



Policy For The Discharge Of Liquid Trade Waste To Council's Sewer

Version 6: Adopted June 2013

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Since the preparation of this Policy, the following amendments or variations have been made.

Amendment Number	Amendment	Clause / Page	Council Resolution Date	Amendment Date
1	Modification of Nitrogen Limit from nitrogen as TKN to a Nitrogen (Total Nitrogen)	Table 1/ page 12	22/09/2009 ITEM 10.10	05/11/2009
2	Updated Appendix B to reflect 2009/2010 charges approved with Council's Management Plan.	Appendix B Page 37		05/11/2009
3	Updates to reflect NSW Office of Water 2009 model policy.	2.2 3.1 3.2 3.11.10	8/03/2011 ITEM 65/11	2/5/2011
4	Updated to include NSW Office of Water submission. Approved by Council for adoption 8 November 2011	All	8 November 2011	08/11/2011
5	Updated to include discharge Category S			Feb 2013
6	Remove Appendix B and update information in Fees & Charges Rename existing appendices			Feb 2013 Adopted June 2013

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PURPOSE OF THIS POLICY

This policy sets out how council will regulate sewerage and trade waste discharges to its sewerage system in accordance with the NSW Framework for Regulation of Sewerage and Trade Waste (section 3.1 on page 14). The policy is concerned with the approval, monitoring and enforcement process for liquid trade wastes discharged to Council's sewerage system and the levying of commercial sewerage and liquid trade waste fees and charges. It has been developed to ensure the proper control of liquid trade waste and hence protection of public health, worker safety, the environment, and Council's sewerage system. The policy also promotes waste minimisation, water conservation, water recycling and biosolids reuse.

Sewerage systems are generally designed to cater for waste from domestic sources that are essentially of predictable strength and quality. Tamworth Regional 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.

The policy also promotes waste minimisation and water conservation. This policy excludes management of waste from a sewage management facility.

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 clause 28 of the Local Government (General) Regulation, 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 Trade and Investment, Regional Infrastructure and Services (DTIRIS) has concurred with the approval.

Under section 90 (2) of the Local Government Act, the Director-General, DTIRIS, may give the council notice that the concurrence may be assumed (with such qualifications or conditions as are specified in the notice).

GLOSSARY

Assumed Concurrence: Council may apply to the Director-General of the Department of Trade and Investment, Regional Infrastructure and Services (DTIRIS) for delegation to assume concurrence for Classification B or Classification S activities. Requests for assumed concurrence need to be forwarded to the NSW Office of Water. If granted, Council will no longer need to forward such applications for concurrence.

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

Chemical Toilet: Toilet in which wastes are deposited into a holding tank containing a deodorizing or other chemicals; wastes are stored and must be pumped out (and chemical recharged) periodically.

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.

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 Department of Trade and Investment, Regional Infrastructure and Services (DTIRIS) prior to approving such waste to be discharged to the council's sewerage system. Such concurrence request is to be submitted to the NSW Office of Water.

Director-General: Director-General means the Director-General, Department of Trade and Investment, Regional Infrastructure and Services (DTIRIS)

Due Diligence Program: A plan that identifies potential health and safety, environmental or other hazards (e.g. 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 Regulations: *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 on each occasion. Such concurrence request is to be provided to the NSW Office of Water.

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, e.g. a grease arrestor, an oil arrestor/separator, solids arrestor, cooling pit (refer to Table 7 of *Liquid Trade Waste Regulation Guidelines*, 2009).

Primary Measurement Device: A device such as a gauging pit, weir tank or flume installed in the liquid trade waste discharge line suitable for installation of instrumentation for flow measurement. In cases of commercial flows this can mean a removable section of pipe (in the fresh water supply to the trade waste area) and the installation of a check meter.

Septage: Material pumped out from a septic tank during desludging; contains partly decomposed scum, sludge and liquid.

Septic Tank: Wastewater treatment device that provides a preliminary form of treatment for wastewater, comprising sedimentation of settleable solids, flotation of oils and fats, and anaerobic digestion of sludge.

Septic Tank Effluent: The liquid discharged from a septic tank after treatment.

Sewage of a Domestic Nature: Includes human faecal matter and urine and waste water associated with ordinary kitchen, laundry and ablution activities of a household, but does not include waste in or from a sewage management facility.

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.

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.

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-filterable 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.

INTRODUCTION

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

'all liquid wastes other than sewage of a domestic nature'.

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

- business/commercial premises (e.g. 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 (e.g. abattoirs, food processors);
- trade activities (e.g. 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.
- septic tank waste, chemical toilet 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 septic tank, pan and ship-to-shore pump-out waste are defined as trade waste, specific procedures need to be applied to their management as the waste is often transported from its source to the sewerage system. Accordingly, specific references to these wastes are provided in this policy where necessary.

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 (i.e. domestic sewage);
- common use (non-residential) kitchen and laundry facilities in a caravan park;
- residential swimming pool backwash.

* Used for personal hygiene only

POLICY OBJECTIVES

The objectives of this policy are:

- 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.

SCOPE OF THIS 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 the framework for regulation of liquid trade waste, including the NSW Framework for Regulation of Sewerage and Trade Waste, alignment with the National Framework for Wastewater Source Management, application procedures, liquid trade waste discharge categories, liquid trade waste services agreements, monitoring of liquid trade waste discharges, liquid trade waste fees and charges, modification or revocation of approvals, prevention of waste of water and contaminated stormwater discharges from open areas.

Part 1. Exemptions

No exemptions shall apply. All dischargers of liquid trade waste to the sewerage system must have Tamworth Regional Council's approval to do so. A liquid trade waste approval may also be required where, in Council's opinion, there is reasonable cause to believe the activities being conducted have the potential to result in liquid trade waste discharges to the sewerage system.

Part 2. Criteria for Approval to Discharge Liquid Trade Waste into Tamworth Regional Council's Sewerage System

2.1 Factors for Consideration

Tamworth Regional 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 the Council's employees.
- 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 Environment Protection Authority licence requirements.
- compliance of the proposed liquid trade waste discharge with guideline limits in this policy (refer to Table 1 on page 11).
- 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 1. Council may vary the guideline limits for a 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 (section 3.17), or other conditions being implemented.

2.3 Prohibited Substances

Some substances are not suitable for discharge to the sewerage system. The following substances shall not, unless specifically permitted by the conditions of an approval issued under section 68 of the *Local Government Act 1993*, be discharged to 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 *Australian Sewerage Quality Management Guidelines, June 2012, WSAA*
- any other substances listed in a relevant regulation

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 sealed areas will be considered where roofing cannot be provided because of safety or other important considerations. The discharge from unsealed areas is not permitted.

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

- whether the open area is sealed;
- 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-sinkerators, 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 arrestor. 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 Pulverise 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. 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, bio-additives, 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.

Table 1– Guideline Limits for Acceptance of Liquid Trade Wastes into Sewerage System

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	1000 mg/L
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.

