



# **DRAFT WASTEWATER BYLAW (NO. 224) -**

**including Trade Waste and  
Domestic Wastewater**

**June 2014**

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## **1. INTRODUCTION**

### **1.1. Commencement and Application**

1.1.1. This Bylaw came into ~~force~~effect on [day and date].

### **1.2. Revocation**

1.2.1 The following bylaw is hereby revoked: Nelson City Council Tradewaste Bylaw 214 (2007).

### **1.3. Scope of Bylaw**

1.3.1. The Bylaw provides for the:

- (a) Acceptance of long term, intermittent, or temporary discharge of Trade Waste or Domestic Wastewater to the Wastewater system;
- (b) Establishment of three grades of Wastewater: Permitted, Conditional and Prohibited;
- (c) Evaluation of individual ~~Trade Wastewater~~ discharges against specified criteria;
- (d) Correct storage of materials in order to protect the Wastewater system from spillage;
- (e) Installation of flow meters, samplers or other devices to measure flow and quality of the Wastewater discharge;
- (f) Pre-treatment of waste before it is accepted for discharge to the Wastewater system;
- (g) Sampling and monitoring of Wastewater discharges to ensure compliance with the Bylaw;
- (h) Council to accept or refuse a ~~Trade Wastewater~~ discharge;
- (i) Charges to be set to cover the cost of conveying, treating and disposing of, or reusing Trade Waste or Domestic Wastewater, and the associated costs of administration and monitoring;
- (j) Administrative mechanisms for the operation of the Bylaw; and
- (k) Encouragement of waste minimisation and cleaner production in the commercial and industrial sectors.

1.3.2. Compliance with other Acts

Nothing in this Bylaw shall derogate from any of the provisions of the Health Act, the Health and Safety in Employment Act, the Resource Management Act, the Building Act, the Hazardous Substances and New Organisms Act and its regulations or any other relevant statutory or regulatory requirements.

### 1.3.3. Trade Premises and other Users to which this Bylaw Applies

This Bylaw shall apply to all Premises within the City where Trade Waste or Domestic Wastewater is discharged or likely to be discharged to a Wastewater system. The Bylaw shall also apply to tankered wastes collected for the purpose of discharge to a Wastewater system.

Pursuant to Section 195 and 196 of the Local Government 2002 the Council may refuse to accept any type of Trade Waste or Domestic Wastewater which is not in accordance with this Bylaw.

### 1.4. Interpretation

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

**Approval** or **Approved** means Approval or Approved in writing by an Authorised Officer.

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

**Biosolids** means Wastewater sludge that has been treated and/or stabilised to the extent that it is able to be safely applied to land and includes any products containing Biosolids (e.g. composts) but does not include products derived from Wastewater treatment plants which solely treat Industrial Waste. .

**Characteristic** means any of the physical or chemical Characteristics of a Trade Waste or Domestic Wastewater.

**City** means the territory contained within the City of Nelson as defined in Part 2 of Schedule 2 to the Local Government Act 2002.

**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 by:

- (a) Using energy and resources efficiently,
- (b) avoiding or reducing the amount of wastes produced;
- (c) Producing environmentally sound products and services;

**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 from the trade or commercial process or operation into solution or suspension.

**Conditional Trade Waste** means Trade Waste which is accepted for discharge to a Wastewater system subject to conditions placed upon the Permit Holder by the Council.

**Consent** refer to Trade Waste Permit.

**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.

**Contingency Management Procedures** means those procedures developed and used to avoid, remedy, or mitigate the actual and/or potential adverse effects on the environment of an unexpected or unscheduled event resulting in discharge, or potential discharge of Contaminants of concern into the Wastewater system.

**Council** means the Nelson City Council.

**Disconnection or Disconnect means** the physical cutting and sealing of any private drain from the Council's water services, utilities, drains or sewer.

**Domestic Wastewater** means foul water (with or without matter in solution or suspension therein) discharged from premises used solely for residential purposes.

**Flow Metering** means the measuring of flow for the purposes of assessing compliance with this bylaw.

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

**Hazardous Substance** means any substance –

- a) With one or more of the following intrinsic properties:
  - (i) Explosiveness:
  - (ii) Flammability:
  - (iii) A capacity to oxidise:
  - (iv) Corrosiveness:
  - (v) Toxicity (including chronic toxicity):
  - (vi) Ecotoxicity, with or without biocaccumulation; or
- b) Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition.

**Hazardous Wastes** means Trade Waste which contain any hazardous substances.

**Liquid Waste Operator** means any person who collects for disposal Wastewater via the use of a vehicle. Refer also Tankered Waste.

**Management Plan** means any plan for the management of operations of Premises from which Trade Waste or Domestic Wastewater is discharged, and may include provision for Cleaner Production, waste minimisation, Contingency Management Procedures, and any relevant industry Code of Practice.

**Mass Limit** means the total mass of any characteristic that may be discharged to a 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 to a Wastewater system at any instant in time.

**NRSBU** means the Nelson Regional Sewerage Business Unit or its agents.

**Occupier** means the person occupying the trade premises connected to and discharging to the Wastewater system.

**Permit** refer to Trade Waste Permit

**Permitted Discharge** means any discharge of Domestic Wastewater or any discharge of Trade Waste that complies with this bylaw and has been approved by, or is acceptable to, the Council without conditions.

**Permit Holder** means the person occupying trade premises who has obtained a permit to discharge or direct the manner of discharge of Trade Waste from any premises to a Wastewater system, and includes any person who does any act on behalf of or with the express or implied consent of the Permit Holder (whether for reward or not) and any licensee of the Permit Holder.

