



BYRON SHIRE COUNCIL

POLICY 4.23

LIQUID TRADE WASTE POLICY

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SECTION WATER AND RECYCLING MANAGEMENT SERVICES

POLICY TITLE LIQUID TRADE WASTE POLICY

FILE REFERENCE ENG701500

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OBJECTIVES

- to protect public health;
- to protect the health and safety of Council employees;
- to protect the environment from the discharge of waste that may have a detrimental effect;
- to protect Council assets from damage;
- to assist Council to meet its statutory obligations;
- to provide an environmentally responsible liquid trade waste management service to the non-residential sector;
- to encourage waste minimisation and cleaner production in the commercial and industrial sectors;
- to promote water conservation;
- to ensure that reuse of the sewage treatment works effluent or biosolids is feasible;
- to ensure compliance of liquid trade waste discharge with the approved conditions;
- to provide operational data on the volume and composition of industrial and commercial effluent to assist in the operation of the sewerage system and the design of augmentations or new sewerage systems; and
- to ensure commercial provision of services and cost recovery through appropriate sewerage and liquid trade waste fees and charges.

POLICY STATEMENT

Sewerage systems are generally designed to cater for waste from domestic sources that are essentially of predictable strength and quality. Council may accept trade waste into its sewerage system as a service to businesses and industry.

Liquid trade wastes may exert much greater demands on sewerage systems than domestic sewage and, if uncontrolled, can pose serious problems to public health, worker safety, Council's sewerage system and the environment.

Impacts of poor liquid trade waste management include:

- Grease, oil, solid material, if not removed on-site, can cause blockages in the sewerage system and result in overflows of untreated sewage to the environment.
- Strong waste may cause odour problems and corrosion of sewer mains, pumping stations and sewage treatment facilities.

This policy is concerned with the approval process for liquid trade wastes discharged into Council's sewerage system and the levying of appropriate sewerage and liquid trade waste fees and charges. It has been developed to ensure the proper control of liquid trade waste discharged to the sewerage system and hence protection of public health, worker safety, the environment, and Council's sewerage system. The policy also promotes waste minimisation and water conservation.

A person wishing to discharge liquid trade waste to the sewerage system must, under section 68 of the Local Government Act 1993, obtain prior approval from Council. Discharging liquid trade waste without an approval is an offence under section 626 of the Act.

The procedure for approval is governed by Chapter 7 of the Local Government Act and is subject to the Local Government (General) Regulation 2005.

Under section 90 for the Local Government Act and Clause 30 the Local Government (Approvals) Regulation, Council may grant approval only if the Director-General of the Department of Energy, Utilities and Sustainability (DUES) has:

- concurred with the approval; or
- given Council notice that concurrence may be assumed with such qualifications and conditions that may be specified in the notice.

This Policy is designed in accordance with the Guidelines set out by DEUS, the Local Government Act and Regulations specifically so Council maintains its notice from DEUS for concurrence to approve Low and Medium risk trade waste, Septic and other waste discharges into its sewerage system.

WHAT IS LIQUID TRADE WASTE?

For the purpose of this policy, liquid trade waste is defined as:

“All liquid waste other than sewage of a domestic nature”

Liquid trade or factory wastes or chemical or other impurities from any business, trade or manufacturing premises other than domestic sewage from a hand wash basin, shower, bath or toilet. It also excludes stormwater and unpolluted water.

Liquid trade waste discharges to the sewerage system include liquid wastes discharged from:

- business/commercial premises (eg. beautician, florist, hairdresser, hotel, motel, restaurant, butcher, service station, supermarket, dentist);
- community/public premises (including craft club, school, college, university, hospital and nursing home);
- industrial premises;
- trade activities (eg. mobile carpet cleaner); and
- any commercial activities carried out at a residential premises.
- saleyards, racecourses and from stables and kennels not associated with domestic households.

Liquid trade waste excludes:

- toilet, hand wash basin, shower and bath wastes derived from all the premises and activities mentioned above;
- wastewater from residential toilets, kitchens, bathrooms or laundries (ie. domestic sewage);
- common use (non-residential) kitchen and laundry facilities in a caravan park;
- residential swimming pool backwash; and
- This policy excludes acceptance of waste from a sewage management facility to the sewerage system, e.g. septic tank waste, waste from marine pump-out facilities and established sites for the discharge of pan content from mobile homes/caravans to the sewerage system. While these wastes are defined as trade waste, specific procedures need to be applied to their management as the wastes are often transported or pumped-out from their sources.

GLOSSARY

Assumed Concurrence: Council may apply to the Department of Energy, Utilities and Sustainability (DEUS) for delegation to assume concurrence for Classification B or Classification S activities. If granted, Council will no longer need to forward such applications to DEUS for concurrence.

Automatic Assumed Concurrence: Councils have been authorised to assume DEUS concurrence for Classification A activities. Such applications may be approved by Council without forwarding the application to DEUS for concurrence.

Biochemical Oxygen Demand (BOD5): The amount of oxygen utilised by micro-organisms in the process of decomposition of organic material in wastewater over a period of five days at 20°C. In practical terms, BOD is a measure of biodegradable organic content of the waste.

Biosolids: Primarily organic solid product produced by sewage processing. Until such solids are suitable for beneficial use, they are defined as wastewater solids or sewage sludge.

Bunding: Secondary containment provided for storage areas, particularly for materials with the propensity to cause environmental damage.

Chemical Oxygen Demand (COD): A measure of oxygen required to oxidise organic and inorganic matter in wastewater by a strong chemical oxidant. Wastewaters containing high levels of readily oxidised compounds have a high COD.

Commercial Kitchen/Caterer: For the purpose of these Guidelines, a commercial kitchen is a premises that is typically a stand-alone operation and prepares food for consumption off-site. These types of businesses typically cater to wedding functions, conferences, parties, etc. This definition would not apply to a food processing factory supplying pre-prepared meals to an airline company or similar.

Contingency Plan: A set of procedures for responding to an incident that will affect the quality of liquid trade waste discharged to the sewerage system. The plan also encompasses procedures to protect the environment from accidental and unauthorised discharges of liquid trade waste to the stormwater drainage system, and leaks and spillages from stored products and chemicals.

DEUS Concurrence: is required before a council may approve an application for the discharge of liquid trade waste or septic tank and pan waste to the sewerage system. It is a requirement under section 90(1) of the Local Government Act that council obtain the written

concurrence of the Director-General of the Department of Energy, Utilities and Sustainability (DEUS) prior to approving such waste to be discharged to the council's sewerage system.

Director-General: Director-General means the Director-General, DEUS.

Due Diligence Program: A plan that identifies potential, health and safety, environmental or other hazards (eg. spills, accidents or leaks) and appropriate corrective actions aimed at minimising or preventing the hazards.

Effluent: The liquid discharged following a wastewater treatment process.

Effluent Improvement Plan (EIP): The document required to be submitted by a discharger who is not meeting the acceptance limits for discharge waste quality set down in Council's approval conditions and/or liquid trade waste agreement. The document sets out how a discharger will meet the acceptance limits for the discharge of liquid trade waste to the sewerage system within a given timeframe.

Heavy Metals: Metals of high atomic weight which in high concentrations can exert a toxic effect and may accumulate in the environment and the food chain. Examples include mercury, chromium, cadmium, arsenic, nickel, lead and zinc.

Housekeeping: is a general term, which covers all waste minimisation activities connected with the way in which operations within the premises are carried out.

Industrial Discharges: Industrial liquid trade waste is defined as liquid waste generated by industrial or manufacturing processes. For the purposes of this Policy, most of the processes defined in Concurrence Classification C are industrial discharges.

Large Fast Food Outlet: A food business that typically discharges more than 5 kL/d. Premises of this nature include KFC, McDonalds, Red Rooster, Pizza Hut, Hungry Jack's and Burger King.

Local Government Regulation: Local Government (General) Regulation 2005 under the Local Government Act 1993.

Liquid Trade Waste: Liquid trade waste means all liquid waste other than sewage of a domestic nature.

Mandatory Concurrence: For the liquid waste in Classification C, councils will need to obtain concurrence from DEUS on each occasion.

Methylene Blue Active Substances (MBAS): These are anionic surfactants (see Surfactants definition) and are called MBAS as their presence and concentration is detected by measuring the colour change in a standard solution of methylene blue dye.

Minimal Pre-treatment: For the purpose of this Policy includes sink strainers, dry basket arrestors, plaster arrestors and fixed or removable screens.