Continued over page.

Table 1 (Cont.) – Guideline Limits for Acceptance of Liquid Trade Wastes into Sewerage System

Parameter	Maximum concentration (mg/L)
ACCEPTANCE GUIDELINE LIMITS FOR INORGANIC COMPOUNDS	
Ammonia (as N)	50
Boron	5
Bromine	5
Chlorine	10
Cyanide	1
Fluoride	20
Nitrogen (Total Nitrogen)	100
Phosphorus (total)	20
Sulphate (as SO ₄)	500
Sulphide (as S)	1
Sulphite (as SO ₃)	15
ACCEPTANCE GUIDELINE LIMITS FOR ORGANIC COMPOUNDS	
Formaldehyde	30
Phenolic compounds (except pentachlorophenol)	5
Petroleum hydrocarbons (non-flammable)	30
Benzene	0.04
Toluene	0.5
Ethylbenzene	1
Xylene	1
Polynuclear Aromatic Hydrocarbons (PAHs)	5
Pesticides (general)	0.1
Pesticides (Organophosphorus)	Nil
Pesticides (Organochlorine)	Nil

Continued over page.

Table 1 (Cont.) – Guideline Limits for Acceptance of Liquid Trade Wastes into Sewerage System

Parameter	Maximum concentration (mg/L)	Allowed daily mass limit (g/d)
ACCEPTANCE GUIDELINE LIMITS FOR METALS		
Aluminium	100	-
Arsenic	1	2
Cadmium	1	6
Chromium*	3	15
Cobalt	5	15
Copper	5	15
Iron	100	-
Lead	1	6
Manganese	10	30
Mercury	0.01	0.05
Molybdenum	5	30
Nickel	3	15
Selenium	1	15
Silver [#]	2	6
Tin	5	15
Zinc	5	15
Total metals excluding aluminium, iron and manganese	less than 30 mg/L and subject to total mass loading requirements	

* Where hexavalent chromium (Cr^{6+}) is present in the process water, pre-treatment will be required to reduce it to the trivalent state (Cr^{3+}), prior to discharge into the sewer. Discharge of hexavalent chromium (Cr^{6+}) 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.

Part 3. MATTERS RELATING TO LIQUID TRADE WASTE APPROVALS

3.1. The NSW Framework for Regulation of Sewerage and Trade Waste

Due to the Tragedy of the Commons¹ in the use of common pool resources, sound regulation of sewerage and trade waste requires implementation of all the following integrated measures.

1. Preparation and implementation of a sound trade waste regulation policy, assessment of each trade waste application and determination of appropriate conditions of approval. The conditions must be consistent with the LWU's *Integrated Water Cycle Management Strategy* and demand management plan. In addition, execution of a liquid trade waste services agreement is required for large dischargers to assure compliance.
2. Preparation and implementation of a sound *Development Servicing Plan*², with commercial sewerage developer charges to ensure new development pays a fair share of the cost of the required infrastructure.
3. Full cost recovery with appropriate sewer usage charges³ and trade waste fees and charges⁴ in order to provide the necessary pricing signals to dischargers. These charges must include non-compliance trade waste usage charges and non-compliance excess mass charges in order to provide the necessary incentives for dischargers to consistently comply with their conditions of approval.
4. Monitoring, mentoring and coaching of dischargers in order to achieve cleaner production and assist them to comply with their conditions of approval.
5. Enforcement, including appropriate use of penalty notices under section 222 of the *Protection of the Environment Operations Act 1997*. Orders may also be issued and penalties imposed for offences under sections 626, 627 and 628 of the *Local Government Act 1993*.
6. Disconnection of a trade waste service in the event of persistent failure to comply with the LWU's conditions of approval.

Together, the above six measures comprise the NSW framework for regulation of sewerage and trade waste. The framework involves a preventive risk management approach, which has been developed to address the use of common pool resources by providing economic incentives for dischargers to minimise their waste and to consistently comply with their conditions of approval.

1 In the absence of appropriate controls and measures (such as conditions of approval, a sewer usage charge, a trade waste usage charge, a non-compliance trade waste usage charge, excess mass charges, non-compliance excess mass charges and penalty notices), it would be in the economic interest of each trade waste discharger to minimize their efforts and expenditure on control and pre-treatment of their trade waste before discharging it to the sewerage system. In the past, failure to implement these measures has caused multi-million dollar damage to sewerage networks, pumping stations and treatment works (refer to the examples shown on pages 30, 47 and 48 of the *Liquid Trade Waste Regulation Guidelines, 2009*).

2 In accordance with the *NSW Developer Charges Guidelines for Water Supply, Sewerage and Stormwater, 2002*.

3 In accordance with page 29 of the *NSW Water Supply, Sewerage and Trade Waste Pricing Guidelines, 2002*.

4 In accordance with Appendices D and I of the *Liquid Trade Waste Regulation Guidelines, 2009*.

3.2. Alignment with the National Framework for Wastewater Source Management

The NSW framework for regulation of sewerage and trade waste is outlined in section 3.1. The NSW framework is driven by the NSW Government's *Best-Practice Management of Water Supply of Sewerage Guidelines, 2007* and is consistent with that in the *National Framework for Wastewater Source Management*.⁵

In particular, under the *Best-Practice Management Guidelines* each LWU is required to achieve the following outcomes:

- Prepare and implement a 30-year Integrated Water Cycle Management Strategy, demand management plan, pay-for-use water supply pricing and community and customer involvement (Elements 1, 6, 8)
- Annual performance monitoring, including an annual triple bottom line (TBL) Performance Report and Action Plan to identify and address any areas of under-performance (Elements 5, 6, 9, 10, 11, 12)
- Achieve full cost recovery for water supply, sewerage and trade waste services and apply an appropriate non-residential sewer usage charge (Elements 3, 8)
- Prepare and implement a sound trade waste regulation policy and issue an appropriate approval to each trade waste discharger, including waste minimisation and cleaner production (Elements 1, 2, 3, 4, 7, 8)
- Appropriate trade waste fees and charges (including incentives to comply with LWU's approval conditions through non-compliance trade waste usage charges and non-compliance excess mass charges) (Elements 3, 8)
- Trade waste services agreement for large dischargers to assure compliance (Elements 3, 8)
- Appropriate training of LWU staff and monitoring, mentoring and coaching of trade waste dischargers (Elements 1, 4, 5, 7, 8)
- Enforcement, including appropriate use of penalty notices or orders (Elements 3, 8)
- Disconnection of a trade waste service in the event of persistent failure to comply with the LWU's conditions of approval (Element 8).