**Person** includes a corporation sole and also a body of Persons whether incorporated or unincorporated.

**Point of Discharge** is the boundary between the public sewer and a private drain which for the purposes of monitoring, sampling and testing, shall be as designated in the Trade Waste permit.

**Pre-Treatment** means any processing of Trade Waste or Domestic Wastewater designed to reduce or vary any characteristic in such waste before discharge to the Wastewater system in order to comply with a Trade Waste permit.

**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.

**Private Drain** means that section of drain between the premises and the point of discharge.

**Prohibited Wastewater** means any discharge of Trade Waste or Wastewater that does not comply with this bylaw or has not been approved by the Council. This includes any discharge of stormwater to the Wastewater system.

**Residential Purposes** means the use of land and buildings by people for living accommodation where the occupiers intend to live at the site for a period of one month or more, and will generally refer to the site as their home and permanent address; and includes accessory buildings and leisure activities. This excludes all commercial, trade or industrial activities. **Stormwater** means surface water run-off resulting from precipitation.

**Tankered Waste** is water or other liquid, including waste matter in solution or suspension, which is conveyed by vehicle for disposal (excluding Domestic Wastewater being conveyed within house buses, caravans, buses and similar vehicles).

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

**Trade Premises** means:

- (a) Any premises used or intended to be used for any 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;
- (d) Any other premises discharging other than Domestic Wastewater, and includes any land or premises wholly or mainly used for agricultural or horticultural purposes.

**Trade Waste** is any liquid, with or without matter in suspension or solution, that is or may be discharged from a trade premise to a Wastewater system in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature; and may include by special approval condensing or cooling waters and/or stormwater which cannot be practically separated, or Domestic Wastewater.

**Trade Waste Permit** means a Consent in writing authorising the person named in the permit to discharge Trade Wasteto a Wastewater system.

WasteTRACK is an internet based database which consolidates manifest, facility and carrier data to track liquid and hazardous wastes from generation, through transport to treatment or disposal. **Wastewater** means foul water and may include Trade Wastes.

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

**Wastewater System** means the collection, treatment and disposal of Wastewater, which includes Domestic Wastewater and Trade Wastes, including all sewers, pumping stations, storage tanks, Wastewater treatment plants, outfalls, and other related structures operated by either the Council or NRSBU and used for the reception, treatment and disposal of Trade Wastes and Domestic Wastewater.

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

- (a) A Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Labour Day; and
- (b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and



- (c) A day in the period commencing with the 25<sup>th</sup> day of December in a year and ending with the 2<sup>nd</sup> day of January in the following year, or an adjusted period as required to accommodate the observation days for New Years day and New Years Holiday.

## 1.5. Abbreviations

Note: For abbreviations involving Litres the capital "L" has been used in the place of (internationally accepted) lower case "l" to avoid confusion with the letter "I" (capital i) or the number "1"

\$/m <sup>3</sup>	dollars per cubic metre
°C	degrees Celsius
BOD5	Biochemical Oxygen Demand
COD	Chemical Oxygen Demand
g/m <sup>3</sup>	grams per cubic metre
H <sub>2</sub> S	hydrogen sulphide
kg/day	kilogram per day
L/s	litre per second
L/s/Ha	lites per second per hectare
m <sup>3</sup>	cubic metre
mL/L	millilitre per litre
NRSBU	Nelson Regional Sewerage Business Unit
pH	measure of acidity/alkalinity
ppm	parts per million

## 1.6. General

- 1.6.1. In this Bylaw one gender includes all genders, the singular includes the plural, and the plural includes the singular.
- 1.6.2. The word "shall" identifies a mandatory requirement for compliance with the Standard. The word "should" refers to practices which are advised or recommended.

## **2. COMPLIANCE WITH THE BYLAW**

### **2.1. Control of Discharges**

2.1.1. No person shall:

- (a) Discharge, or allow to be discharged, any Trade Waste or Domestic Wastewater to any Wastewater system except in accordance with the provisions of this Bylaw;
- (b) Discharge, or allow to be discharged, a Prohibited Wastewater into a Wastewater system;
- (c) Without specific approval add or permit the addition of condensing or cooling water to any Trade Waste or Domestic Wastewater which discharges into a Wastewater system;
- (d) Without specific approval add or permit the addition of stormwater to any Trade Waste or Domestic Wastewater which discharges into a Wastewater system.

2.1.2. Where any person discharges any Trade Waste or Domestic Wastewater from any premises to any Wastewater system contrary to Clause 2.1.1, the Council may disconnect the premises from the said Wastewater system if no agreement as to a reasonable alternative can be achieved with the occupier of the premises.

2.1.3. Any person discharging to any Wastewater system shall also comply with the requirements of the Hazardous Substances and New Organisms Act 1996, ~~and~~ the Resource Management Act 1991, and the Building Act 2004.

2.1.4. It is the responsibility of the person discharging to ensure they meet the requirements of the Trade Waste permit or the permitted conditions of this bylaw.

### **2.2. Storage, Transport, Handing and use of Hazardous or Harmful Materials**

2.2.1. All persons on all premises shall take all reasonable steps to prevent the accidental entry of any of the materials listed in 2.2.3 of this Bylaw into the Wastewater system.

2.2.2. No person shall store, transport, handle or use, or cause to be stored, transported, handled or used any hazardous substance or any of the materials listed in 2.2.3 in a manner that may cause the material to enter the Wastewater system.

