



**Greater East Tamaki
Business Association Inc.**

10 June 2019

Trade Waste Bylaw
Freepost Number 241331
Private Bag 92300
Victoria Street West
Auckland 1142

tradewastebylaw@water.co.nz

Submission to Proposed Changes to the Trade Waste Bylaw 2013

Introduction

The Greater East Tamaki Business Association ('Association') welcomes the opportunity to make this Submission on the Trade Waste Bylaw. Auckland Council is asking for feedback on proposed changes to its Trade Waste Bylaw 2013. As part of the five-yearly bylaw review process, the Council has checked to see how well the current rules are working, and what improvements could be made. Public consultation has opened and closes on 10 June 2019.

The Greater East Tamaki Business Association Inc. (GETBA) is the Business Improvement District business association for the area. GETBA advocates for business and property owners in the economic development of East Tamaki; provides a conduit to business support, education, resources and networking; enhances the safety and security of East Tamaki; and promotes the area as a great place to do business and to work.

The Greater East Tamaki commercial industrial business precinct is a dynamic and highly successful production and export zone, with 2,000 businesses employing 30,000 staff, contributing \$3 billion to the New Zealand economy and 19 million in rates each year. The area includes the world-class Highbrook Business Park.

Background

A wide range of trade premises across the Association's area and Auckland generally discharge trade waste into the public wastewater system every day. Some low risk trade wastes are permitted to be discharged from businesses into the public wastewater system, others are managed through trade waste agreements and some trade wastes are prohibited.

We agree that it is important to have effective controls in place as these discharges can have a harmful effect on wastewater pipes, the environment and public health. We agree that a bylaw is an effective means for making rules to require occupiers of trade premises who discharge trade waste to meet minimum discharge standards.

After a review, Council is suggesting some changes to make the bylaw more effective and improve understanding of how it regulates trade waste. Auckland Council is now asking for feedback on the new proposed Trade Waste Bylaw, with the following specific questions:

Proposed Change 1: Council will more clearly identify the rules that determine whether a trade waste activity's wastewater discharge is low risk, or whether a trade waste agreement is required to discharge the trade waste. Council has asked whether submitters agree or disagree.

Proposed Change 2: The proposed Trade Waste Control 2019 will include the existing limits to flow rate and volume for low risk discharges and the existing limits to substances and characteristics in any trade waste discharge. Council has asked whether submitters agree or disagree.

Proposed Change 3: Council will more clearly indicate which trade waste discharges require pre-treatment, and conditions for maintenance of those pre-treatment devices. Council has asked whether submitters agree or disagree.

Proposed Change 4: Council will clarify what matters it considers when issuing trade waste agreements. Council has asked whether submitters agree or disagree.

Proposed Change 5: As all transitional consents have expired, Council will remove all references to transitional consents to prevent confusion. Council has asked whether submitters agree or disagree.

Finally, Council has asked if submitters have any other comments about any part of the Bylaw

Our feedback is set out below.

(1) Proposed Change 1: Clearer Rules

Council has proposed to more clearly identify the rules that determine whether a trade waste activity's wastewater discharge is low risk, or whether a trade waste agreement is required to discharge the trade waste. This has involved expanding and clarifying definitions and requirements for low risk trade waste activities. Council says this will ensure all trade waste activities are clearly covered and avoids over-regulation of low-risk trade waste dischargers. Council has asked whether submitters agree or disagree.

Although we agree with the proposals to more clearly identify the rules that determine whether a trade waste activity's wastewater discharge is low risk, or whether a trade waste agreement is required to discharge trade waste, we hold some concerns that the specific drafting of the changes in the new proposed bylaw may mean that the requirements for some businesses have changed. For instance, it appears that the list of the sources of discharge in Schedule 1 of the new proposed bylaw (that is, the businesses now subject to the bylaw) include a wider range of businesses than the current list in the existing bylaw.¹ We would be grateful for clarification that no new significant requirements will be imposed on businesses now covered by the new proposed bylaw.

(2) Proposed Change 2: Trade Waste Control

Council has proposed that the new Trade Waste Control 2019 will include the existing limits to flow rate and volume for low risk discharges and the existing limits to substances and characteristics in any trade waste discharge. Council says that this means the Control can be updated easily to respond to changes in the wastewater treatment environment and statutory obligations.

¹ For example, the new list includes all business offices, cafes, cafeterias, supermarkets with fruit/vegetable section and fruit and vegetable markets.

Although we agree with the proposal, we hold some concerns that the specific drafting of the changes mean that the requirements for some businesses have changed. For instance, it appears that the Control specifies new requirements for some limits not specified in the previous bylaw, nor in the 'Controlled Substance Standards' document² Again, we would be grateful for clarification that no new significant requirements will be imposed on businesses from the changes to the existing limits to substances and characteristics in any trade waste discharge.