⁵ The following 12 elements of the *National Framework for Wastewater Source Management* are set out on page 18 of the *Australian Sewerage Quality Management Guidelines, June 2012 WSA*

COMMITMENT

1. Commitment to Wastewater Source Management

SYSTEM ANALYSIS and MANAGEMENT

2. Assessment of the Wastewater System
3. Preventive Measures for Wastewater Input Quality Management
4. Operational Procedures and Process Control
5. Verification of Wastewater Inputs Quality
6. Management of Incidents/Complaints and Emergencies

SUPPORTING REQUIREMENTS

7. Employee Awareness and Training
8. Customer and stakeholder involvement and awareness
9. System Validation and Research and Development
10. Documentation and Reporting

REVIEW

11. Evaluation and Audit
12. Review and Continual Improvement

3.3. Council Approval Required

Council approval shall be obtained prior to the discharge of liquid trade waste to the sewerage system, or in cases where Council considers an activity to have a potential for liquid trade waste discharges, prior to the commencement of that activity. An approval to discharge liquid trade waste to the sewerage system is dependent upon the applicant's ongoing compliance with the conditions contained within that approval. Dischargers of liquid trade waste to Council's sewerage system are subject to prosecution and imposition of fines under various sections of the Local Government Act, 1993 and/or the Protection of the Environment Operations Act, 1997 and regulations pursuant to these Acts, where the liquid trade waste is discharged without obtaining Council approval or other than in accordance with the conditions of Council's approval.

3.4. Liquid Trade Waste from Existing Premises/Dischargers

Existing dischargers who have nil or inadequate liquid trade waste pre-treatment equipment at their current premises are generally required to improve their discharge quality by installing or upgrading pretreatment equipment to the current standards approved by Council and NOW.

At Council's discretion and with the concurrence of NOW a period of time may be granted for an **existing** discharger to install liquid trade waste pre-treatment equipment or perform other works required to achieve compliance with the conditions of a liquid trade waste approval and/or a liquid trade waste services agreement. The period of time granted will generally not exceed 12 months and will be assessed on a case by case basis taking into account the capacity of the receiving sewage treatment plant to accept the discharger's liquid trade waste and the cost and/or difficulty of works to be undertaken. The scope of works required, results to be achieved and timetable for completion shall be laid out in an Effluent Improvement Plan (section 3.17) agreed to by the discharger and Council.

Where installation of the prescribed liquid trade waste pre-treatment equipment at premises, occupied by the discharger prior to July 2004, is not considered by Council and NOW as feasible or reasonable in order to treat an **existing** discharge, an exception from installing such equipment may apply (Appendix A). A fee shall apply for any request for exception.

Existing premises undergoing refurbishment/renovation must allow for the installation of the appropriate liquid trade waste pre-treatment equipment. If new or refurbished premises cannot accommodate the prescribed pre-treatment equipment required for an activity, then that premises is not suitable for conducting that type of activity.

3.5 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 and an application fee applies. 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; and
- 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.

The following information needs to be provided in regard to the discharge of septic tank and pan waste to the sewerage system:

- identification of the pump out service provider
- proposed method of discharge including plans and drawings if appropriate
- details of any proposed facilities for a disposal point, location and site plan (if applicable). Details should include the proposed connection point to the sewerage system
- security arrangements at the proposed disposal site (if applicable)
- the provision of freshwater for hosing down where needed
- bunding and measures to prevent the ingress of stormwater at the proposed dump point, if applicable
- the use of odour inhibiting or other chemicals, if any, and their dosage rates
- statement that septic effluent will not be mixed with septage or grease trap pump out, ie. dedicated tankers will be used for each type of waste

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

3.6 Approval of Applications

Where an application is approved, Council will notify the applicant as soon as practical of the approval and any conditions of the approval. In cases where Council requires a discharger to enter into a liquid trade waste services agreement (refer to section 3.13), 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. Where an application is withdrawn or modified, a further fee will be applied based on the work completed 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.

3.7 Duration of an Approval

An approval for the discharge of liquid trade waste to Council's sewerage system shall be for a maximum of five (5) years. Council at its discretion may grant an approval for a shorter period of time.

3.8 Transfer of Applications

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.

3.9 Concurrence

If Council supports an application and has a notice stating that concurrence of the Director-General, Department of Trade and Investment, Regional Infrastructure and Services (DTIRIS), can be assumed for the waste relevant to the application, Council will approve the application. Otherwise, Council will seek concurrence from Director-General, DTIRIS in accordance with the requirements of section 90(1) of the *Local Government Act*. All such concurrence requests will be provided to the NSW Office of Water.

Liquid trade waste discharges are divided into four 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. These are listed in Table 2 and Council will not need to seek concurrence for approval of trade waste applications for these activities.
- Concurrence Classification B – liquid trade waste dischargers whereby Council may apply for authorisation to assumed concurrence to the approval subject to certain requirements.
- Concurrence Classification S – the acceptance of septic tank, pan waste and ship-to-shore pump-out. Council may apply for authorisation to assume concurrence to the approval subject to certain conditions.
- Concurrence Classification C – all other liquid trade waste dischargers that do not fall within Concurrence Classification A B, or S and therefore require Council to apply for concurrence.

Table 2 – 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)
Bed & Breakfast (<10 persons)	Beautician
Bistro	Boiler blowdown
Boarding house/hostel kitchen	Car detailing
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	Dental surgery/dental specialist
Cafeteria	Dental technician
Chicken/poultry shop (only fresh chickens/game sold)	Doctor's surgery-plaster casts (no X-rays, no laboratory)
Chicken/poultry shop (retail BBQ/charcoal chicken)	Florist
Club (kitchen wastes)	Funeral parlour, morgue
Commercial kitchen/caterer	Hairdressing (includes barbers)
Community hall/civic centre	Jewellery shop
Day care centre	Laboratory (pathology/analytical)
Delicatessen	Laundry or Laundromat (coin operated)
Doughnut shop	Lawnmower repairs
Fast food outlet (McDonalds, KFC , Burger King, Pizza Hut, Red Rooster, etc.)	Mechanical repairs/workshop
Fish shop (retail – fresh and/or cooked)	Mobile cleaning units (carpet cleaning, garbage bin washing)
Food caravan	Optical service
Fruit and vegetable shop (retail)	Pet shop (retail)
Function centre	School (Primary and Secondary)
Hotel	
Ice cream parlour	Stone working
Juice bar	Swimming pool/spa/hydrotherapy
Mixed business	Vehicle (car) washing (by hand/wand, automatic carwash, external truck wash or under body/engine degrease only)
Motel	Venetian blind cleaning
Nightclub	Veterinary /animal kennels with X-ray
Nursing home kitchen	Waterless minilab
Nut shop	<p>Note: The volume of liquid trade waste not exceed 5 kL/day or 1000 kL/annum except in the case of commercial retail food preparation activities, where up to 16 kL/day 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 Liquid Trade Waste Regulation Guidelines). Discharges over 20 kL/day must be treated as Classification C.</p>
Patisserie	
Pie shop	
Pizza shop	
Restaurant/ Take-away food outlet	
Salad bar	
Sandwich shop	
School canteen	
Snack bar	
Supermarket (with butcher/delicatessen/ seafood/or charcoal chickens)	

3.10 Liquid Trade Waste Charging Categories

Four (4) classifications of liquid trade waste have been established for concurrence purposes, Classification A, B C and S (refer section 3.9). For trade waste charging purposes liquid trade waste dischargers are also divided into Four charging categories, Category 1, 2, 2S and 3 (refer section 3.10).