2.2.3. Materials referred to in 2.2.1 and 2.2.2 include those:

- (a) Products or wastes containing corrosive, toxic, biocidal, radioactive, flammable or explosive materials;
- (b) Likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, when mixed with the Wastewater stream;
- (c) Likely to be deleterious to the health and safety of the Council staff, or its contractors or the public or be harmful to the Wastewater system.

### **3. WASTEWATER DISCHARGES AND TRADE WASTE PERMITS**

#### **3.1. Classification of Wastewater Discharges**

3.1.1. Wastewater discharges shall be classified as one of the following types:

- (a) Permitted: a Domestic Wastewater discharge; or a Trade Waste discharge that has been approved by, or is acceptable to, the Council and as long as it continues to have physical and chemical characteristics which comply with Schedule A of this Bylaw.
- (b) Conditional: a Trade Waste discharge which is permitted only subject to specific conditions.
- (c) Prohibited: a Trade Waste discharge for which no permit has been granted and which has physical and chemical characteristics which do not fully comply with Schedule A of this bylaw. This includes the discharge of stormwater into the Wastewater system.

3.1.2. The Council is not obliged to accept any Wastewater.

No application for a Trade Waste permit for a prohibited Wastewater shall be approved.

#### **3.2. Application for a Trade Waste Permit**

3.2.1. Formal Application

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

- (a) Discharge into the Wastewater system any Trade Waste; or
- (b) Vary the characteristics of a Trade Waste for which permit to discharge has previously been granted; or
- (c) Vary the conditions of any permit to discharge that has previously been granted; or
- (d) Significantly change the method or means of pre-treatment of a Trade Waste for which a permit has previously been granted:

shall complete an application in the prescribed form (available from: Council offices, 110 Trafalgar Street, Nelson; or Council website [www.nelson.govt.nz](http://www.nelson.govt.nz)).

3.2.2. The Council may require an application to be supported by an independent report from a suitably experienced and external auditor to verify any or all information supplied by the applicant, and may also require the provision of a management plan.

#### **3.3. Information and Analysis**

3.3.1. On the receipt of any application the 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 the Council;
- (c) Require the applicant to undertake sampling and monitoring as provided for in Clauses 5.1 and 5.3.

### **3.4. Consideration Criteria for a Trade Waste Permit**

3.4.1. In considering any application for a Trade Waste permit to discharge from any trade premises or to discharge any tankered waste into the Wastewater system, and in imposing any conditions on such permit, the Council shall give consideration to the quality, volume, and rate of discharge of the Trade Waste from such premises or tanker having regard to:

- (a) The health and safety of the Council staff, its agents and the public;
- (b) The limits and/or maximum values for characteristics of Trade Waste as specified in Schedule A of this Bylaw;
- (c) The extent to which the Trade Waste may react with other Trade Waste, Domestic Wastewater or foul water to produce an undesirable effect, e.g. settlement of solids, production of odours, accelerated corrosion and deterioration of the Wastewater system etc;
- (d) The flows and velocities in any sewer, or sewers and the material or construction of the sewer or sewers;
- (e) The capacity of any sewer or sewers and the capacity of any Wastewater treatment works, and other facilities;
- (f) The nature of any Wastewater treatment process and the degree to which the Trade Waste is capable of being treated in the Wastewater treatment plant;
- (g) The timing and balancing of flows into the Wastewater system;
- (h) Any statutory requirements relating to the discharge of raw or treated Wastewater to receiving waters, the disposal of Wastewater sludges, beneficial use of biosolids, and any discharge to air;
- (i) The possible effect of the Trade Waste discharge on the ultimate receiving environment;
- (j) The conditions of any resource consents for the Wastewater system and the disposal of residuals or discharges from it;
- (k) The possibility of unscheduled, unexpected or accidental events and the degree of risk to which humans, the Wastewater system and the environment could be exposed;
- (l) Consideration for other existing or future discharges;
- (m) Amenability of the Trade Waste to pre-treatment;
- (n) Existing pre-treatment works on the premises;
- (o) Cleaner production techniques and waste minimization practices;
- (p) Requirements and limitations related to Wastewater sludge disposal and reuse;
- (q) Control of stormwater on the trade premises;
- (r) Management plans relating to the trade premises; and
- (s) Tankered waste being discharged at an approved location(s).

### **3.5. Conditions of Trade Waste Permit**

3.5.1. Any Trade Waste permit to discharge may be granted subject to such conditions that the Council considers appropriate, including but not limited to:

- (a) The particular public sewer or sewers to which the discharge will be made;
- (b) The maximum daily volume of the discharge, the maximum rate of discharge, and the duration of maximum discharge;
- (c) The maximum limit or permissible range of any specified characteristics, including concentrations and/or mass limits determined in accordance with Clause 4.2;
- (d) The period or periods of the day during which the discharge, or a particular concentration, or volume of discharge may be made;
- (e) The degree of acidity, or alkalinity of the Trade Waste at the time of discharge;
- (f) The temperature of the Trade Waste at the time of discharge;
- (g) The provision by the permit holder of screens, grease traps, silt traps or other pre-treatment works to control discharge characteristics to the permitted levels;
- (h) The provision and maintenance by the permit holder of inspection chambers, manholes or other apparatus or devices to provide reasonable access to drains for sampling and inspection;
- (i) The provision and maintenance by the permit holder of a sampling, analysis and testing programme and flow measurement requirements;
- (j) 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 rates or charges applicable to that discharge;
- (k) The provision and maintenance by the Permit Holder of such meters or devices as may be required to measure the volume or flow rate of any Trade Waste being discharged from the premises, and for the testing of such meters;
- (l) At the request of Council, in a Council approved format, the permit holder shall provide flow and/or volume records and results of analyses (including pre-treatment by-products e.g. Wastewater sludge disposal);
- (m) The provision and implementation of a management plan;
- (n) The undertaking of a risk assessment of potential damage to the environment arising from an accidental discharge of a chemical into the Wastewater system;
- (o) The introduction of Waste minimisation and management;
- (p) The introduction of Cleaner production techniques;
- (q) Remote control of discharges;
- (r) Third party treatment, carriage, discharge or disposal of by-products of pre-treatment of Trade Waste (including Wastewater sludge disposal);
- (s) The provision of a bond or insurance in favour of the Council where failure to comply with the permit could result in damage to any part of the Wastewater system or could result in the Council being in breach of any statutory obligation;