Open Area: Any unroofed process, storage, washing or transport area potentially contaminated with rainwater and substances which may adversely affect the sewerage system or the environment.

pH: A measure of acidity or alkalinity of an aqueous solution, expressed as the logarithm of the reciprocal of the hydrogen ion (H⁺) activity in moles per litre at a given temperature; pH 7 is neutral, below 7 is acidic and above 7 is alkaline.

Premises: Has the same meaning as defined in the Local Government Act Dictionary and includes any of the following:

- (a) a building of any description or any part of it and the appurtenances to it;
- (b) land, whether built on or not;
- (c) a shed or other structure;
- (d) a tent;
- (e) a swimming pool;
- (f) a ship or vessel of any description (including a houseboat); or
- (g) a van.

Prescribed Pre-treatment Equipment: is defined as standard non-complex equipment used for pre-treatment of liquid trade waste, eg. a grease arrestor, an oil arrestor/separator, solids arrestor, cooling pit.

Sewage Management Facility: A human waste storage facility or a waste treatment device intended to process sewage and includes a drain connected to such a facility or device.

Sewage of a Domestic Nature: The waterborne waste derived from human origin, comprising faecal matter, urine and liquid household wastes from water closet pans, sinks, baths, basins and similar fixtures designed for use in private dwellings, but excludes waste in or from a sewage management facility.

Sewerage System: The network of sewage collection, transportation, treatment and by-products (effluent and biosolids) management facilities.

Surfactants: The key active ingredient of detergents, soaps, emulsifiers, wetting agents and penetrants. Anionic surfactants react with a chemical called methylene blue to form a blue-chloroform-soluble complex; the intensity of colour is proportional to concentration.

Surfactants: The key active ingredient of detergents, soaps, emulsifiers, wetting agents and penetrants. Anionic surfactants react with a chemical called methylene blue to form a blue-chloroform-soluble complex; the intensity of colour is proportional to concentration.

Surge Control Device: A device that is installed in a grease arrestor chamber and may improve the arrestor performance by stabilising hydraulic surges.

Suspended Solids (SS): The insoluble solid matter suspended in wastewater that can be separated by laboratory filtration and is retained on a filter. Previously also referred to as non-filtrable residue (NFR).

Total Dissolved Solids (TDS): The dissolved salts in wastewater.

Waste Minimisation: Procedures and processes implemented by industry and business to modify, change, alter or substitute work practices and products that will result in a reduction in the volume and/or strength of waste discharged to sewer.

SCOPE OF POLICY

This policy comprises three parts:

- **Part 1** specifies the circumstances in which a person is exempt from the necessity to obtain an approval to discharge liquid trade waste to the sewerage system;
- **Part 2** specifies the criteria which Council will take into consideration in determining whether to give or refuse a liquid trade waste approval; and
- **Part 3** specifies other matters relating to liquid trade waste approvals, including application procedures, liquid trade waste discharge categories, liquid trade waste services agreements, monitoring of liquid trade waste discharges, liquid trade waste fees and charges and contaminated stormwater discharges from open areas.

1 PART 1 – EXEMPTIONS

EXEMPTIONS

For Obtaining Approval of Liquid Trade Waste Discharge

TABLE 1 – EXEMPTIONS

<p>This table lists commercial business activities that the Director-General, DEUS has provided an exemption from the requirement to obtain Council’s approval for liquid trade waste discharge to the sewerage system. Each such business must meet the standard requirements specified below. An annual trade waste fee applies to each such discharger.</p>	
Activity	Requirements
Beautician	Nil.
Bed and Breakfast (not more than 10 persons including proprietor)	Sink strainers in food preparation areas. Housekeeping practices (see Note 5).
Dental surgery (no X-ray)	Amalgam trap and segregation of waste amalgam (to be disposed of with rest of solid waste). If plaster casts made, plaster arrestor required.
Dental technician (no X-ray)	Plaster arrestor required.
Doctor’s surgery (plaster casts, no X-ray)	Plaster arrestor required.
Dog/cat groomer/salon	Floor waste basket & sink strainer required (see Note 3). No organophosphorus pesticides may be discharged to sewer.
Florist	Floor waste basket & sink strainer required. No herbicides/pesticides may be discharged to sewer.
Fruit and vegetable – retail	Floor waste basket & sink strainer required (see Note 3).
Funeral parlour	Floor waste basket required. Formaldehyde is not to be discharged to the sewer.
Hairdresser	Floor waste basket & sink strainer (if available).
Jewellery shop miniplater ultrasonic washing precious stone cutting	Miniplater vessel to contain no more than 1.5 L of precious metal solution Nil If : < 1000 L/d plaster arrestor required > 1000 L/d general purpose pit required
Motel (no hot food prepared and no laundry facility)	Floor waste basket & sink strainer required (see Note 3). Housekeeping practices (see Note 5).
Nutshop	Floor waste basket & sink strainer required (see Note 3).
Optical processes	Solids settlement tank/pit required.
Petshop – retail	Floor waste basket & sink strainer required (see Note 2).
Venetian blind cleaning	Nil (see Note 2).

Notes:

1. Where “required” is used it means as required by Council.
2. If the activity is conducted outdoors, the work area is to be roofed and banded to prevent stormwater ingress into the sewerage system.
3. All drainage from floors in food preparation areas is required to pass through a dry basket arrestor.
4. All areas used for the preparation of food must have access to a Cleaners Sink for the disposal of mop waste.
5. Food preparation activities need to comply with sound housekeeping practices including:
 - (a) Floor must be dry swept before washing.
 - (b) Pre-wiping of all utensils, plates, bowls etc. to the scrap bin before washing up.
 - (c) Use of a food waste disposal unit is not permitted.

2 PART 2 – CRITERIA FOR APPROVAL TO DISCHARGE LIQUID TRADE WASTE INTO BYRON SHIRE COUNCIL'S SEWERAGE SYSTEM

2.1 Factors for consideration

Council's decision to accept liquid trade waste into the sewerage system will be based on the discharge meeting Council's requirements. When determining an application to discharge liquid trade waste into the sewerage system, Council will consider the following factors:

- The potential for the liquid trade waste discharge to impact on public health.
- The possible impacts the discharge may pose to the environment (land, water, air, noise, or nuisance factors).
- The potential impacts of the discharge on the health and safety of Byron Shire Council employees and/or its Contractors.
- The possible impact of the discharge on Council's sewerage infrastructure or sewage treatment process.
- The capability of the sewerage system (both transportation and treatment components) to accept the quality and quantity of the proposed liquid trade waste discharge.
- The impact the liquid trade waste will have on the ability of the sewerage scheme to meet Department of Environment and Conservation (DEC) licence requirements.
- Compliance of the proposed liquid trade waste discharge with guideline limits in this policy.
- The potential impacts of the discharge on the quality of, and management practices for, effluent and biosolids produced from the sewage treatment process.
- The adequacy of the pre-treatment process(es) to treat the liquid trade waste to a level acceptable for discharge to the sewerage system, including proposed safeguards if the pre-treatment system fails.
- Whether appropriate safeguards are proposed to avoid the discharge of other, non-approved wastes to the sewerage system.
- The adequacy of any chemical storage and handling facilities, and the proposed safeguards for preventing the discharge of chemicals to the sewerage system.
- Whether prohibited substances are proposed to be discharged.
- The potential for stormwater entering the sewerage system and adequacy of proposed stormwater controls.
- Waste minimisation and water conservation programs.
- The adequacy of the proposed due diligence program and contingency plan, where required.

2.2 Discharge quality

Council has guideline limits for the acceptance of discharges, as set out in Table 2 on pages 12 – 14. Council may vary the guideline limits for the particular sewage treatment works. Where the guideline limits cannot be met, applicants are required to provide justification for exceeding the limits. Based on the type and the proposed contaminant levels, Council may refuse the application, or may approve it subject to an effluent improvement program, or other conditions being implemented.

2.3 Prohibited substances

Some substances are not suitable for discharge to the sewerage system. Table 3 on page 15 sets out those substances which must not be discharged to the sewerage system. Council may not grant approval for the discharge of these substances into the sewerage system unless it is specifically approved under section 68 of the Local Government Act.

2.4 Stormwater discharges from open areas

Stormwater is a prohibited discharge under this policy. The ingress of stormwater into the sewerage system can cause operational problems to the system and result in sewer overflows, as the sewerage system does not have the capacity for such flows. Therefore, Council does not generally accept the discharge of stormwater to the sewerage system.

However, it is recognised that it may not always be possible or practical to prevent all stormwater entering into the sewerage system at some liquid trade waste premises. The discharge of limited quantities of first flush water from such areas will be considered where roofing cannot be provided because of safety or other important considerations.

