 2307.4. * 2307.3.3 (now 9.2.7) – clarified under what section of the LGA the powers come from (i.e. s.172 of the LGA) and the last sentence was deleted. |
| 2307.4 – Monitoring | 9.1 – General Monitoring | * Subclause 2307.3.1 (now 9.1.1) – This was reworded to simplify wording. An additional item (e) was added to the list around determining the most efficient means of operating the wastewater system. * New subclause 9.1.2 was included to clarify what “monitoring” may include. * New subclause 9.1.3 was included to specify that the frequency of monitoring may change if Council considers the bylaw and/or consents are not be complied with. * 2307.4.1 (now 9.1.4) – (b) was deleted as it didn’t add anything to (a) above, (d) was deleted as it was considered that Council wouldn’t want to specify an independent analysis with TELARC registration in the bylaw. * This clause was redrafted to simply and clarify when monitoring may be required and what this may include. * The revised clause outlines at a high level the procedures to be followed by Council. * 2307.4.2 – was deleted as this can be included in a guidance document and/or council processes. * 2307.4.3 – now covered under clauses 6.1.3, 7 (classification) and 8.4 (conditions). This was also to clarify that a consent is required for tankered waste. * 2307.4.4 – now covered by clause 9.5.1. Clarification was made that the approval process is to be written approval from Council. |
| **2308 – Bylaw Administration** |  |  |
| 2308.1 – Review of Decisions | N/A | * This clause was deleted. There is no such right of appeal under the LGA. |
| 2308.2 – Accidents and Non-Compliance | 6.3 – Accidental Entry of Trade Waste Discharges | * First paragraph is now 6.3.1 * Second paragraph is now 6.3.2 but has been reworded to avoid duplication with other clauses and to clarify the intent of this clause. * Last paragraph – delete as is a duplication. |
| 2308.3 – Charges and Payments | 10.1 – Fees and Charges | * First paragraph was redrafted to clarify how fees and charges will be prescribed in accordance with section 150 of the LGA. * Second paragraph was deleted as there are no rights of appeal and the review cause covers this. * Third paragraph (now 10.1.2) slightly reworded to clarify council “may” set separate charges for catchment areas within the CHB district. * 2308.3.2 (now 10.1.3) a new sentence has been included to state all charges are to be paid within one calendar month of invoice. This was largely the sentence that was deleted from paragraph one. * 2308.3.3 – this was deleted as not clear what this clause refers to and there are no other provisions relating to a “Notice of Disconnection”. * 2308.3.4 (now 10.1.4) – clarified that a failure to pay may result in the right to discharge being suspended or cancelled by Council. * 2308.3.5 – This subclause was deleted as was unclear and restated the powers that sit under the LGA. Captured also by subclause 11.1.1 that it is an offence to breach the bylaw or conditions of consent. |
| 2308.4 – Authorised officers | N/A | * This was deleted as it either duplicated the LGA or other clauses within the bylaw such as 2307.3 (now clause 9.2) |
| 2308.5 – Transfer or Termination of Rights and Responsibilities | 10.2 – Transfer or termination of rights and responsibilities | * Current 2308.5.1 (a) and (b) remained the same (c) was reworded to clarify that the point of discharge is specified in the consent. * New (b) was added to capture a change in the activity on site. * 2308.5.2 (now 10.2.2) was amended to “transfer” rather than a consent renewal, sewage was amended to Trade Waste and the note was deleted. * 2308.5.3 and 2308.5.4 – remain unchanged. |
| 2308.6 – Service od Documents | N/A | * This clause was deleted as not necessary to include in the bylaw. |
| 2308.7 – Offences | 11 – Offences and Enforcement | * This clause has been redrafted to clarify that it is an offence to breach the bylaw or conditions of consent or a notice. * The clause outlines when a consent maybe cancelled. |
| 2308.8 – Transitional Provisions | 12 – Transitional Provisions | * No changes other than the year the bylaw was made i.e. 1993 amended to 2018. |
| 2309 – Bylaw Approval Date | 13 – Bylaw Approval Date | * No change. |
| Appendix A – Application for Trade Waste Discharge | N/A | * This was removed as the application forms will be available on Councils website and can be more readily updated as and when required to capture the right information. |
| Appendix B – Description of Trade Waste and Premises | N/A | * This was removed as the application forms will be available on Councils website and can be more readily updated as an when required to capture the right information. |
| Appendix C – Application for Temporary Discharge | N/A | * This was removed as the application forms will be available on Councils website and can be more readily updated as an when required to capture the right information. |
| Appendix D – Consent Form | N/A | * This has been removed as is an internal process . |
| Schedule 1A – Permitted Discharge Characteristics | Schedule A | * The introduction has been reworded and simplified. * The text around Mass Limits was deleted prior to each table as this is already captured in the bylaw and only applies to conditional consents not permitted.   Physical Characteristics Table   * Solids (a) was reworded to clarify that the discharge must not be macerated to meet the 15mm dimension. * The “Quick break” product was added as an approved degreaser to the physical characteristics table. * Emulsions of paint, latex, adhesive, rubber, and plastic was removed from the physical characteristics table and added to Schedule B (prohibited discharge characteristics) * Pharmaceutical Waste limits table was added at the request of MoH.   Chemical Characteristics Table   * Organic strength was amended to include COD and include cBOD5 limits |
| Schedule 1B – Prohibited Discharge Characteristics | Schedule B - Prohibited Discharge Characteristics | * A new characteristic was included at the request of MoH around pharmaceutical waste containing cytotoxic ingredients. * Emulsions of paint, latex, adhesive, rubber, and plastic was added * The use of grease converters was also added to the list of prohibited characteristics. |
| Schedule 1C – System of Charging in Respect of Volume and Strength of Trade Wastes and Special Wastes | N/A | * This schedule was removed from the bylaw as this will be captured in the overarching strategy which is currently being developed. How Capital Contributions will be calculated is still being worked through and will also be outlined in that strategy. * Fees and charges are not normally captured in a bylaw. The fee or charge is captured in the schedule of fees and charges which is a separate process to the bylaw. |
| Schedule 1D– Fees and charges | Schedule C -Fees and Charges Categories | * This has been updated to include a registration fee. The ability to charge for capital contributions is currently in the bylaw but not implemented through the schedule of fees and charges or financial policies. However, new categories that input into how capital contributions may be charged have been included as B14 to B22. |