- (t) Remote monitoring of discharges.

### **3.6. Duration**

#### **3.6.1. Permitted and Conditional Discharges**

Permitted and Conditional discharge permits shall remain in force until either:

- (a) The permit is cancelled under Clause 2.1.2 or Clause 3.8;
- (b) The quantity and nature of the discharge changes significantly.
- (c) If in the opinion of the Council the nature of the Trade Waste or Domestic Wastewater being discharged changes or is likely to change to such an extent that it becomes a conditional or prohibited Trade Waste;
- (d) The Council changes the Wastewater management procedures by implementation of changed Wastewater Bylaw conditions or any amendment to, or replacement of, its Wastewater Bylaw; or
- (e) The conditions imposed on any resource consent for the Wastewater system and the residuals or discharges from it are changed.
- (f) A fixed termination date, or duration if set by Council
- (g) The permit holder ceases to undertake the trade from which the discharge arises.

In all cases, after appropriate consultation with the Council, the holder of any permit terminated pursuant to this clause shall within 10 working days of the event occurring apply for a conditional permit in accordance with Clause 3.2 No new discharge shall take place until such time as this application has been approved.

### **3.7. Technical Review and Variation**

- 3.7.1. The Council may at any time require a person undertaking a permitted discharge to apply for a permit in accordance with Clause 3.2.
- 3.7.2. The Council may at any time during the term of a Trade Waste permit, by written notice to the Permit Holder, review any condition as the Council considers necessary to give effect to any new information which may become available or to meet any new resource consent imposed on the discharge from the Wastewater treatment plant, or to ensure compliance with any other legal requirements imposed on the Council.
- 3.7.3. A Permit Holder may at any time during the term of a permit, by written application to the Council, request a variation of any condition of such permit, imposed pursuant to Clause 3.5.

### **3.8. Cancellation of the Right to Discharge**

#### **3.8.1. Suspension or Cancellation on Notice**

The Council may at any time following 20 working days notice to the Permit Holder suspend or cancel any consent, permit or right to discharge for one or more of the following reasons unless the permit holder within that 20 days takes action, or commences action to remedy the situation. :

- (a) For failure to comply with any condition of the permit;
- (b) For failure to maintain effective control over the discharge;

- (c) For failure to limit in accordance with the requirements of any permit the volume, nature, or composition of Trade Waste being discharged;
- (d) For any negligent act or omission which, in the opinion of the Council, threatens the safety of, or threatens to cause damage to any part of the Wastewater system or threatens the health or safety of any person;
- (e) If any occurrence happens that, in the opinion of the Council, poses a potential serious threat to the environment;
- (f) In the event that the discharge results in a breach of a resource consent held by the Council issued under the Resource Management Act 1991;
- (g) Failure to provide and when appropriate update a Management Plan as required for a conditional permit;
- (h) Failure to follow the Management Plan provisions at the time of an unexpected, unscheduled or accidental occurrence;
- (i) Failure to pay any charges under this Bylaw; or
- (j) If any other circumstances arise which, in the opinion of the Council, render it necessary in the public interest to cancel the right to discharge.

#### 3.8.2. Summary Cancellation

Notwithstanding Clause 3.8.1 above the Council may on giving to the Permit Holder written notice cancel any Trade Waste permit where:

- (a) The discharge contains any prohibited substance;
- (b) The Council is lawfully directed to withdraw or otherwise to terminate the permit summarily;
- (c) The Permit Holder discharges any Trade Waste without the appropriate consent;
- (d) If the continuance of the discharge is, in the opinion of the Council, an immediate threat to the environment or public health;
- (e) If in the opinion of the Council the continuance of the discharge puts at risk the ability of the Council to comply with any conditions of a resource consent and/or requires identified additional treatment measures or costs to seek to avoid a breach of any such resource consent, or contractual obligation.

## **4. ~~TRADE~~ WASTEWATER DISCHARGE APPROVAL CRITERIA**

### **4.1. Pre-treatment**

- 4.1.1. The Council may approve a Trade Waste discharge subject to the provision, operation and maintenance by the Permit Holder of appropriate pre-treatment systems to enable the person discharging to comply with the Bylaw.
- 4.1.2. No refuse or garbage grinder or macerator shall be used within any trade premises discharging to a Wastewater system except with the express approval of the Council.
- 4.1.3. The person discharging shall not, except with the express approval of the Council, add or permit the addition of any potable, condensing, cooling water or stormwater to any Wastewater stream.

Note: Condensing and cooling water shall not be discharged to a stormwater drain or natural waterway without the express approval of the Council.