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 S dischargers fall into Charging Category 2S. Classification C dischargers fall into Charging Category 3.

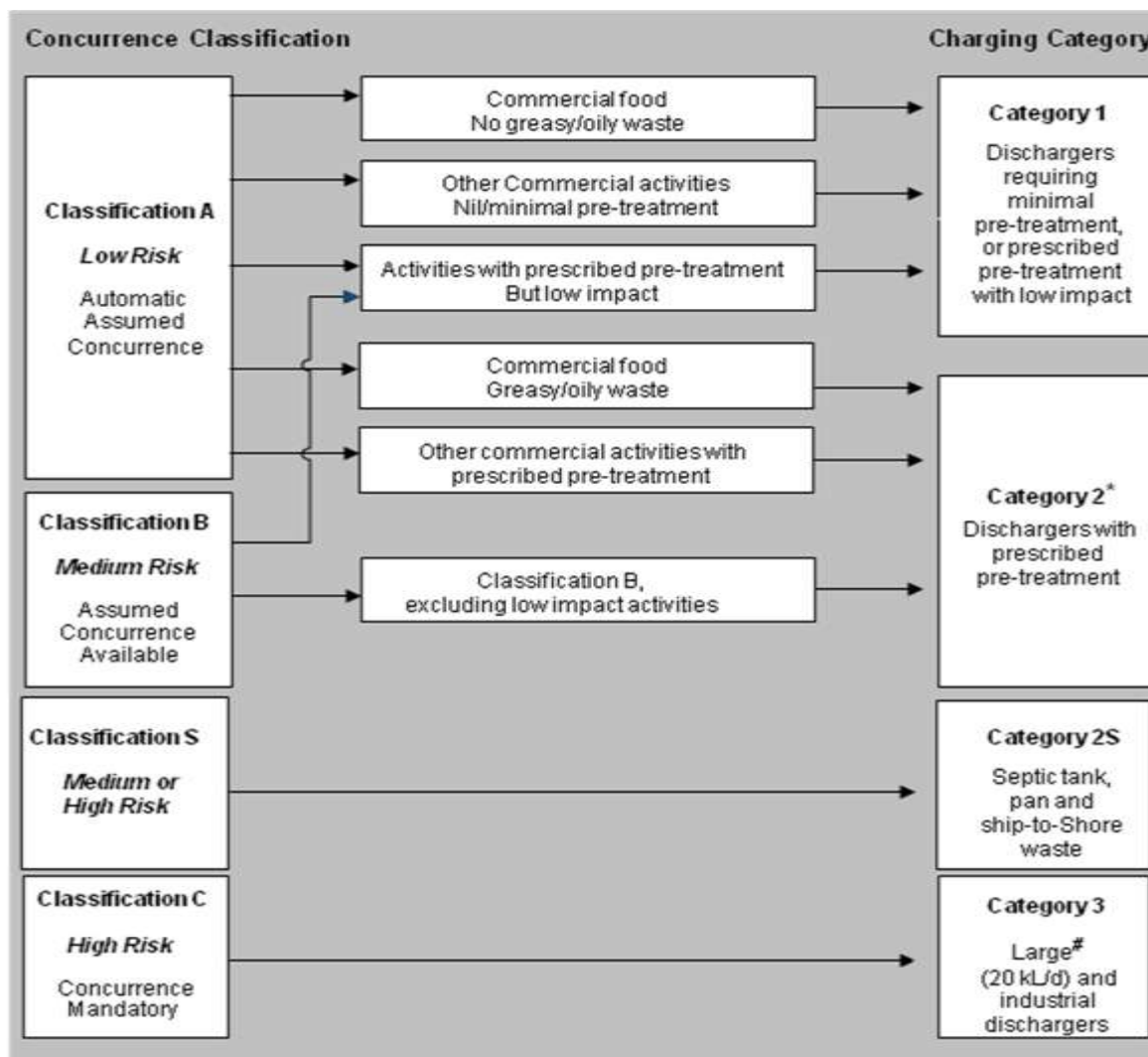


Figure 1 Charging Categories for Trade Waste

* Also includes fish shop (fresh fish for retail)

Except shopping complexes and institutions (hospital, educational facilities, etc.). These will be charged as Category 2 in accordance with activities carried out on the premises.'

CATEGORY 1 DISCHARGER

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, tray work/manual development, venetian blind cleaning, veterinary (no X-ray).

Classification A or B activities with prescribed pre-treatment but low impact on the sewerage system: 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

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-treatment 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 hall, 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.

Other commercial Classification A activities: car detailing, craft activities > 200 L/d, dental surgery with X-ray, lawnmower repairs, mechanical workshop, radiator repairer, 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, truck wash, water wash mini-lab, X-ray radiologist.

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

CATEGORY 2S DISCHARGER

Category 2S dischargers are those conducting an activity of transporting and/or discharging septic tank or pan content waste into the sewerage system.

Trade waste dischargers include the following Classification S activities:

Classification S activities: bus/rail coaches/caravan/motor home/caravan park waste dump points, mooring/marina dump points, pan waste, portable chemical toilet waste, septage, septic tank effluent, ship-to-shore pump-outs (galley waste and toilet waste).

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 except shopping complexes and institutions (eg. hospitals, educational facilities, correctional facilities, etc.)

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/ fish/ fruit juice/gelatine/honey/meat/pickles/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/rolling/ non-cyanide heat treatment/phosphating/photo engraving/printed circuit etching/sheet metal fabrication etc.), oil recycling (petrochemical), paint stripping, paint manufacture, paper processing, pharmaceuticals, powder coating, printing (newspaper, lithographic), sandblasting, slipway, soap/ detergent manufacture, timber processing (joinery & furniture/plywood/hardwood), textile processing (wool dyeing /spinning /scouring), waxes & polishes.

3.11 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 and once adopted are included in the Annual Operational 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, the liquid trade waste fees and charges shown in Table 4. are payable to Council. 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 may include:

- Application fee
- Annual trade waste fee
- Re-inspection fee
- Trade waste usage charge
- Septic Tank & Pan Waste Disposal charge
- Excess mass charges
- Food waste disposal charge
- Non-compliance trade waste usage charge
- Non-compliance excess mass charge and pH charge
- Non-compliance penalty
- Application fee for exemption from installing prescribed pre-treatment
- Application fee for review of Trade Waste discharge factor.
- Fee for discharge of stormwater to sewer

3.11.1 Phasing in of Charges

Increase in charges for trade waste fees and charges may be phased in over a period of up to five years. Charges applying to Category 3 dischargers will take effect immediately.