Before the stormwater will be considered for discharge to the sewerage system, the applicant must provide the following information:

- reasons why the area cannot be fully or partially roofed and bunded to exclude stormwater;
- the dimensions and a plan of the open area under consideration;
- the estimated volume of the stormwater discharge;
- information on rain gauging;
- where a first-flush system is proposed, details on how the stormwater will be diverted to the drainage system after the first flush is accepted (the first-flush to be limited to first 10 mm of storm run-off);
- measures proposed for diverting stormwater away from the liquid trade waste generating area; and
- report on other stormwater management options considered and why they are not feasible.

2.5 Food waste disposal units

The use of food waste disposal units (also known as, in-sink food waste disposers, or garbage grinders) is not permitted. Existing installations in hospitals and nursing homes may be permitted, provided that wastewater is discharged through an adequately sized grease arrester. For existing premises, a food waste disposal charge will be levied based on the number of beds in the hospital or nursing home.

If the hospital or nursing home kitchen is refurbished, the food waste disposal unit must be removed.

2.6 Devices that macerate or pulverize waste

Macerators and any other similar devices that are used for pulverising of solid waste are not authorised to connect to Council's sewerage system (Refer MP52-2005) Manual of Authorization Procedures for Plumbing and Drainage Products, Standards Australia). Solid waste includes, but is not limited to, sanitary napkin, placenta, surgical waste, disposable nappy, mache bedpan and urine containers.

Therefore Council will not accept any discharges from such devices into its sewerage system.

2.7 Use of additives in pre-treatment systems

Council does not allow solvents, enzymes, bioadditives, and odour control agents to be used in pre-treatment systems (except neutralising chemicals designated for the pre-treatment) except by specific written application and subsequent approval.

2.8 New devices or technology for the pre-treatment of liquid trade waste discharges

Devices and apparatus designed for use in the pre-treatment of trade waste discharges shall be approved prior to installation or use. Refer MP52-2005 Manual of Authorization Procedures for Plumbing and Drainage Products, Standards Australia.

Devices may be used upstream of standard prescribed pre-treatment equipment as a means of improving the quality of the wastewater, subject to the approval of Council and concurrence from DEUS. Any such proposal requires submission of full details of the device and shall include any references, analysis or approvals obtained from any other Water Authority.

Where a device is permitted, the use may be subject to a monitoring program to establish the performance of the device. Any costs associated with a monitoring program will be at the owner/occupiers expense. The use of unapproved devices may result in regulatory action by Council. Refer to Section 3.8.

TABLE 2 – GUIDELINE LIMITS FOR ACCEPTANCE OF LIQUID TRADE WASTES INTO SEWERAGE SYSTEMS

Parameter	Limits
GENERAL ACCEPTANCE GUIDELINE LIMITS	
Flow rate	The maximum daily and instantaneous rate of discharge (kL/h or L/s) is set on the available capacity of the sewer. Large dischargers are required to provide a balancing tank to even out the load on the sewage treatment works.
BOD ₅ and suspended solids	Normally, approved at 300 mg/L each. Concentration up to 600mg/L and in some cases higher concentration for low mass loadings may be acceptable if the treatment works has sufficient capacity and odour will not be a problem.
COD	Normally, not to exceed BOD ₅ by more than three times. This ratio is given as a guide only to prevent the discharge of non-biodegradable waste.
Total dissolved solids	Up to 4000 mg/L may be accepted. However, the acceptance limit may be reduced depending on available effluent disposal options and will be subject to a mass load limit.
Temperature	Less than 38°C.
pH	Within the range 7.0 to 9.0.
Oil and grease	100 mg/L if the volume of the discharge does not exceed 10% of the design capacity of the treatment works, and 50 mg/L if the volume is greater than 10%.
Detergents	All industrial detergents are to be biodegradable. A limit on the concentration of 50 mg/L (as MBAS) may be imposed on large liquid trade wastes.
Colour	No visible colour when the waste is diluted to the equivalent dilution afforded by domestic sewage flow.
Radioactive substances	The discharge must comply with the Radiation Control Act 1990.

TABLE 2 (cont.) – GUIDELINE LIMITS FOR ACCEPTANCE OF LIQUID TRADE WASTES INTO SEWERAGE SYSTEMS

Parameter	Maximum concentration (mg/L)
ACCEPTANCE GUIDELINE LIMITS FOR INORGANIC COMPOUNDS	
Ammonia (as N)	50
Boron	25
Bromine	5
Chlorine	10
Cyanide	5
Fluoride	20
Nitrogen (total Kjeldahl)	100
Phosphorus (total)	20
Sulphate (as SO ₄)	100
Sulphide (as S)	1
Sulphite (as SO ₃)	15
ACCEPTANCE GUIDELINE LIMITS FOR ORGANIC COMPOUNDS	
Benzene	0.1
Benzene, Toluene, Ethyl Benzene, Xylene (BTEX)	1
Formaldehyde	50
Phenolic compounds (except pentachlorophenol)	10
Petroleum hydrocarbons (non-flammable)	30
Pesticides (general)	0.1
Pesticides (Organophosphorus)	Nil
Pesticides (Organochlorine)	Nil
Polynuclear Aromatic Hydrocarbons (PAHs)	5

TABLE 2 (cont.) – GUIDELINE LIMITS FOR ACCEPTANCE OF LIQUID TRADE WASTES INTO SEWERAGE SYSTEMS

Parameter	Maximum concentration (mg/L)	Allowed daily mass limit (g/d)
ACCEPTANCE GUIDELINE LIMITS FOR METALS		
Aluminium	100	-
Arsenic	1	2
Cadmium	2	6
Chromium*	5	15
Cobalt	5	15
Copper	5	15
Iron	100	-
Lead	2	6
Manganese	10	30
Mercury	0.02	0.05
Molybdenum	10	30
Nickel	5	15
Selenium	5	15
Silver [#]	2	6
Tin	5	15
Zinc	5	15
Total metals excluding aluminium, iron, manganese and molybdenum	less than 30 mg/L and subject to total mass loading requirements	

* Where hexavalent chromium (Cr⁶⁺) is present in the process water, pre-treatment will be required to reduce it to the trivalent state (Cr³⁺), prior to discharge into the sewer. Discharge of hexavalent chromium (Cr⁶⁺) from chromate compounds used as corrosion inhibitors in cooling towers is not permitted.

[#] This limit is applicable to large dischargers. The concentration of silver in photo processing waste where a balancing tank is provided is not to exceed 5mg/L.

Table 3 – SUBSTANCES PROHIBITED FROM BEING DISCHARGED INTO THE SEWERAGE SYSTEM

- organochlorine weedicides, fungicides, pesticides, herbicides and substances of a similar nature and/or wastes arising from the preparation of these substances;
- organophosphorus pesticides and/or waste arising from the preparation of these substances;
- any substances liable to produce noxious or poisonous vapours in the sewerage system;
- organic solvents and mineral oil;
- any flammable or explosive substance;
- discharges from 'Bulk Fuel Depots';
- chromate from cooling towers;
- natural or synthetic resins, plastic monomers, synthetic adhesives, rubber and plastic emulsions;
- rain, surface, seepage or subsoil water, unless specifically permitted;
- solid matter;
- any substance assessed as not suitable to be discharged into the sewerage system;
- waste liquids that contain pollutants at concentrations which inhibit the sewage treatment process – refer Guidelines for Sewerage Systems: Acceptance of Trade Waste (Industrial Waste) (ARMCANZ/ANZECC, 1994); and
- any other substances listed in a relevant regulation.

3 PART 3 – MATTERS RELATING TO LIQUID TRADE WASTE APPROVALS

3.1 Application procedures

To obtain Council's approval to discharge liquid trade waste to Council's sewerage system, a discharger must lodge an application in writing. Application forms are available from Council. If a person wishes to discharge liquid trade waste to the sewerage system but is not the owner of the premises, the person must obtain the owner's consent to the application.

The applicant must provide the following information:

- site owner's full name, address, contact telephone number;
- address of the business/industry where discharge to the sewerage system will occur;
- name of contact person for the premises and telephone contact for the business/industry;
- type of process/activity generating the liquid trade waste;
- normal hours of business operation;
- rate of discharge, including
 - the average per day, maximum per day and per hour, and
 - hours of the day during which discharge will take place;
- characteristics of wastes, including
 - nature of source, and
 - expected maximum and average concentrations of pollutants;

(Where sampling and testing are required to establish the quality of the liquid trade waste, the testing should be carried out in accordance with the procedures set out in the Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association, American Water Works Association and Water Pollution Control Federation.)