### **4.2. Mass Limits**

- 4.2.1. A conditional Trade Waste permit to discharge may impose controls on a Trade Waste discharge by specifying mass limits for any characteristic. Any characteristic permitted by mass limit shall also have its maximum concentration limited to the value specified in Schedule A of this bylaw unless approved otherwise.
- 4.2.2. When setting the mass limit for a particular characteristic the 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 state of the ultimate receiving environment;
  - (b) Whether or not the levels proposed pose a threat to the planned or actual beneficial reuse of biosolids or Wastewater sludge;
  - (c) Conditions in the Wastewater system near the Trade Waste discharge point and elsewhere in the Wastewater system;
  - (d) The extent to which the available industrial capacity of the Wastewater system 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 the 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 on the Council to reduce the pollutant discharge from the Wastewater system;
  - (h) The proportion which the mass flow of the characteristic of the discharge will 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 the characteristic will interact with other characteristics and thereby increase or decrease the effect of either characteristic on the Wastewater system, or on the receiving environment.

#### 4.2.3. Tankered Wastes

No person shall discharge any tankered wastes into any Wastewater system other than in compliance with the Liquid and Hazardous Wastes Code of Practice and a Customer Contract with the NRSBU.

Tankered wastes shall:

- (a) Be transported by a Liquid Waste Operator with the necessary resource consents and/or NRSBU Customer Contract to discharge domestic septic tank or industrial wastes;
- (b) If requested, have material safety data sheets (MSDS) supplied to the Council detailing the contents of a waste;
- (c) Be 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 testing and advice shall be borne by the Permit Holder;
- (d) Not be picked up and transported to the disposal site until appropriate arrangements and method for disposal have been determined by the Council;
- (e) Only be transported in a tanker which has been thoroughly washed prior to collecting any load for disposal into the Wastewater system; and
- (f) Only be disposed after at least 24 hours notice has been given for the disposal of wastes, other than those sourced from domestic septic tanks.
- (g) Be recorded by the liquid waste operator using WasteTRACK or similar waste tracking system approved by Council.

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 the Council's Wastewater system other than at an approved location in accordance with items (a)-(g) above will be in breach of the Bylaw.

No person shall engage a liquid waste operator to collect, transport or dispose of any liquid waste if that operator does not utilise a waste tracking system as required in (g) above.

#### 4.2.4. Disinfected/Super Chlorinated Water

Any water used during the repair and construction of water mains shall be de-chlorinated to provide a residual chlorine level of less than 0.5ppm prior to discharge into the Wastewater system. Any chemical neutralisation of the chlorine shall not introduce any substances that exceed the limits specified in Schedule A of this bylaw.

**NOTE:** No such water shall be disposed of to any stormwater drain or water course except in compliance with the Freshwater Rules of the Resource Management Plan, ~~and the Council's Stormwater Bylaw 2006.~~

#### 4.2.5. Swimming Pool and Spa Pool Water

No water, other than backwash water, from a swimming pool or spa pool draining facility shall be discharged to the sewer and such shall only be discharged once the residual chlorine level is less than 0.5 ppm and only in quantities associated with a

standard backwash of filters. If the reason for discharge is due to a chemical imbalance (including  $\text{pH} < 6$  or  $> 9$ ) then Council must be consulted before the discharge occurs. All discharges other than backwash shall be made after 8pm and before 7am. Discharges outside these times shall only be with the approval of the Council. Council reserves the right to limit the rate and timing of the discharge. Discharges are not allowed less than 3 days after a rain event.

#### 4.2.6. Discharges via Grease Traps or Silt and Oil Traps

Any premise that has or is likely to have any discharge from a grease trap or silt and oil trap shall obtain a Trade Waste permit.

The Network Utility Operator (NCC) has identified a grease trap with a minimum capacity of 500L as being appropriate to protect the Wastewater network.

All grease traps and silt and oil traps shall be maintained in an operable condition in accordance with the following criteria:

- (a) All traps shall be serviced at least once every three (3) months to remove all sediment, fat oil and grease
- (b) At no time shall the sediment layer in any trap exceed 20 % of the depth or volume of the trap
- (c) At no time shall the fat/oil/grease layer exceed 20% of the depth or volume of the trap
- (d) Servicing shall be also undertaken at any time as necessary to maintain operational efficiency of the trap
- (e) All servicing shall be conducted by an approved liquid waste operator who complies with Clause 4.2.3 above.
- (f) Silt/oil interceptors for washdown bays must be roofed or suitably bunded with a first flush system installed and operating in accordance with the LDM.

#### 4.2.7. Discharges via Enzyme Based Grease Converters.

The installation of an Enzyme based grease converter is prohibited.

Existing enzyme based grease converters will be permitted to remain provided all of the following criteria are met at all times:

- (a) A Trade Waste permit is obtained for any discharge from the converter
- (b) The converter has previously been explicitly approved by a Trade Waste consent or permit or building consent
- (c) The converter is fitted with an automatic enzyme dosing apparatus (whether or not this was required as part of any original consent (or permit))
- (d) The trade operator is able to provide satisfactory records of purchase of enzymes of a type and quantity matching the manufacturer's recommendation
- (e) The operator is able to provide records of regular (at a minimum weekly) checks of the system to ensure that it is operating correctly, and
- (f) The Council is satisfied that there is no risk to the Wastewater system by the continued use of the converter.