3.11.2 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 and included in the Annual Operational Plan.

3.11.3 Annual Trade Waste Fee

The purpose of this fee is to recover the cost incurred by Council for administration, inspections and automated waste tracking 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. Current annual trade waste fees are detailed in Councils Annual Operational Plan. Where the discharger is required to pay for monitoring this will be charged on the basis of full cost recovery.

3.11.4 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. Current re-inspection fees are detailed in the Councils Annual Operational Plan. A re-inspection may include the monitoring of liquid trade waste discharges, the cost of which may be recovered from the discharger.

3.11.5 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.

$$\text{Trade Waste Usage Charge (\$)} = Q \times U$$

Where Q = Volume (kL) of liquid trade waste discharge to sewer.

$$U = \text{Charging Rate \$/kL}$$

Liquid trade waste volumes are calculated as per Appendix C

Note: As indicated on page 30 of the *Water Supply, Sewerage and Trade Waste Pricing Guidelines*, **existing** Category 2 dischargers who have **not** installed and maintained **appropriate** pre-treatment facilities will be required to pay a non-compliant trade waste usage charge.

3.11.6 Excess Mass Charges

Excess mass charges will apply for liquid trade waste discharged in excess of the deemed concentrations in domestic sewage shown in Table 3 below. The excess mass charges will be set annually by Council and included in the Annual Operational Plan

Table 3 – Deemed Concentration of Substances in Domestic Sewage*

SUBSTANCE	CONCENTRATION (mg/L)
Biochemical Oxygen Demand (BOD ₅)	300
Suspended Solids	300
Total Oil and Grease	50
Ammonia (as Nitrogen)	35
Nitrogen (Total Nitrogen)	50
Total Phosphorus	10
Total Dissolved Solids	1000
Sulphate	50 ^(*)

* The concentration in the potable water supply is used if it is greater than 50mg/L

NB. Substances not listed above are deemed not to be present in domestic sewage

$$\text{Liquid Trade Waste Excess Mass Charge (\$)} = \frac{(S - D) \times Q \times U}{1,000} \quad (1)$$

Where S = Concentration (mg/L) of substance in sample.

D = Concentration (mg/L) of substance deemed to be present in domestic sewage.

Q = Volume (kL) of liquid trade waste discharged to the sewerage system.

U = Charging Rate (\$/kg) for disposal of substance to the sewerage system.

Note: While equation (1) above is applicable for excess mass charges for wastes complying with acceptance limits in the *Liquid Trade Waste Regulation Guidelines*, Council will use an exponential type equation for certain large trade waste dischargers with high strength waste as shown in equation (2) below for BOD and in equation (3) for pH being outside the approved range.

Equation (2) provides a strong incentive for dischargers to reduce the strength of waste and will be applied in cases where Council approves acceptance limits higher than 600mg/L.

Equation for BOD > 600mg/L

Where U is the charging rate (\$/kg) for BOD_5 600mg/L and actual BOD is the concentration of BOD_5 as measured in a sample. For example if $U = \$0.54/\text{kg}$, equation (2) would result in the following excess mass charges: **(2)**

For BOD_5 600mg/L charge of \$0.54/kg

BOD_5 1200mg/L charge of \$1.70/kg

BOD_5 2400mg/L charge of \$4.38/kg

The excess mass charge for BOD is calculated using equation (1):

$$\text{Excess Mass Charge for BOD (\$)} = \frac{(S - D) \times Q \times U_e}{1,000}$$

U_e is the excess mass charging rate for BOD (\$/kg).

Equation (3) provides an incentive for dischargers to apply appropriate pH correction so their waste remains within the approved pH limits. Where a large discharger fails to meet their pH limits on 2 or more occasions in a financial year, Council will require the discharger to install and permanently maintain a pH chart recorder or data logger as control of pH is critical to minimising odour and corrosion problems in the sewerage system. The pH logger or recorder will be installed at the dischargers expense.

In the case of pH

Charging rate for pH where it is outside the approved range for the discharger.

$$\text{Charging rate for pH (\$/kL)} = K \times (\text{actual pH} - \text{approved pH})^* \times 2^{(\text{actual pH} - \text{approved pH})^*} \quad \mathbf{(3)}$$

K = pH coefficient = Refer to Councils Annual Operational Plan for current pH coefficient.

* absolute value to be used.

Example: Council has approved the pH range 8.0 to 9.0 for a large discharger generating high strength trade waste in order to prevent corrosion and odour problems in the sewerage system.

Case 1: pH measured 7.0

$$\text{Charging rate (\$/kL)} = 0.3 \times [7 - 8] \times 2^{|7-8|} = \$0.6/\text{kL}$$

Case 2: pH measured 11.0

$$\text{Charging rate (\$/kL)} = 0.3 \times [11-9] \times 2^{|11-9|} = \$2.4/\text{kL}$$

3.11.7 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.

In order to recover Council's costs for non-compliant excess mass charges, the following equation shall apply, except for BOD where equation (5) shall apply.

$$\text{Non-compliance Excess Mass Charges (\$)} = \frac{(S - A) \times Q \times 2U}{1,000} + \frac{(S - D) \times Q \times U}{1,000} \quad (4)$$

Where:

S = Concentration (mg/L) of substance in sample.

A = Maximum concentration (mg/L) of pollutant as specified in Council's approval (or liquid trade waste policy).

Q = Volume (kL) of liquid trade waste discharged for the period of non-compliance.

U = Excess mass charging rate (\$/kg) for disposal of pollutant to sewerage system.

D = Concentration (mg/L) of substance deemed to be present in domestic sewage.

Non-compliance excess mass charges for BOD will be determined as shown in equation (5) below and will be applied in cases where Council approves acceptance limits higher than 600mg/L.

Non-compliance excess mass charges for BOD

If a discharger has failed to meet the approved maximum concentration of BOD on two or more instances in a financial year, the non-compliance excess mass charging rate for BOD U_n will be levied on the basis of equation (5):

U_n is the BOD non-compliance excess mass charging rate.

$$U_n = 2U \times \frac{(A - 300\text{mg} / L)}{600\text{mg} / L} \times 1.05^{\frac{(A - 600\text{mg} / L)}{600\text{mg} / L}} + 4U \times \frac{(\text{Actual BOD} - A)}{600\text{mg} / L} \times 1.05^{\frac{(\text{Actual BOD} - A)}{600\text{mg} / L}} \quad (5)$$

For example, if $U = \$0.54/\text{kg}$, BOD_5 measured level is 2400mg/L and the acceptance limit in Council's approval is 600mg/L, equation (5) would result in a non-compliance excess mass charge of \$8.04/kg.

Non-compliance Excess Mass Charge for BOD is calculated using equation (1):

$$\text{Non-compliance Excess Mass Charge (\$)} = \frac{(S - D) \times Q \times U_n}{1,000}$$

The non-compliance excess mass charges shown above are in lieu of the excess mass charges in section 3.11.6.