- chemicals to be used – supply Material Safety Data Sheets;
- details of any proposed pre-treatment facilities, location and site plan. Details should include:
 - pre-treatment process details,
 - internal wastewater drainage,
 - pump size,
 - rising main size, length and profile
 - system operational characteristics,
 - operational procedures,
 - provisions for sampling and flow measurement, where required; and
 - proposed connection point to the sewerage system;
- flow diagram and hydraulic profile of proposed liquid trade waste pre-treatment facilities;
- maintenance schedule for pre-treatment equipment, including contractor's details;
- stormwater drainage plan;
- measures for prevention of stormwater ingress into the sewerage system;
- manifest showing the location, nature and chemical composition of all substances stored/used on site;
- justification for disposing of the waste into the sewerage system over other possible options (if any);
- methods of disposal for other wastes that are not discharged to the sewerage system;
- any relevant environmental impact assessments; and
- any additional information as requested by Council.

3.2 Approval of applications

Council may, under section 86 of the Local Government Act, request an applicant to provide more information to enable it to determine the application.

Where an application is approved, Council will notify the applicant as soon as practical of the approval and any conditions of the approval. The duration of the approval will be as stated in the approval. In cases where Council requires a discharger to enter into a liquid trade waste agreement, Council will issue a deferred commencement approval under section 95 of the Local Government Act requesting the discharger to do so within the time specified in Council's letter. In such cases, the approval will not be operative until the agreement has been executed by the discharger.

An applicant may make a minor amendment or withdraw an application before it is approved by Council. An applicant may also apply to Council to renew or extend an approval, in accordance with section 107 of the Local Government Act.

If an application is refused, Council will notify the applicant of the grounds for refusal.

An approval to discharge liquid trade waste to Council's sewer is not transferable. A new application must be lodged and a new approval obtained if there is a change of the approval holder or the activity. Council must be notified of change of ownership and/or occupier in all cases, whether a new approval is required or not, to allow updating of records.

3.3 Concurrence of the Department of Energy, Utilities and Sustainability

If Council supports an application and has a notice stating that concurrence of the Director-General, DEUS, can be assumed for the waste relevant to the application, Council will approve the application. Otherwise, Council will seek concurrence from DEUS in accordance with the requirements of section 90(1) of the Local Government Act.

Liquid trade waste discharges are divided into three classifications for the purpose of the concurrence process.

- **Concurrence Classification A** – liquid trade waste dischargers for which Council may automatically assume concurrence to the approval subject to certain requirements;
- **Concurrence Classification B** – liquid trade waste dischargers whereby Council may apply to the Director-General, DEUS for assumed concurrence to the approval subject to certain requirements; and
- **Concurrence Classification C** – all other liquid trade waste dischargers that do not fall within Concurrence Classification A or Concurrence Classification B, and therefore require Council to apply to DEUS for concurrence.

Byron Shire Council has been given notice of assumed concurrence for Concurrence Classification A liquid trade waste discharges. These are listed in Table 4 and Council will not need to seek DEUS concurrence for approval of trade waste applications for these activities.

TABLE 4 – LIQUID TRADE WASTE DISCHARGES WITH AUTOMATIC ASSUMED CONCURRENCE

Commercial retail food preparation activities	Other commercial activities
Bakery (retail)	Animal wash (pound, stables, racecourse, kennels, mobile animal wash and veterinary with no X-ray)
Bistro	Boiler blowdown
Boarding house/hostel kitchen	Car detailing (excluding automatic drive-through and self-serve washes)
Butcher shop (retail)	Cooling tower
Café/coffee shop/coffee lounge	Craft activities (making of clay pottery, ceramics, cutting and polishing of gemstones or making of jewellery at clubs, cottage industries)
Canteen	Laboratory (pathology/analytical)
Cafeteria	Laundry or laundromat (coin operated)
Chicken/poultry shop (only fresh chickens/game sold)	Lawnmower repairs
Chicken/poultry shop (retail BBQ/charcoal chicken)	Mechanical repairs/workshop
Clubs (kitchen wastes)	School (Primary & Secondary)
Commercial kitchen/caterer	Service station workshop
Community halls/civic centre	Stone working
Day care centre	Swimming pool/spa/hydrotherapy
Delicatessen	Vehicle (car) washing (by hand/wand or underbody/engine degrease only)
Doughnut shop	Veterinary /animal kennels with X-ray
Fast food outlet (McDonalds, KFC ,	Waterless minilab

Burger King, Pizza Hut, Red Rooster, etc.)	
Fish shop (retail – fresh and/or cooked)	Ice cream parlour
Food caravan	Juice bar
Function centre	Mixed business
Hotel	Nightclub
Nursing home kitchen	Patisserie (croissants and muffins)
Pie shop	Pizza shop
Restaurant	Salad bar
Sandwich shop	School canteen
Snack bar	Take-away food outlet
Supermarket (with butcher/delicatessen/ seafood/or charcoal chickens)	

Notes:

- 1 The volume of liquid trade waste must be less than 5 kL/d or 1000 kL/a except in the case of commercial retail food preparation activities, where up to 16 kL/d is included in this category. If the waste discharged into the sewer exceeds these volumes, the application must be treated as Concurrence Classification B (Chapter 5 of Concurrence Guidelines for Discharge of Liquid Trade Waste to the Sewerage System DEUS 2005). Discharges over 20 kL/d must be treated as Classification C.

3.4 Liquid Trade Waste Charging Categories

Three classifications of liquid trade waste have been established for concurrence purposes, Classification A, B and C. For trade waste charging purposes liquid trade waste dischargers are divided into three charging categories, Category 1, 2 and 3 (pages 20 and 21).

Figure 1 below shows that Classification A dischargers fall into Charging Category 1 or Category 2. Classification B dischargers fall into Charging Category 2, except for a few dischargers with low impact on the sewerage system which fall into Category 1. Classification C dischargers fall into Charging Category 3.

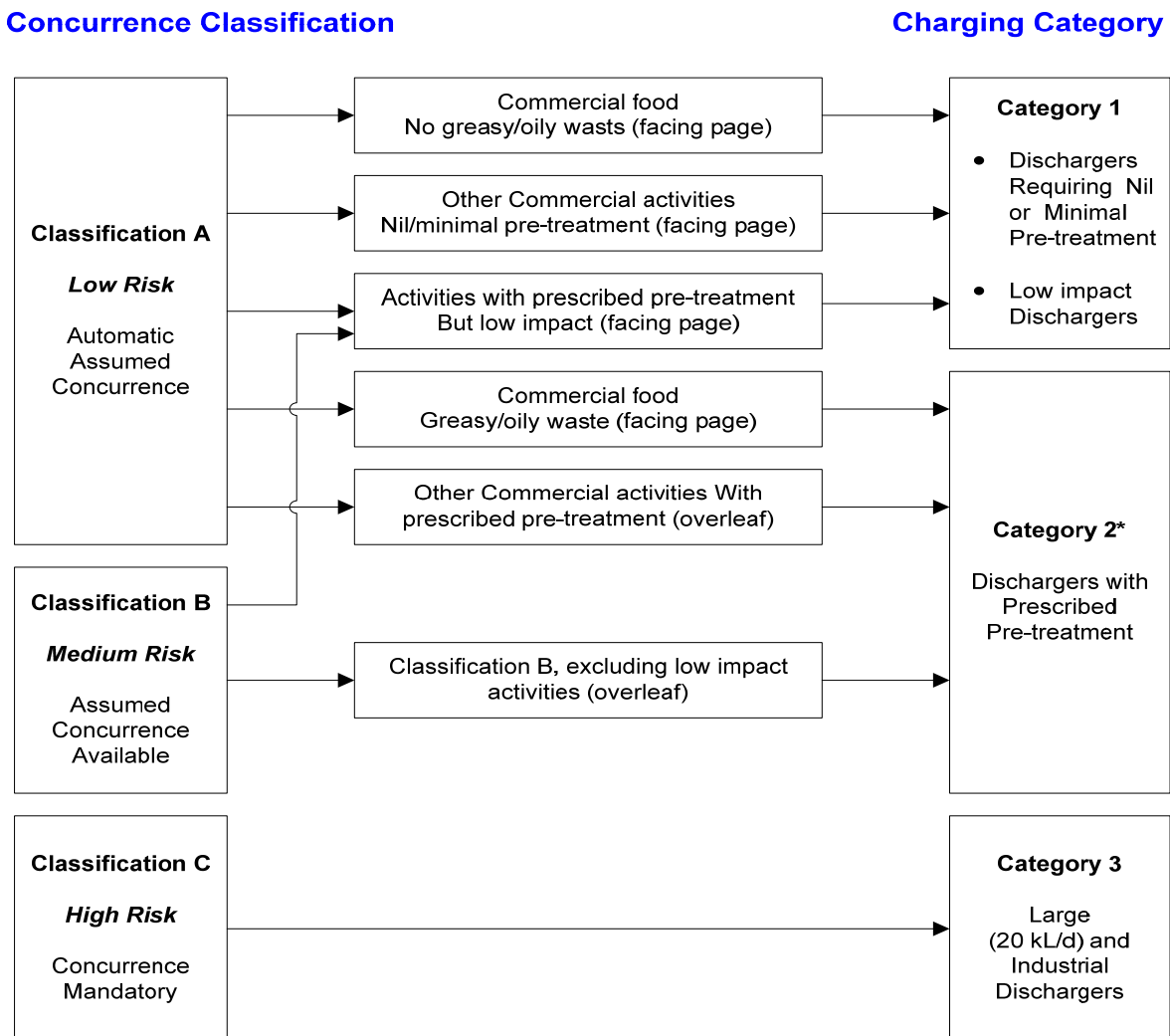


Figure 1 – Charging Categories for Trade Waste

* Also includes fish shop (fresh fish for retail)