## **5. SAMPLING, TESTING AND MONITORING**

### **5.1. Flow Metering**

- 5.1.1. The Council may as a condition of any permit or at any time that it considers necessary require a permit holder to undertake flow metering of any discharge.
- 5.1.2. The Permit Holder shall be responsible for the supply, installation, reading and maintenance of any flow metering equipment required to be installed. All equipment shall be subject to the approval of the Council, but shall remain the property of the Permit Holder.
- 5.1.3. Records of flow and/or volume shall be available for viewing at any time by the Council, and shall be submitted to the Council at prescribed intervals by the Permit Holder in a format approved by the Council.
- 5.1.4. The equipment shall be installed according to the manufacturer's installation instructions and be located in relation to the discharge in a position which provides the required degree of accuracy and shall be readily accessible for reading.
- 5.1.5. The Permit Holder shall arrange for in situ calibration of the flow metering equipment and instrumentation by a person and a method approved by the Council upon installation and if required at Council's request thereafter to ensure its performance. The meter accuracy should be  $\pm 5\%$ . A copy of the independent certification of each calibration result shall be submitted to the Council at least annually.
- 5.1.6. Should any meter, after being calibrated, be found to have an error greater than that specified in 5.1.5 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 shall pay or be credited a greater or lesser amount according to such adjustment.

### **5.2. Estimating Discharge**

- 5.2.1. Where no meter or similar apparatus is warranted, the Council may agree 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 discharge for the purposes of charging.
- 5.2.2. If on any reading it is found that any meter is out of repair or has ceased to register, or been removed, the Council may estimate the discharge for the period since the previous reading of such meter, based on the average of the previous 12 months charged to the person discharging and charges shall be levied accordingly. Provided however that where 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, the 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 estimate.
- 5.2.3. Where in the opinion of the Council, a meter has been tampered with, the Council (without prejudice to the other remedies available) may declare the reading void and estimate the discharge on the basis provided for in Clause 5.2.2 above.

### **5.3. Sampling and Analysis**

- 5.3.1. The Council may at any time undertake sampling, testing and/or monitoring of any discharge for the purposes of determining whether:

- (a) A discharge complies with the provisions of any permit or of this Bylaw;
- (b) A discharge is to be classified as a permitted, conditional, or prohibited discharge (refer to Clause 3.1);
- (c) A permitted discharge complies with the provisions of Schedule A and
- (d) Trade Waste permit charges are applicable to that discharge.

5.3.2. The taking, preservation, transportation and analysis of the sample shall be undertaken by an authorised officer or agent of the Council, or the person discharging in accordance with accepted industry standard methods, or by a method specifically approved by the Council. Where a discharge does not comply with the bylaw or conditional permit 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.

5.3.3. Any authorised officer or authorised agent of the Council, or any analyst may enter any premises believed to be discharging Trade Waste at any time in order to determine any characteristics of any actual or potential discharge by:

- (a) Taking readings and measurements of such discharge;
- (b) Carrying out an inspection;
- (c) Taking samples for testing, of any solid, liquid, or gaseous material or any combination or mixture of such materials being discharged;
- (d) Observing accidental occurrences and clean up.

## **5.4. Monitoring**

### 5.4.1. Monitoring for Compliance

The Council may at any time undertake monitoring of any Trade Waste discharge. Such monitoring shall be carried out as follows:

- (a) The Council or its authorised agent will take the sample of the discharge and arrange for this sample to be analysed in an approved laboratory by accepted analytical methods;
- (b) The sampling procedure will be appropriate to the type of Trade Waste and the analysis;
- (c) The Council will audit the sampling and analysis carried out by a self-monitoring Trade Waste discharger. Analysis will be performed by an approved laboratory. Inter-laboratory checks are to be part of this process;
- (d) The Council will audit the sampling and analysis carried out by an analyst. Analysis will be performed by an approved laboratory. Inter-laboratory checks are to be part of this process; and
- (e) The Council will audit the Trade Waste permit conditions including any management plans. Where non compliance is found, all costs of monitoring shall be met by the discharger either through direct payment to the laboratory or to the Council.

#### 5.4.2. Sampling Methodology

Sampling shall be by way of a single grab sample which will be split equally into two parts to be dealt with as follows:

- (a) One portion of the sample will be provided to the Trade Waste discharger for analysis and/or storage;
- (b) The other portion of the sample shall be analysed at a laboratory approved by the Council;

Due consideration will be applied to any changes that could occur in retained Trade Waste samples and provisions to mitigate against changes will be adopted where practicable.

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.

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

## **6. BYLAW ADMINISTRATION**

### **6.1. Review of Decisions**

- 6.1.1. If any person is dissatisfied with any decision by an authorised officer made under this Bylaw, that person may, by notice delivered to the Chief Executive Officer of the Council not later than 20 working days after receipt of the decision request the Chief Executive to review the decision. The decision of the Chief Executive Officer shall be final.

### **6.2. Accidents and Non-compliance**

- 6.2.1. The Permit Holder shall inform the Council immediately on discovery of any accident including spills or process mishaps which may cause a breach of this bylaw.
- 6.2.2. In the event of any accident occurring when the person holds a conditional permit, the Council may review the permit under Clause 3.7 or may require the Permit Holder, within 20 working days of the date of such requirement to review the contingency management procedures and re-submit for approval the management plan with the Council.
- 6.2.3. In the event of an accident occurring on the premises of a permitted discharge, the Council may require the person discharging to apply for a conditional permit.

### **6.3. Charges and Payments**

- 6.3.1. Fees and charges payable will be set each year by the Council in its Annual Plan.

#### **6.3.2. Fees and Charges**

The customer shall be responsible to meet all fees and charges relating to the discharge of Wastewater from their premises to the Wastewater system, as may from time to time be imposed by the Council and set out in the Annual Plan.