NB. Council will continue applying the above non-compliance excess mass charge until the quality of discharge complies with Council's approved quality (or the trade waste policy) limits, within the time frame determined by Council for remedying the problem. If the discharger fails to rectify the problem within this time frame, the discharger may be required to cease discharging liquid trade waste into Council's sewerage system and may also be required to pay a 'non-compliance penalty' as indicated in the following section.

3.11.8 Food Waste Disposal Charge

Where the installation of a food waste disposal unit for an existing hospital, nursing home or other facility has occurred, the following additional food waste disposal charge will be payable annually.

$$\text{Food Waste Disposal Charge (\$)} = B \times U_F$$

Where B = Number of beds in hospital or nursing home.

U_F = Annual charging rate (\$/bed) for a food waste disposal unit at a hospital or nursing home. Current annual unit price charges are detailed Councils Annual Operational Plan.

3.11.9 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

3.11.10 Discharge of stormwater to the sewerage system

The discharge of stormwater, surface and subsoil waters to the sewerage system is prohibited under this policy. As indicated in section 2.4, the acceptance of first flush stormwater runoff may be permitted. A charge will be applied to Category 3 dischargers in accordance with the non-compliance trade waste usage charge, if approval is granted to accept the above waters. Excess mass charges will be also applied in accordance with section 3.11.6

3.11.11 Septic and pan waste disposal charge

This charge is imposed to recover the cost of accepting and treating septic tank and pan waste.

$$\text{Septic tank and pan waste disposal charge (\$)} = Q \times S$$

Where: Q = Volume (kL) of waste discharged to sewer.

S = Charging rate in \$/kL for septic tank effluent, septage or chemical toilet waste as indicated in Council's Annual Operational Plan.

3.11.12 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 4- Summary of Trade Waste Fees and Charges

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	SEPTIC WASTE DISPOSAL CHARGE	EXCESS MASS CHARGES/kg	NON-COMPLIANCE TRADE WASTE USAGE CHARGE/KL	NON-COMPLIANCE EXCESS MASS CHARGES (if required)	NON-COMPLIANCE PENALTY (if required)
1	Yes	Yes	Yes	Yes	No	No	No	Yes	No	Yes
2	Yes	Yes	Yes	Yes	Yes	No	No	Yes	No	Yes
2S	Yes	Yes*	Yes	Yes	No	Yes	No	No	No	Yes
3	Yes	Yes	Yes	Yes	No	No	Yes	No	Yes	Yes

**Only applicable if the discharger has a dump point connected to Councils sewer*

Note: 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.

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 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.

3.12 Monitoring

Council will carry out inspections of the premises of all liquid trade waste dischargers and their treatment facilities at least once per annum. 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.

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 NOW to ensure reliable and accurate results. Where the discharger is sampling the effluent, Council may randomly take duplicates to confirm the waste characteristics.

3.13 Liquid Trade Waste Services Agreement

In addition to its approval under the *Local Government Act*, Council may require certain dischargers, including those 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 (refer to Appendix D). 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;
- 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.

The applicant will be responsible for the full payment of all fees and charges applicable to the execution of the agreement including associated legal costs incurred by Council.

3.14 Enforcement of Approvals and Agreements

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 to 628 and 634 to 639).

Polluting of any waters by a discharger of liquid trade waste who does not have a Council approval or who fails to comply with the conditions of the approval is an offence under section 120 (1) of the *Protection of the Environment Operations Act 1997*. In addition, under section 222 of this Act, Council may issue a penalty notice (ie. an on-the-spot fine) to such a discharger.

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 11(Liability and Indemnity) of the agreement. Suspensions may also apply and may include a notice to cease the discharge.

3.15 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.

3.16 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 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.

3.17 Effluent Improvement Plans

Where the existing liquid trade waste discharged does not meet Council's requirements, the applicant may be required to submit an 'effluent improvement plan' 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.

3.18 Due Diligence Programs and Contingency Plans

For *Concurrence Classification A*, 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 or Classification S* 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*, 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. The EMP may not include all necessary provisions in regard to trade waste. In such cases Council may require that a suitable due diligence program and contingency plan be developed and submitted to Council.
- (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.

3.19 Standard Pre-treatment Equipment

The prescribed pre-treatment equipment for the Classification 'A' and 'B' discharges shall be in accordance with the *Liquid Trade Waste Regulation Guidelines 2009*. Pre-treatment, in addition to that described by the guidelines may be required by Council.

The pre-treatment methods required by Classification 'C' dischargers shall be researched and proposed by the discharger such that discharge limits, as determined in the agreement are able to be satisfied. Discharges from these customers must also satisfy any relevant requirements in the *Liquid Trade Waste Regulation Guidelines 2009*.

APPENDIX A

Conditions for an Exception From Installing Prescribed Liquid Trade
Waste Pre-treatment Equipment

APPENDIX A

CONDITIONS FOR AN EXCEPTION FROM INSTALLING PRESCRIBED LIQUID TRADE WASTE PRE-TREATMENT EQUIPMENT

1.0. Request for Exception

A request for an exception from installing the prescribed standard pre-treatment equipment will only be considered for an existing premises/discharger. Application forms for exception are available from Council and must include;

- An explanation from the applicant requesting an exception and on what grounds this exception is sought;
- A letter from a hydraulic consultant, plumber or the company that provides the pre-treatment equipment stating that the pre-treatment installation required by Council is not feasible and the reason(s) why;
- A report from the Council inspecting officer on the feasibility of installing the prescribed pre-treatment equipment. This inspection report is to be signed off by a senior Council officer with appropriate delegated authority;
- An assessment by Council that the sewerage system has the capacity to accept the proposed trade waste discharge from the premises/discharger without prescribed standard pre-treatment.
- Details of the proposed frequency of cleaning, maintenance and the nominated licensed contractor undertaking these functions; and
- A site plan.

1.1. Information Relating to Exceptions

- Where Council considers an application for exception should be approved, the application may need to be forwarded to the NSW Office of Water for consideration and concurrence;
- Any exception granted only applies to the nominated existing applicant and is not transferable;
- In the event the business is sold (new documentation requirements supporting an exception may apply) or if renovations/refurbishments are carried out then Council will require the appropriate prescribed pre-treatment equipment to be installed;
- Where the prescribed liquid trade waste pre-treatment equipment (or alternative acceptable to Council and NOW) cannot be installed or the effluent quality is not improved to a standard satisfying Council and NOW the appropriate liquid trade waste usage charge will be applied.

APPENDIX B

Trade Waste Discharge Factors

APPENDIX B

1.0. DETERMINATION OF LIQUID TRADE WASTE DISCHARGE VOLUME

The following methods will be used in the measurement/estimation of liquid trade waste discharge volumes. Council may at any time review and require modification to the method of volumetric measurement/estimation for liquid trade waste discharges. Where the discharger proposes an alternate method for determining liquid trade waste discharge volumes, Council may require independent verification by persons Council considers qualified to undertake this work. Any cost incurred in the verification of liquid trade waste discharge volumes is the responsibility of the discharger.