CATEGORY 1 DISCHARGER (requiring nil or minimal pre-treatment)

Category 1 liquid trade waste dischargers are those conducting an activity deemed by Council as requiring nil or only minimal pre-treatment equipment and whose effluent is well defined and of a relatively low risk to the sewerage system. Also included are Classification A or B activities with prescribed pre-treatment but low impact on the sewerage system.

Trade waste dischargers requiring nil or minimal pre-treatment include:

Classification A activities - Retail food outlets with **no hot food prepared and/or foods that generate an oily/greasy waste**: bakery (only bread baked on-site), bistro (sandwiches, coffee only), café/coffee shop/coffee lounge, canteen, community hall (minimal food), day care centre, delicatessen, fruit & vegetable shop, hotel, ice cream parlour (take away only), juice bar, mixed business, motel, nightclub, nut shop, pizza cooking/reheating (no preparation or washing up on-site, pizza heated and sold for consumption off-site), potato peeling (small operation), sandwich shop/salad bar, take away food outlet.

Classification A activities – Other commercial activities: animal wash, hairdressing/beautician, crafts < 200 L/d, dental surgery (plaster casts, no X-ray unless digital), doctor's surgery (plaster casts, no X-ray), florist, funeral parlour, morgue, jewellery shop, optical service (retail), pet shop, public swimming pool, venetian blind cleaning, veterinary (no X-ray).

Classification A or B activities with prescribed pre-treatment but low impact on the sewerage system¹: boiler blowdown, cooling tower, educational facilities (primary and secondary school, tertiary institution laboratory), industrial boilers, jewellery (stone cutting), laboratory, laundry, medical centre (no X-ray), mobile garbage bin washing, optical services, plants retail, vehicle washing.

CATEGORY 2 DISCHARGER (requiring prescribed pre-treatment)

Category 2 liquid trade waste dischargers are those conducting an activity deemed by Council as requiring a prescribed type of liquid trade waste pre-treatment equipment and whose effluent is well characterised.

- **Trade Waste dischargers with prescribed pre-treatment² include:**

Classification A activities - Premises that **prepare and/or serve hot food or foods that generate an oily/greasy waste**: bakery (pies, sausage rolls, quiches, cakes, pastries with creams or custards), bistro, boarding house/hostel kitchen, butcher, café/coffee shop/coffee lounge, cafeteria, canteen, fast food outlet, chicken/poultry shop, club, community hall³, commercial kitchen/caterer, nursing home, patisserie, supermarket, doughnut shop, fish shop (cooking on-site), function centre, hotel, ice cream parlour, motel, nightclub, pizza cooking, restaurant, sandwich shop/salad bar, take away food outlet.

¹ If Council's inspection reveals that the pre-treatment equipment for such a discharger had not been properly maintained, a trade waste usage charge of \$1.20/KL will be applied for the relevant billing period. This charge will also apply for any such dischargers who have not installed appropriate pre-treatment equipment.

² Excludes low impact activities, listed under Category 1.

³ If the type and size of kitchen fixtures installed enable catering for large functions.

Other commercial Classification A activities: car detailing, craft activities > 200 L/d, dental surgery with X-ray, lawnmower repairs, mechanical workshop, stone working, veterinary (with X-ray), waterless mini-lab.

Classification B activities: auto dismantler, bus/coach depot, car/truck dealership (fleet vehicle operations), construction equipment maintenance & cleaning, equipment hire, maintenance & cleaning, forklift maintenance, glass cutting & grinding (not optical eg. windscreens), graphic arts, medical centre (with X-ray), hospital (with or without X-ray), oyster processing – shucking, panel beating, photographic lab, screen printing, service station forecourt, shopping complex, tray work/manual development, truck wash, water wash mini-lab, X-ray radiologist.

- Other Classification A activities: fish shop (fresh fish for retail).

CATEGORY 3 DISCHARGER (large or industrial waste dischargers)

Category 3 liquid trade waste dischargers are those conducting an activity which is of an industrial nature and/or which results in the discharge of large volumes (over 20 kL/d) of liquid trade waste to the sewerage system. Any Category 1 or 2 discharger whose volume exceeds 20 kL/d becomes a Category 3 discharger.

Large trade waste dischargers and other Classification C activities include:

- Abattoir, brewery, cosmetics/perfumes manufacture, dairy processing (milk/cheese/yoghurt/ice cream etc.), food processing (cereals/cannery/confectionary/edible oils/fats/essence flavours/fruit juices/gelatine/honey/meat/smallgoods/vinegar/yeast manufacture etc.), fruit processing, flour milling, glue manufacturer, egg processing, pet food processing, potato chip manufacture, poultry processing, saleyards, seafood processing, soft drink/cordial manufacture, starch manufacture, sugar distillery/refinery, tanker cleaning, tannery, tip leachate, transport depot/terminal, wholesale meat processing, wine/spirit manufacture.

Dischargers of industrial waste include the following Classification C activities:

- abrasives (mining), acid pickling, adhesive/latex, agricultural rural & veterinary drugs, airport terminal, anodising, bitumen & tar, bottle washing, cardboard & carton manufacture, caustic degreasing, chemical manufacture, cyanide hardening, detergent processing, drum washing, electroplating, engine gearbox reconditioning, extrusion & moulding (plastic/metal), feather washing, fellmonger, felt manufacture, fertilisers, fibreglass manufacture, filter cleaning, foundry, galvanising, gas production, glass manufacturing, ink manufacture, liquid wastewater treatment facility (grease trap, receipt depot and other pump-out waste depot), metal finishing, metal processing (refining/rumbling/ non-cyanide heat treatment/phosphating/photo engraving/printed circuit etching/sheet metal fabrication etc.), oil recycling (petrochemical), paint stripping, paper processing, pharmaceuticals, powder coating, printing (newspaper, lithographic), radiator repairer, sandblasting, slipway, soap/ detergent manufacture, timber processing (joinery & furniture/plywood/hardwood), textile processing (wool dyeing/spinning/scouring), waxes & polishes.

3.5 Liquid trade waste fees and charges

Council provides sewerage and liquid trade waste services on a commercial basis, with cost recovery through sewerage and liquid trade waste fees and charges. Council's proposed fees and charges are advertised annually for public comment in its draft Management Plan.

Liquid trade waste discharged to the sewerage system from industrial, commercial or other non-residential customers can impose significant costs on sewage transport and treatment facilities. To recover these costs and to ensure removal of existing significant cross-subsidies from residential customers, in addition to a two-part tariff with an appropriate sewer usage charge/kL for non-residential sewerage, appropriate fees and charges are levied for liquid trade waste.

Council's liquid trade waste fees and charges include:

- Application fee
- Annual trade waste fee
- Re-inspection fee
- Trade waste usage charge
- Excess mass charges
- Food waste disposal charge
- Non-compliance excess mass charge
- Non-compliance penalty
- Liquid Trade Waste and Septic Waste pump-out contractors, annual charge
- Cost recovery of monitoring and laboratory charges where the effluent fails to comply with the discharge limits set out in Table 2, page 12-14.

3.5.1 Application fee

The application fee recovers the cost of administration and technical services provided by Council in processing applications for approval to discharge liquid trade waste to the sewerage system. The application fee will be allocated on the basis of the category into which the discharger is classified and reflects the complexity of processing the application. Application fees will be set annually by Council.

Application fees also apply to the following:

- Renewal of an existing liquid trade waste approval, or
- Change of ownership if no changes are required to the conditions of existing approval.