#### **6.3.3. Invoicing**

All charges determined in accordance with 6.3.1 shall be invoiced in accordance with the Council's standard 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 to a discharge.

#### **6.3.4. Cessation of to Discharging**

The person discharging shall be deemed to be continuing the discharge of Trade Waste and shall be liable for all charges, until notice of disconnection is given to the Council by the permit holder.

#### **6.3.5. 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 the Council may cancel the right to discharge in accordance with 3.8.

#### **6.4. Transfer or Termination of Rights and Responsibilities**

- 6.4.1. A Trade Waste permit to discharge shall be issued in the name given on the application form. The Permit Holder shall not, unless written approval is obtained from the Council:
- (a) Transfer to any other party the rights and responsibilities provided for under this Bylaw, and under the permit;
  - (b) Allow a point of discharge to serve any other 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 Wastewater from any other party to be discharged at their point of discharge.
- 6.4.2. Renewal of a Trade Waste permit on change of ownership of premises shall not be unreasonably withheld if the characteristics of the Wastewater remain unchanged.
- 6.4.3. The Permit Holder shall give 48 hours notice in writing to the Council of their requirement for disconnection of the discharge connection and/or termination of the discharge permit, except where demolition or relaying of the discharge drain is required, in which case the notice shall be within seven working days. The person discharging shall notify the Council of the new address details for final invoicing.
- 6.4.4. When a Permit Holder ceases to occupy premises from which Trade Wastes are discharged into the Wastewater system any permit granted shall terminate but without relieving the person discharging from any obligations existing at the date of termination.

#### **6.5. Offences**

- 6.5.1. Every person or Permit Holder or owner or occupier of Premises who:
- (a) Fails to comply with or acts in contravention of any provision of this Bylaw;
  - (b) Breaches the conditions of any permit to discharge granted pursuant to this Bylaw, or
  - (c) Fails to comply with a notice served under this Bylaw, commits an offence and is liable to a fine not exceeding \$200,000.

#### **6.6. Transitional Provisions**

##### **6.6.1. Applications**

Any application for a permit to discharge Trade Waste made under this NCC Wastewater Bylaw 224 (2014) for which a permit has not been granted at the time of this new Bylaw coming into force shall be deemed to be an application made under Clause 3.2 of this Bylaw.

#### 6.6.2. Existing Trade Waste Consents

Every existing Trade Waste consent (or permit) shall continue in force as if it were a permit issued under this Bylaw subject to 6.6.3. Provided that the Council may review and amend any conditions of any existing consent (or permit) to ensure such align with this Bylaw.

#### 6.6.3 The Council can review conditions of existing consents when:

- a) new information becomes available;
- b) if the information made available during the application contained inaccuracies which materially influenced the setting of conditions of the consent;
- c) the consented discharge is found to have an adverse impact on the Council's Wastewater network.





## **SCHEDULE A: PERMITTED DISCHARGE CHARACTERISTICS**

### **1. DISCHARGE CHARACTERISTICS**

#### **1.1. Acceptable Criteria**

1.1.1. The tables in this section and the contaminant concentrations shown are maximum limits of what is acceptable. The acceptance criteria/characteristics are generally sourced from the guidelines for Wastewater systems – acceptance of Trade Waste (industrial waste).

#### **1.2. Factors affecting acceptance conditions**

1.2.1. The following factors may be considered by Council when assessing an permit application:

- (a) Volume, concentration, contaminant hazard assessment of the Trade Waste;
- (b) Effectiveness and reliability of industry-based pre-treatment, if any. Reliability includes an industry's proven track record in operating a pre-treatment plant;
- (c) Effectiveness and reliability of the Council's Wastewater collection, treatment and disposal of facilities in relation to the proposed discharge characteristics;
- (d) Treated Wastewater disposal location, e.g. high energy coastal outfall, inland waterways, irrigated land disposal system, wetland;
- (e) Reuse of treated Wastewater and/or biosolids;
- (f) Sludge disposal method by both industry and the Council. Disposal to a Class A landfill will require less control over the resultant sludge than disposal to a Class B landfill or reuse as biosolids;
- (g) Occupational health and safety requirements;
- (h) Requirements of any legislation in force or as may be enacted from time to time.

### **2. PHYSICAL CHARACTERISTICS**

#### **2.1. Flow**

2.1.1. The 24 hour flow volume shall be less than 5m<sup>3</sup>

2.1.2. The maximum instantaneous flow rate shall be less than 2.0L/s

2.1.3. The maximum flow rate shall be less than 0.54L/s/Ha

#### **2.2. Temperature**

2.2.1. The temperature shall not exceed 40°C

#### **2.3. Solids**

2.3.1. Non-faecal gross solids shall have a maximum dimension which shall not exceed 15mm

2.3.2. The suspended solids content of any Wastewater shall have a maximum concentration which shall not exceed 1000g/m<sup>3</sup>

- 2.3.3. The settleable solids content of any Wastewater shall not exceed 50mL/L
- 2.3.4. The total dissolved solids in any Wastewater shall have a maximum concentration which shall not exceed 3000 g/m<sup>3</sup>
- 2.3.5. Fibrous, woven, or sheet film or any other materials which may adversely interfere with the free flow of Wastewater in the drainage system or treatment plant shall not be present
- 2.3.6. Trade waste containing solids that have been processed through any in or under sink macerator type device (such as, but not limited to, "in-sink-erator") is prohibited.