1.1. Direct Measurement by a Permanent Discharge Flow Metering System

A permanent volumetric flow metering system may be employed to directly measure liquid trade waste discharges to the sewerage system. This flow metering system must be of a type, brand and model that is acceptable to Council for the application and shall be installed at a position and in a manner agreed to by Council. The flow metering system should incorporate an accurate and reliable means of recording and retaining the readings of both cumulative volume and instantaneous rate of discharge. The accuracy of the flow metering system must be verified at least annually or more frequently if so required by Council. The accuracy verification testing of the flow metering system is to be conducted by a Council approved facility. Arranging this testing and the payment of costs involved is the responsibility of the applicant/discharger, who must also provide to Council the certificate of verification for the flow metering system's accuracy within one (1) month of receiving it. Should the volumetric flow metering system fail verification testing or in any other way cease to function as designed then the applicant/discharger must advise Council within seven (7) days and take such action, as is necessary and acceptable to Council, to provide the required flow measurements of liquid trade waste discharges within the timeframe advised by Council. The cost of any repairs to, or replacement of the volumetric flow metering system is the applicant's/discharger's responsibility.

1.2. Use of a Liquid Trade Waste Discharge Factor

A liquid trade waste discharge factor (TWDF) is the ratio that exists between the volume of liquid trade waste discharged to Council's sewerage system and metered water consumption calculated as follows;

Trade Waste Volume = Water consumption x TWDF

Unless, in Council's opinion, the applicant/discharger can provide convincing argument to the contrary, trade waste discharge factors will be as per the list provided by the NSW Office of Water (Table C1).

Table B1. Recommended NOW Liquid Trade Waste Discharge Factors

Discharger Category	TWDF (%)
Bakery	25
Boarding House	20
Butcher	90
Car Detailing	90
Car Wash	70
Charcoal Chicken	80
Chicken/Poultry Shop (retail fresh no cooking)	90
Club	30
Concrete Plant	1
Correctional Centre (with Laundry)	15
Craft/Stonemason	80
Dental Surgery with X-Ray	80
Fresh Fish Outlet	90
High School	25
Hospital	60
Hostel	20
Hotel	25
KFC, Red Rooster	80
Laundry	92
McDonalds Restaurant, Burger King, Pizza Hut	62
Mechanical Workshop	70
Mechanical Workshop with car Yard	70
Medical Centre	25
Nursing Home	30
Panel Beating/Spray painting	70
Primary School	10
Printer	85
Restaurant	50
Service Station	70
Shopping Centre	50
Supermarket	70
Take Away food	50
Technical College or University	25
Truck Wash	70
Vehicle Wash	90

Note: Where a discharger is not detailed in Table B1, trade waste discharge factors will be determined on an individual case basis. TWDF will only be applied to High Schools, Primary Schools, Medical Centres, Laundries, Vehicle Washes in cases where appropriate pre-treatment is not installed.

1.3 Review of Discharge Factors

A review of the TWDF applied to a property may be initiated by either Tamworth Regional Council or the property owner, if it is considered that the discharge factor does not represent an accurate estimate of the percentage of water supplied to the property that is discharged to the sewerage system as trade waste. Where an application is made by the property owner a fee will apply. This fee is set annually by Council and included in the Annual Operational Plan

The property owner can initiate a review by completing an application form to review the trade waste discharge factor. This form is available from Council. Information that supports the application should be submitted with the application. However, additional information that Council Officers consider necessary to assess the application may be requested. This information must be supplied at the applicant's cost. An example of the type of information which may be requested is flow monitoring data to verify the data supplied in the water usage section of the application form.

A review can also be initiated by Tamworth Regional Council. Council will give the property owner written advice that a review is to be conducted and is responsible for costs associated with reviews it initiates.

Seasonal variations can occur throughout the year. The discharge factor method considers these factors and aims to deliver fair estimates across the year

Where a discharge factor is varied from the table of discharge factors given above the property owner will be advised in writing of the variation. Also, the variation will be effective from the next billing period and will not be applied retrospectively. If Council considers that the information does not justify a variation to the discharge factor, the applicant will be advised in writing. This advice will also outline the reasons for the decision.

APPENDIX C

Sample Liquid Trade Waste Services Agreement

APPENDIX C

LIQUID TRADE WASTE SERVICES AGREEMENT

BETWEEN

Tamworth Regional Council

AND

[APPLICANT]

SAMPLE

LIQUID TRADE WASTE SERVICES AGREEMENT

LIQUID TRADE WASTE SERVICES AGREEMENT

Made this day of , 20

BETWEEN

1. Tamworth Regional Council and more fully described in the Annexure

AND

2. The Applicant described in the Annexure.

RECITALS

- A. The Council is the owner and operator of a sewerage system within the Tamworth Regional 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" which is annexed and marked "A"), including the condition that the Council and the Applicant enter into this Agreement.
- D. The Director-General of the Department of Trade and Investment, Regional Infrastructure and Services (DTIRIS) 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

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.

"Applicant" means the entity named as such in the Annexure.

“Approval” means the approval described in Recital C, a copy of which is attached and marked “A”.

“Council” means the council named as such in the Annexure.

“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.

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 terms of 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 relating to the discharge of liquid trade waste.
- 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 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 all such monitoring for inspection by the Council for such period as may be specified in the Approval and/or specified by Council from time to time.
- 3.5 The Council will carry out routine sampling and testing of the waste stream at the Applicant's cost (see clause 5).

- 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 annually and provide a copy of the certificate to the Council within one month of receiving it and/or upon request by Council.
- 3.7 The Council shall be entitled to require the Applicant to cease discharging liquid trade waste for any period and in such circumstances, the Applicant must cease discharging such waste for the period specified.
- 3.8 Where the Applicant ceases to discharge waste in the circumstances prescribed in clause 3.7, the Council may, at its discretion, elect to refund part of the annual trade waste fee on a pro rata basis, calculated according to the period of suspension.
- 3.9 If this Agreement is terminated, the Applicant must immediately cease to discharge liquid trade waste.
- 3.10 The Applicant must provide at its own cost, the plant and equipment required to comply with the Approval and must maintain such plant and equipment and any other pipes, equipment or apparatus used for the conveyance, measurement or treatment of the liquid trade waste in a proper, efficient, clean and working order and condition at all times.

4. Duty to Report

In the event that the Applicant becomes aware that it is or believes that it may be in breach of any term or condition or requirement of the Approval, howsoever arising, it must immediately (within four hours of becoming aware of such circumstances) notify Council's contact person and/or any person holding a management position in Council's water engineering department and shall convey full and complete details to Council & shall allow Council immediate access to the Premises for inspection & testing.