3.5.2 Annual trade waste fee

The purpose of this fee is to recover the cost incurred by Council for administration and the scheduled inspections each year to ensure a liquid trade waste discharger's ongoing compliance with the conditions of their approval.

As part of an inspection, Council or its agents may undertake monitoring of the liquid trade waste discharges from premises or business. Such monitoring may include but is not limited to, flow measurement and the sampling of the liquid trade waste. Where more than one instance of such monitoring is undertaken by Council, or its agents, in a financial year, the cost involved may be recovered from the discharger.

Annual liquid trade waste fees are determined on the basis of the category of the discharger and are proportionate to the complexity of their inspection and administration requirements. Annual trade waste fees will be set by Council. Where the discharger is required to pay for monitoring this will be charged on the basis of full cost recovery.

In view of the adverse impact of wastes with a high concentration of oil and grease on Council's sewage transportation system, Council will carry out inspections of commercial premises preparing hot food annually.

3.5.3 Re-inspection fee

Where non-compliance with the conditions of an approval has been detected and the discharger is required to address these issues, Council will undertake re-inspections to confirm that remedial action has been satisfactorily implemented. Council will impose a fee for each re-inspection. The re-inspection fee will be set annually by Council on the basis of full cost recovery. A re-inspection may include the monitoring of liquid trade waste discharges, the cost of which may be recovered from the discharger.

3.5.4 Trade waste usage charge

The trade waste usage charge is imposed to recover the additional cost of transporting and treating liquid trade waste from Category 2 dischargers.

Trade Waste Usage Charge (\$) = Q x \$1.20/kL (\$2006/07)
Where Q = Volume (kL) of liquid trade waste discharged to sewer.

The adopted Trade Waste Usage Charge shall be multiplied by ten (10) and applied for the relevant rating period against any property without appropriate or properly maintained pre-treatment equipment.

3.5.5 Excess mass charges

Excess mass charges will apply for substances discharged in excess of the deemed concentrations in domestic sewage. Excess mass charges are only applicable to Category 3 dischargers. For calculation of excess mass charges and non-compliance excess mass charges refer to pages 209 to 212 of Liquid Trade Waste Management Guidelines, 2005, which is available on the DEUS website: www.deus.nsw.gov.au/water. refer to DEUS liquid trade waste management guidelines.

Fees and charges for Category 3 dischargers will be contained in their liquid trade waste agreement.

3.5.6 Food waste disposal charge

Where Council has approved installation of a food waste disposal unit for a hospital, nursing home or other eligible facility, an additional food waste disposal charge will be payable annually. For the food waste disposal unit charge refer to Councils adopted fees and charges.

3.5.7 Non-compliance excess mass charges

Where a discharge quality fails to comply with the approved concentration limits of substances specified in Council's approval conditions (or the acceptance criterion listed in Council's trade waste policy), Council incurs additional costs in accepting and treating that waste. Council may also face problems with the effluent and biosolids management. Excess mass charges will apply for substances discharged in excess of the deemed concentrations in domestic sewage. Excess mass charges are only applicable to Category 3 dischargers. For calculation of excess mass charges and non-compliance excess mass charges refer to pages 209 to 212 of Liquid Trade Waste Management Guidelines, 2005, which is available on the DEUS website: www.deus.nsw.gov.au/water.

Fees and charges for Category 3 discharges will be contained in their liquid trade waste agreement. Refer to Section 3.7 on page 26.

3.5.8 Non-compliance penalty

The non-compliance penalty covers instances where Council may seek compensation for its costs relating to legal action, damage to infrastructure, incurred fines and other matters resulting from illegal, prohibited or unapproved liquid trade waste discharged to the sewerage system. Also included are fines under:

- Protection of the Environment Operations Act 1997, section 120(1) (Pollution of any waters by a discharger who fails to comply with the conditions of approval for discharge of liquid trade waste to sewer);
- Local Government Act, 1993, section 627 (Failure to comply with an approval), section 628 (Failure to comply with an order). Non-compliance penalties will be pursued by legal action.

3.5.9 Responsibility for payment of fees and charges

Property (land) owners are responsible for the payment of fees and charges for water supply, sewerage and liquid trade services provided by Council. Where another party (lessee) leases premises any reimbursement of the lessor (property owner) for such fees and charges is a matter for the lessor and the lessee.

Table 5 - SUMMARY OF TRADE WASTE FEES AND CHARGES⁴

DISCHARGE CATEGORY	APPLICATION FEE	ANNUAL NON-RESIDENTIAL SEWERAGE Bill WITH APPROPRIATE SEWER USAGE CHARGE/kL	ANNUAL TRADE WASTE FEE	RE-INSPECTION FEE (when required)	TRADE WASTE USAGE CHARGE/kL	EXCESS MASS CHARGES/kg	NON-COMPLIANCE EXCESS MASS CHARGES (if required)	NON-COMPLIANCE PENALTY (if required)
1	Yes ⁵	Yes	Yes	Yes	No	No	No	Yes
2	Yes	Yes	Yes	Yes	Yes	No	No	Yes
3	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes

NB. All dischargers of liquid trade waste to Council's sewerage system should be aware that they are subject to prosecution and imposition of fines under the Local Government Act 1993, the Protection of the Environment (Operations) Act 1997 and its Regulations. In addition to fines, Council may recover costs of damages and fines incurred by Council as a result of an illegal liquid trade waste discharge.

3.6 Monitoring

Council will carry out inspections of the premises of all liquid trade waste dischargers and their treatment facilities at least once per annum. Inspections of commercial premises preparing hot food will be carried out annually (refer to page 22 in section 3.5.2). Inspection of the large and industrial dischargers will be carried out as specified in approval conditions.

The Applicant may be required to monitor the liquid trade waste discharge as a condition of an approval or agreement. They may also be required to pay for any sampling and testing of liquid trade waste undertaken by Council.

For this purpose, an inspection/sampling point, where the waste can be inspected and sampled, will be specified in the approval and/or agreement. This point will normally be located after the pre-treatment facility. The discharger may need to install a suitable method of flow measurement.

⁴ In addition, a Food Waste Disposal Charge/bed will apply where Council has approved the use of an existing food waste disposal unit for a hospital, nursing home or other eligible facility.

⁵ Not applicable for dischargers exempted in Table 1.

Council may require the discharger to:

- install a permanent primary measurement device;
- measure the volume and flow rate using the permanently installed flow measurement system (such as a flow metering system); or

install a flow measurement device on a temporary basis and obtain enough data to

- determine a basis for assessing the flow rate and volume; and
- provide a system which allows obtaining a flow weighted composite sample.

Testing of samples is to be undertaken by a NATA-registered or other laboratory recognised by DEUS to ensure reliable and accurate results. Where the discharger is sampling the effluent, Council may randomly take duplicates to confirm the waste characteristics.

3.7 Liquid trade waste services agreement

In addition to its approval under the Local Government Act, Council may require persons who wish to discharge liquid trade waste in large volumes (discharge >20 kL/d) or industrial waste (Concurrence Classification C type discharges) into its sewerage system to execute a liquid trade waste services agreement. The agreement will set out the conditions associated with the discharge and execution of the agreement will be a condition of the approval issued by Council. The conditions will be binding on the applicant and the Council. The agreement will be for a period of up to five years. No discharge is to be made to Council's sewerage system until an agreement or an interim agreement has been executed.

Provision can be made in the agreement for (in addition to Council's approval conditions):

- additional conditions for discharge of liquid trade waste;
- fees and charges;
- cancellation of the agreement and/or order to cease the discharge if the discharger is found to be in breach of the agreement or the liquid trade waste approval or, in the opinion of Council, the waste is adversely affecting the sewerage system or the environment;
- entry by Council officers to inspect the liquid trade waste collection, treatment, monitoring and disposal systems;
- the applicant to notify Council in advance of any changes that may affect the quality and quantity of the liquid trade waste; and
- the amount of bond/security to be lodged with Council prior to discharging to the sewerage system.

3.8 Enforcement of approvals and agreements (see the attached sample agreement)

Any person who fails to obtain Council's approval to discharge liquid trade waste into the sewerage system, or fails to comply with the conditions of the approval, may be liable to a penalty as provided under the Local Government Act (sections 626, 628 and 634 to 639).

Discharging of liquid trade waste without obtaining Council's approval or failing to comply with the conditions of the approval is an offence under the Protection of the Environment Operations Act 1997 and its Regulation.

Any person who fails to comply with the terms or conditions of a liquid trade waste services agreement (ie. there is a breach of the agreement) will be required to indemnify the Council against any resulting claims, losses or expenses in accordance with section 9 of the agreement (Refer to Attachment A). Suspensions may also apply and may include a notice to cease the discharge.