## **2.4. Fat, Oil and Grease**

- 2.4.1. There shall be no free or floating layer of fat, oil or grease.
- 2.4.2. A Trade Waste with mineral oil, fat or grease unavoidably emulsified, which in the opinion of the Council is not biodegradable shall not exceed 100g/m<sup>3</sup> as petroleum ether extractable matter when the emulsion is stable at a temperature of 15<sup>0</sup>C and when the emulsion is in contact with and diluted by a factor of 10 by raw Wastewater, throughout the range of pH 6.0 to pH 9.0
- 2.4.3. A Trade Waste with oil, fat or grease unavoidably emulsified, which in the opinion of the Council is biodegradable shall not exceed 100g/m<sup>3</sup> when the emulsion is stable at a temperature of 15<sup>0</sup>C and when the emulsion is in contact with, and diluted by, a factor of 10 by raw Wastewater throughout the range pH 6.0 to pH 9.0
- 2.4.4. A Trade Waste emulsified oil, fat or grease shall not exceed 100g/m<sup>3</sup> as petroleum ether extractable matter when the emulsion is unstable at a temperature of 15<sup>0</sup>C and when the emulsion is in contact with, and diluted by, a factor of 10 by raw Wastewater throughout the range pH 6.0 to pH 9.0

## **2.5. Solvents and Other Organic Liquids**

- 2.5.1. There shall be no free layer (whether floating or settled) of solvents or organic liquids

## **2.6. Emulsions of Paint, Latex, Adhesive, Rubber, Plastic or Similar Material**

- 2.6.1. Where such emulsions are not treatable they may be discharged into the sewer subject to the total suspended solids not exceeding 1000g/m<sup>3</sup>
- 2.6.2. The Council may require pre-treatment of such emulsions if the emulsion Wastewater is likely to unreasonably interfere with the operation of the Council's treatment plant, e.g. reduces % UVT (ultra violet transmission)
- 2.6.3. Such emulsions, of both treatable and non-treatable types, shall be discharged to the sewer only at a concentration and pH range that prevents coagulation and blockage at the mixing zone in the public sewer

## **2.7. Radioactivity**

- 2.7.1. Radioactivity levels shall not exceed the National Radiation Laboratory Guidelines

## **2.8. Colour**

- 2.8.1. No waste shall have colour or colouring substance that causes the discharge to be coloured to the extent that it impairs Wastewater treatment processes or compromises the final effluent discharge consent

## **2.9. Inhibitory Substances**

2.9.1. Should any characteristic of a discharge be found to inhibit the performance of the Wastewater treatment process, such that the Council is significantly at risk or likely to be prevented from achieving its environmental statutory requirements, then the Council reserves the right to amend the corresponding permit or consent summarily

## **2.10. Chemical Characteristics**

2.10.1. The pH shall be between 6.0 and 9.0 at all times

## **2.11. Organic Strength**

2.11.1. The Biochemical Oxygen Demand (BOD<sub>5</sub>) of any waste may require to be restricted where the capacity for receiving and treating BOD<sub>5</sub> is limited. A BOD<sub>5</sub> restriction may be related to mass limits. All trade waste permits will be reviewed against the requirements of the Wastewater treatment plant operating conditions by the Council and appropriate conditions may be set.

2.11.2. Where there is no Council treatment system for organic removal of BOD<sub>5</sub> such shall not exceed 1000g/m<sup>3</sup>. For significant industry this may be reduced to 600g/m<sup>3</sup>

## **2.12. Maximum Concentrations**

2.12.1. Introduction

The maximum concentrations permissible in respect of the chemical characteristics of an acceptable discharge are set out in the following tables:

Table 1A.1 – General chemical characteristics

Table 1A.2 – Heavy metals

Table 1A.3 – Organic compounds and pesticides

**TABLE A.1: GENERAL CHEMICAL CHARACTERISTICS**

(Mass limits may be imposed, refer to 4.2)	
<b>Characteristic Maximum Concentration g/m<sup>3</sup> (ppm)</b>	
MBAS (Methylene blue active substances)	500
Ammonia (measured as N)	
- free ammonia	50
- ammonium salts	200
Kjeldahl nitrogen	150
Total phosphorus (as P)	50
Sulphate (measured as SO <sub>4</sub> )	200
Sulphite (measured as SO <sub>2</sub> )	15
Sulphide - as H <sub>2</sub> S on acidification	1
Chlorine (measured as Cl <sub>2</sub> )	
- free chlorine	3
- hypochlorite	30
Dissolved aluminium	100
Dissolved iron	100
Boron (as B)	25
Bromine (as Br <sub>2</sub> )	5
Fluoride (as F)	5
Cyanide – weak acid dissociable (as CN)	5

**TABLE A.2: HEAVY METALS**

(Mass limits may be imposed, refer to 4.2)	
<b>Metal Maximum Concentration g/m<sup>3</sup> (ppm)</b>	
Antimony	5
Arsenic	1
Barium	10
Beryllium	0.005
Cadmium	0.5
Chromium	5
Cobalt	5
Copper	5
Lead	5
Manganese	10
Mercury	0.05
Molybdenum	5
Nickel	5
Selenium	5
Silver	1
Thallium	5
Tin	10
Zinc	5

**TABLE A.3: ORGANIC COMPOUNDS AND PESTICIDES**

(Mass limits may be imposed, refer to 4.2)	
<b>Compound Maximum Concentration g/m<sup>3</sup> (ppm)</b>	
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)	0.00
Polybrominated biphenyls (PBBs)	0.002 each
Pesticides (general). (Includes insecticides, herbicides, fungicides but excludes organophosphate, organochlorine and any pesticides not registered for use in New Zealand)	0.2 in total
Organophosphate pesticides	0.1