(3) Proposed Change 3: Requirements for low risk trade waste discharges

Council has proposed to more clearly indicate which trade waste discharges require pre-treatment, and conditions for maintenance of those pre-treatment devices. Council says this will improve understanding of pre-treatment of low risk trade waste discharges resulting in better protection of the wastewater system, environment and public health. Council has asked whether submitters agree or disagree.

In this regard, we note that there have been some changes to the terminology and requirements used from the current bylaw to the proposed new bylaw. For example, changes in terminology and requirements have been made in relation to grease traps/sink strainers.³

It appears that many businesses (including business offices) may now be required to prevent food waste and other solid materials from entering the public wastewater system and for any collected material to be emptied into a bin for disposal. Further, in this regard, Schedule 3 of the proposed new Bylaw now also appears to prohibit solid waste that has been macerated, pulverised or liquefied from entering the public wastewater system.

Again, we would be grateful for clarification that no new significant requirements will be imposed on businesses from these changes. For example, we would be grateful for clarification whether this now places different requirements on businesses (such as business offices) using 'Insinkerators'.

Finally, there is a new requirement that any discharge must not include rainwater, surface water, water seepage or groundwater. We understand, but would also like clarification, that this requirement is not intended to apply to businesses that must use 'combined sewer/stormwater' networks?

(4) Proposed Change 4: Trade Waste Agreements

Council has proposed to clarify what matters it will consider when issuing trade waste agreements. Council says this helps trade waste dischargers and the public better understand the factors considered when assessing an application for a trade waste agreement. Council has asked whether submitters agree or disagree.

Although we agree overall with the proposal, we hold some concerns that the specific drafting of the changes may mean that the requirements for some businesses have changed. For instance, it appears that the the matters for consideration in a Trade Waste Agreement have been expanded to include waste minimisation and cleaner production initiatives (that reduce the quantity or flow rate of the discharge, or increase the quality of the discharge) and also that a trade premise's trade waste management plan and emergency spill response procedures will be considered. Again, we would be grateful for clarification that these changes will not result in new significant requirements for businesses.

² For example, for parameters such as ammonia, Bio-chemical Oxygen Demand (BOD₅), colour, oil and grease, suspended solids, metals, and organic compounds.

³ For example, the current Bylaw uses terminology requiring some businesses to have "appropriate in-floor bucket trap and appropriate in-sink bucket trap", but this has changed to the following requirements: Grease Trap Requirements: (i) appropriately sized grease trap(s) related to size of operation to prevent oil and fats in any discharge from entering the public wastewater system; (ii) all grease trap(s) must be maintained appropriately and routinely serviced for optimal operation; (iii) service records must be retained for 5 years and may be requested by council; and (iv) participate in any tracking program to verify the requirements of clause (ii) have been met. Used oil and fats must be collected and not discharged to the public wastewater system Sink strainer/screen and screens covering floor drains (if present) Requirements: (i) prevent food waste and other solid materials from entering the public wastewater system; and (ii) collected material is emptied into a bin for disposal.

(5) Proposed Change 5: Transitional Consents

Council has proposed that as all transitional consents have expired, Council will remove all references to transitional consents to prevent confusion. Council has asked whether submitters agree or disagree.

We agree with this proposal.

(6) Other Comments

Finally, Council has asked if submitters have any other comments about any part of the Bylaw.

In this regard we note that Council has proposed some changes to include new more specific requirements regarding prohibited trade waste.⁴ Again, we would be grateful for clarification that these changes will not result in new significant requirements for businesses.

Conclusions

The Association welcomes the opportunity to make this Submission on the Trade Waste Bylaw. Although we understand that there will be no opportunity to make a presentation on this Submission, should there be any questions or other matters arising from this Submission, we would be pleased to respond to those.

Yours sincerely,

Jane Tongatule
GETBA General Manager

⁴ For example, while Schedule 3 of the Trade Waste Bylaw 2013 refers to any discharge that after treatment is toxic to fish animal or plant life in the receiving waters, Schedule 3 of the proposed amended Trade Waste Bylaw refers to discharges that have an adverse impact on fish, animal or plant life in the receiving environment after treatment at a wastewater treatment plant. Further, Schedule 3 of the proposed amended Trade Waste Bylaw also prohibits discharges of pharmaceutical liquid, solid or gel waste containing hazardous ingredients, whereas Schedule 3 of the Trade Waste Bylaw 2013) prohibited any pharmaceutical liquid waste containing cytotoxic ingredients. Cytotoxic waste means waste that is contaminated by a cytotoxic drug.