3.9 Modification and Revocation of Approvals

Council reserves the right to modify or revoke an approval to discharge liquid trade waste to the sewerage system in any of the following circumstances:

- if the approval was obtained by fraud, misrepresentation or concealment of facts;
- for any cause arising after the granting of the approval which, had it arisen before the approval was granted, would have caused the council not to have granted the approval;
- for failure to comply with a requirement made by or under the Local Government Act 1993 relating to a condition of the approval; or
- for failure to comply with a condition of the approval.

3.10 Prevention of waste of water

Water must be used efficiently and must be recycled where practicable. It is an offence under section 637 of the Local Government Act 1993 and its Regulation (refer to Attachment B) to waste or misuse water.

Dilution of trade waste with water from any non-process source including Council's water supply, bore water, groundwater and/or stormwater as a means of reducing pollutant concentration is therefore strictly prohibited.

3.11 Effluent improvement programs

Where the existing liquid trade waste discharged does not meet Council's requirements, the applicant may be required to submit an 'effluent improvement program' setting out how Council's requirements will be met. The proposed plan must detail the methods/actions proposed to achieve the discharge limits and a timetable for implementation of the proposed actions. Such actions may include more intensive monitoring, improvements to work practices and/or pre-treatment facilities to improve the effluent quality and reliability.

3.12 Due diligence programs and contingency plans

For Concurrence Classification A discharges, a discharger is not required to submit either a due diligence program or a contingency plan.

A discharger may be required to submit a due diligence program and a contingency plan for Concurrence Classification B discharges where it is considered that the discharge may pose a potential threat to the sewerage system. If required a due diligence program and contingency plan must be submitted to Council within six months and three months respectively of receiving a liquid trade waste approval.

For Concurrence Classification C discharges a discharger must provide a due diligence program and contingency plan to Council within six months and three months respectively of receiving a liquid trade waste approval.

It should be noted that:

- (1) If the discharger has an accredited environmental management system in place, a due diligence program and contingency plan will not be required. However, proof of accreditation must be provided to Council with the application.
- (2) Where Council considers there is potential risk to the sewerage system from a discharge, it may request a due diligence program and contingency plan be submitted prior to commencing the discharge.

3.13 Liquid Trade Waste Transporters

Where a premises or business generates a liquid trade waste or is required as a condition of approval to install prescribed pre-treatment devices, the collection of the liquid waste may only be carried out by approved contractors.

Contractors and their vehicles are required to be licensed by the Department of Environment and Conservation (DEC) and approved by Council to collect liquid trade waste of the type specified in their DEC License. Annual approval shall include the following requirements:

- Fee – Liquid Trade Waste and Septic Tank Pump-out contractors
Annual Charge – (\$195.00, 2006/07)
- Tanker Capacity – Vehicle Registration
- DEC License No.
- Certificate of Currency – Public liability minimum cover \$10M
- List of types of waste approved by DEC for transportation

ATTACHMENT A

BETWEEN

[BYRON SHIRE COUNCIL]

AND

[APPLICANT]

SAMPLE

LIQUID TRADE WASTE SERVICES AGREEMENT

LIQUID TRADE WASTE SERVICES AGREEMENT

BETWEEN

1. The Council

AND

2. The Applicant

RECITALS

- A. The Council is the owner and operator of a sewerage system within the Byron Shire Council area.
- B. The Applicant has made application to the Council to discharge liquid trade waste from the Premises into the Council's sewerage system.
- C. The application has been approved by the Council on certain conditions ("the Approval"), including the condition that the Council and the Applicant enter into this Agreement.
- D. The Director-General of the Department of Energy, Utilities and Sustainability has concurred in the Approval in accordance with clause 28 of the *Local Government (General) Regulation 2005*.
- E. The Approval does not operate until this Agreement has been executed by both parties.
- F. The parties enter this Agreement in consideration of the mutual promises contained herein.

OPERATIVE PART

1. DEFINITIONS AND INTERPRETATION

- 1.1 In this Agreement, unless the context otherwise requires:

"Act" means the *Local Government Act 1993* (NSW).

"Annexure" means the annexure to this Agreement.

"Annual Management Plan" means the annual management plan of the Council, as adopted by the Council from time to time.

Updated December 2005

“**Applicant**” means the entity named as such in the Annexure.

“**Approval**” means the approval described in Recital C.

“**Council**” means the Byron Shire Council.

“**Liquid Trade Waste Services**” mean the making available by the Council of its sewerage system for connection to the Premises, for the purpose of discharge by the Applicant of its liquid trade waste.

“**Premises**” means the premises described in the Annexure.

1.2 Unless the context otherwise requires:

- (a) A reference to this Agreement is a reference to this Agreement, including the Annexure, as amended from time to time in accordance with its terms.
- (b) A reference to the discharge of liquid trade waste means the discharge of liquid trade waste by the Applicant from the Premises to the Council’s sewerage system.
- (c) A reference to any legislation is a reference to such legislation as amended from time to time.
- (d) Where the Applicant is comprised of more than one person, each obligation of the Applicant will bind those persons jointly and severally and will be enforceable against them jointly and severally.

2 LIQUID TRADE WASTE SERVICES

The Council will provide the Liquid Trade Waste Services to the Applicant on the terms of this Agreement.

3 ADDITIONAL CONDITIONS FOR DISCHARGE OF LIQUID TRADE WASTE

- 3.1 The Applicant may discharge liquid trade waste to the Council’s sewerage system in accordance with the Approval and subject to this Agreement.
- 3.2 The Applicant must comply with all applicable Acts, regulations, by laws, proclamations and orders and with any lawful direction or order given by or for the Council or any other competent authority.
- 3.3 The Applicant must not discharge liquid trade waste contrary to this Agreement or the Approval or in any manner which may have an adverse effect on any person or property (including the sewerage system and the ecological system in the waters, land or area receiving sewage treatment works effluent or biosolids), or which 3.7 If the Applicant is required to cease discharging liquid trade waste for any period, then the Applicant must cease discharging such waste for the period specified.

may cause the Council to be in breach of any applicable Act, regulation, by law, proclamation or order or of any lawful direction given by or for any competent authority.

- 3.4 The Applicant must at its own cost monitor its discharges in accordance with the requirements set out in the Approval and must maintain records of such monitoring for inspection by the Council for such period as may be specified in the Approval.
- 3.5 The Council will carry out routine sampling and testing of the waste stream.
- 3.6 Where any flow-metering device is installed, the Applicant must at its own cost cause the device to be calibrated at least annually by a person or company approved by the Council. The Applicant must obtain a calibration certificate and provide a copy of the certificate to the Council within one month of receiving it.
- 3.7 If the Applicant is required to cease discharging liquid trade waste for any period, then the Applicant must cease discharging such waste for the period specified.
- 3.8 Where the Applicant is terminated, the Applicant must immediately cease to discharge liquid trade waste

4. FEES AND CHARGES

- 4.1 In accordance with the section 560 of the *Local Government Act*, Council will levy all water supply, sewerage and liquid trade waste fees and charges on the owner of the property.
- 4.2 In consideration of provision of the Liquid Trade Waste Services, the fees and charges as specified in the Council's Annual Management Plan and notified by Council to the owner and the Applicant must be paid to the Council, including fees for sampling and testing by Council in accordance with the Approval.
- 4.3 Fees and charges payable will include both non-residential sewerage charges and liquid trade waste fees and charges.
- 4.4 All monies payable to the Council must be paid within the time specified in the notice of charge.

5. GST

5.1 To the extent that a party to this Agreement ("GST Supplier") is or becomes liable to pay GST in connection with any Supply made under this Agreement and the amount of any such GST is not included in the amount payable under this Agreement:

- a) the GST Supplier may add to the price of the Supply an amount equal to the GST payable on the Supply ("GST Amount").
- b) the other party will pay the GST Supplier the price for the Supply in accordance with this Agreement plus the GST Amount.

5.2 If, for any reason, the GST Supplier's GST liability in respect of a particular Supply is different from the amount of GST paid by the other party:

a) the GST Supplier must immediately repay to the other party the amount of any excess paid by the other party above the GST Supplier's GST liability; or

b) the other party must pay the deficiency in the amount previously paid by the other party to the GST Supplier for that Supply, as appropriate

5.3 The Applicant warrants that it is registered for GST purposes as at the date of this Agreement and will continue to be so for the term of this Agreement.

6 TERM

6.1 This Agreement will commence from the date it is signed on behalf of the Council, and will continue until the Applicant's Approval is revoked or the Applicant permanently ceases to discharge liquid trade waste pursuant to the Approval, whichever is the earlier. Upon such revocation or permanent cessation of the approved activity this Agreement shall automatically terminate by operation of this clause.