5. Fees and Charges

- 5.1 In consideration for the provision of the Liquid Trade Waste Services provided by Council to the Applicant, the Applicant agrees to pay the fees and charges as specified in the Council's Annual Management Plan and notified by Council to the Applicant, including fees for sampling and testing by Council in accordance with this Agreement and the Approval.
- 5.2 Fees and charges payable by the Applicant, will include both non-residential sewerage charges and liquid trade waste fees and charges.
- 5.3 All monies payable to the Council by the Applicant, must be paid within the time specified in the notice of charge, failing which, interest shall accrue in accordance with Section 566 of the Local Government Act.
- 5.4 The Applicant acknowledges that Council's fees and charges for the trade waste services will vary annually and will be set in its Annual Management Plan. Council will notify the Applicant of the details of such fees and charges annually after the Annual Management Plan has been finalised.
- 5.5 In accordance with the section 560 of the *Local Government Act*, Council may also levy all water supply, sewerage and liquid trade waste fees and charges on the owner of the property.

6. Term

- 6.1 This Agreement will commence from the date it is signed on behalf of the Council, and will continue for the term noted in the Approval until the Applicant's Approval is revoked or the Applicant permanently ceases to discharge liquid trade waste pursuant to the Approval or the term of this agreement expires or this Agreement is terminated, whichever is the earlier. Upon such revocation or permanent cessation of the approved activity or the expiry of the term of this Agreement or this Agreement is

- terminated then this Agreement shall automatically terminate by operation of this clause.
- 6.2 The Approval does not operate until this Agreement has been executed by both parties.
- 6.3 Upon the termination of this Agreement or the expiry of the term, the Approval shall lapse.
- 6.4 Termination of this Agreement is without prejudice to any accrued rights or obligations of either Party.
- 6.5 Should the Applicant continue to discharge trade waste after the expiration or determination of the term of this Agreement with the consent of Council, other than pursuant to a further trade waste services agreement, then the terms of this Agreement will continue to apply and the Agreement may be terminated by either party upon giving of 21 days written notice to the other party.
- 6.6 Notwithstanding any term of this Agreement or the Approval, the Council may terminate this liquid trade waste services agreement at any time by notice in writing to the Applicant. If practical, the Council must give reasonable notice of the termination of this Agreement and must also provide an explanation for why the service is terminated.

7. No Representation

- 7.1 Notwithstanding the Approval, Council does not make any representation or warranty as to the ongoing ability of the Applicant to continue to discharge liquid trade waste to the sewer during the term of this Agreement. Council will use its best endeavours to minimise any interruption to the sewerage service system. Any decision of Council to direct the Applicant to immediately cease discharge of trade waste, shall be made by Council in its absolute & discretion. In exercising this discretion, the Council will act reasonably and in good faith having regard to all factors which it considers relevant. Provided the Council exercises its discretion in good faith, the Council will not be liable to the Applicant for any claim or for any loss or damage due to the disruption of the Applicant's business or any additional costs or loss or expense or damage suffered by it including the cost of disposal of liquid trade waste, in the event that Council exercises its powers to direct the Applicant to cease discharging liquid trade waste to its sewerage system or in the event that the sewerage system is not functioning and/or inoperable.

8. Powers of the Council

- 8.1 The Council may enter the Premises at any 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 and the Approval.
- 8.2 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.
- 8.3 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 Agreement and/or the Approval.
- 8.4 Upon receiving a Notice referred to in clause 3.7 of this Agreement, the Applicant must cease discharging trade waste for the period specified in the Notice.

9. Powers of the Council upon default by the Applicant

- 9.1 The Council may by written notice to the Applicant require the Applicant to rectify any breach of this Agreement and/or the Approval within such time as is specified in the Notice and, where appropriate, to cease the discharge of trade waste pending such rectification.
- 9.2 If the Applicant is in breach of this Agreement, the Council may enter the Premises without notice and disconnect the means of discharge of trade waste or take such other measures as may be necessary to prevent the discharge of trade waste.
- 9.3 If the Applicant is in breach of this Agreement, the Council may without notice terminate this Agreement and the Approval for the Applicant to discharge trade waste to Council's sewer.

10. Information supplied by the Applicant

- 10.1 The Applicant warrants that all information in its application for approval is true, complete and accurate to the best of its knowledge.
- 10.2 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.
- 10.3 The Applicant must not provide any false or misleading information to the Council particularly its monitoring records, nor shall it omit to provide all relevant & material information to Council throughout the term of this agreement.
- 10.4 In the event that the Applicant advises Council of an error or omission or Council becomes aware that any information provided was false or misleading, Council reserves the right to terminate this Agreement & Approval and/or to vary the terms and conditions of the Approval provided that in taking any such action, that it acts reasonably and in good faith having regard to factors it considers relevant.

11. Liability and Indemnity

- 11.1 The Applicant indemnifies the Council from and against any claims, losses, penalties, fines 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.
- 11.2 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
- 11.3 Where Council requires the Applicant to cease to discharge liquid trade wastes in accordance with this Agreement for any reason, the Applicant agrees that Council will not be liable to the Applicant for any loss or damage nor will it be entitled to make any claim for any loss or damage expense or liability suffered by it including disruption to its business and/or additional costs in disposing of trade waste and the Applicant releases the Council absolutely from any such claim, liability or cost absolutely.

12. Insurance

- 12.1 The Applicant must effect and maintain for the term of this Agreement a public risk policy of insurance for the minimum sum specified in the Annexure and must, upon request by the Council, produce evidence of such insurance to the Council. Such policy must cover the Applicant for any claim or loss or damage expense arising out of its discharge of liquid trade waste to Council's sewer.

13. Bond

- 13.1 The Applicant must pay to the Council a bond in the sum specified in the Annexure.
- 13.2 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 which has not been paid on the due date.
- 13.3 Where the Applicant fails to cease discharging trade waste as directed by Council, the Council may forfeit the bond or part of it and keep the bond or the part so forfeited.
- 13.4 The Council must return the bond to the Applicant, less any amount deducted by the Council under this clause, upon termination of this Agreement.

14. No Assignment

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

15. Notices

- 15.1 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.
- 15.2 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.
- 15.3 Notwithstanding the preceding clause 15.2, 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.

16. Variation

- 16.1 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 the fees, by operation of this clause.
- 16.2 In addition to automatic variation under clause 16.1, 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.

17. 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.

18. Applicable Law

- 18.1 This Agreement is governed by, and must be construed in accordance with, the laws in force in the State of New South Wales.
- 18.2 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.

19. 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.

Signed for and on behalf of **Tamworth
Regional Council** by

Print Name

Position

Signature

Date

In the presence of

Print name

Signature

Signed for and on the behalf of

Print name

Who warrants he/she has full authority
to execute this agreement on behalf of

Position

Signature

Date

Print name

In the presence of

Signature

ANNEXURE

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

\$