6.2 Termination of this Agreement is without prejudice to any accrued rights or obligations of either Party.

7 POWERS OF THE COUNCIL

7.1 The Council may enter the Premises at a reasonable hour in the daytime or at any hour during which business is in progress or is usually carried on at the Premises for the purpose of conducting any inspection, examination, testing, monitoring or sampling to determine whether the Applicant is complying with the conditions of this Agreement.

7.2 The Applicant acknowledges that the Council has statutory powers available to it under the Local Government Act 1993 and other Acts to issue orders and directions to the Applicant in relation to the discharge of liquid trade waste. The Applicant undertakes to comply with each such order or direction that may be notified by the Council to the Applicant within the time specified for compliance in that order or direction.

7.3 The Applicant releases the Council from any liability to the Applicant for any loss or damage due to the disruption of the Applicant's business arising out of the exercise of Council's rights pursuant to this clause.

8 INFORMATION SUPPLIED BY THE APPLICANT

8.1 The Applicant warrants that all information in its application for approval is true, complete and accurate to the best of its knowledge

8.2 The Applicant must immediately notify the Council in writing of any error or omission in that information or any change to the information of which the Applicant becomes aware.

8.3 The Applicant must not provide any false or misleading information to the Council.

9 INDEMNITY

9.1 The Applicant indemnifies the Council from and against any claims, losses or expense (including legal costs on a solicitor and client basis) which the Council pays, suffers, incurs or is liable for as a result of:

- (a) any unlawful, negligent, reckless or deliberately wrongful act or omission of the Applicant or its personnel or agents in connection with the discharge of liquid trade waste, including (without limitation) such acts or omissions which cause damage to property, personal injury or death; and
- (b) a breach of this Agreement by the Applicant.

9.2 The Applicant's liability to indemnify the Council shall be reduced proportionally to the extent that any unlawful, negligent, reckless or deliberately wrongful act or omission of the Council caused or contributed to the liability or loss.

- a) the Approval, including rights granted under, and conditions attached to, the Approval;
- b) any applicable legislation; or
- c) Council's Annual Management Plan in respect of applicable fees and charges, shall have no force or effect.

10. INSURANCE

The Applicant must effect and maintain for the term of this Agreement a public risk policy of insurance in the minimum of the sum specified in the Annexure and must, upon request by the Council, produce evidence of such insurance to the Council.

11. BOND

11.1 The Applicant must pay to the Council a bond in the sum specified in the Annexure.

11.2 The Council may at any time and without prior notice to the Applicant have recourse to the

bond for the recovery of any sum due and owing by the Applicant to the Council.

11.3 Where the applicant fails to cease discharging trade waste as prescribed in clause 3.7, the Council may require the applicant to forfeit 50% of the bond.

11.4 The Council must return the bond to the Applicant, less any amount deducted by the Council under this clause, upon termination of this Agreement.

12. NO ASSIGNMENT

The Applicant may not assign or otherwise transfer its rights and/or obligations under this Agreement.

13. NOTICES

13.1 A notice under this Agreement must be:

- (a) in writing, directed to the representative of the other party as specified in the Annexure; and
- (b) forwarded to the address, facsimile number or the email address of that representative as specified in the Annexure or the address last notified by the intended recipient to the sender.

13.2 A notice under this Agreement will be deemed to be served:

- a) In the case of delivery in person – when delivered to the recipient's address for service and a signature received as evidence of delivery
- b) In the case of delivery by post – within three business days of posting.
- c) In the case of delivery by facsimile – at the time of dispatch if the sender receives a transmission report which confirms that the facsimile was sent in its entirety to the facsimile number of the recipient.
- d) In the case of delivery by email, on receipt of confirmation by the recipient that the recipient has received the email.

13.3 Notwithstanding the preceding clause 13.2, if delivery or receipt of a communication is on a day which is not a business day in the place to which the communication is sent or is later than 5 pm (local time in that place) it will be deemed to have been duly given or made at 9 am (local time at that place) on the next business day in that place.

14 VARIATION

14.1 If the applicant's Approval to discharge liquid trade waste from the Premises is varied, this Agreement shall be deemed to be varied in accordance with the variation made to that approval or to fees, by operation of this clause

14.2 In addition to automatic variation under Clause 14.1, this Agreement may be varied by written agreement of the parties, provided that a variation to this Agreement that is inconsistent with:

- (a) the Approval, including rights granted under, and conditions attached to, the Approval;
- (b) any applicable legislation; or
- (c) Council's Annual Management Plan in respect of applicable fees and charges,

shall have no force or effect.

15 SEVERABILITY

If any part of this Agreement is prohibited, void, voidable, illegal or unenforceable, then that part is severed from this Agreement but without affecting the continued operation, so far as possible, of the remainder of this Agreement.

16 APPLICABLE LAW

16.1 This Agreement is governed by, and must be construed in accordance with the laws in force in the State of New South Wales.

16.2 Each party submits to the exclusive jurisdiction of the courts exercising jurisdiction in the State of New South Wales and the courts of appeal there from.

17 RIGHTS CUMULATIVE

The rights and remedies provided under this Agreement are in addition to, and not exclusive of, any other rights or remedies provided by law.

Executed as an agreement

Execution by Byron Shire Council:

(Corporate Seal)

THE COMMON SEAL OF)
 was affixed this)
day of 20.....)
)
 in the presence of:) [signature of General
) Manager]
)
)
 General Manager)
) [signature of witness]
 and)
)
)
 [print name of witness])

Executed by the Applicant (corporate entity):

The **COMMON SEAL** of.....)
PTY LIMITED)
 was affixed thisday of)
200... in the)
 presence of:)
)
 [name of Director]) [signature of Director]
)
)
 [name of Director/Secretary]) [signature of Director/Secretary]
)

Executed by the Applicant (individual):

Signed by:)
 [name of Applicant]) [signature of Applicant]
 This.....day of.....200....)
 in the presence of:)
)
)
 [print name of witness]) [signature of witness]
)

A. THE COUNCIL

1. FULL NAME OF COUNCIL _____
2. ABN: _____
3. ADDRESS _____

4. TELEPHONE _____
5. EMERGENCY CONTACT _____
TELEPHONE _____

B. THE APPLICANT

1. FULL NAME OF APPLICANT _____
2. ABN: _____
3. BUSINESS OR TRADING NAME _____
4. ADDRESS _____

5. TELEPHONE _____
6. EMERGENCY CONTACT _____
TELEPHONE _____

C. THE PREMISES

1. LOT & DP NUMBER: Lot(s) _____ DP _____
2. LOCATION _____

3. DESCRIPTION _____
4. NATURE OF BUSINESS _____

D. NOTICES

Applicant's Representative:

Postal address:

Facsimile:

Email:

Council's Representative:

Postal address:

Facsimile:

Email address:

E. PUBLIC LIABILITY INSURANCE

Minimum cover: \$

F. BOND

\$

ATTACHMENT B

**Provisions in regulations of the
Local Government (General) Regulation 2005 in regard to
Acceptance of Liquid Trade Waste
into the sewerage system**

Local Government (General) Regulation 2005

Clause 25 Matters to accompany applications relating to discharge into sewers

An application for approval to discharge trade waste into a sewer under the control of a Council or that connects with such a sewer must be accompanied by the information required by Table 1 to the Liquid Trade Waste Management Guidelines[#].

Clause 28 Approval to discharge waste into sewers: concurrence required

A council must not grant an approval under section 68 of the Act to discharge trade waste (whether treated or not) into a sewer of the council unless the Director-General of the Department of Energy, Utilities and Sustainability has concurred with the approval.

Note: Section 90 (2) of the Act permits any person or authority whose concurrence is required before an approval can be granted to give the council notice that the concurrence may be assumed (with such qualifications or conditions as are specified in the notice).

Clause 32 Disposal of trade waste

- (1) An approval to dispose of trade waste into a sewer of the council is subject to such conditions (if any) as the council specifies in the approval.
- (2) In imposing any such conditions, the council is to have regard to the matter set out in table 5 to the Liquid Trade Waste Management Guidelines[#].

Clause 159 Prevention of waste and misuse of water

The owner, occupier or manager of premises to which water is supplied by the council must:

- (a) prevent waste of water by taking prompt action to repair leaking taps, pipes or fittings located on the premises, and
- (b) take any other action that is reasonable to prevent waste and misuse of water.

[#] “Liquid Trade Waste Management Guidelines” means the Guidelines of that name produced by the Department of Energy, Utilities and Sustainability in March 2005, as in force from time to time.