



POLICY

SEWERAGE & DRAINAGE – Liquid Trade Waste Regulation

Date adopted by Council	26 September 2022
Minute number	H.09.1
Endorsed by	Senior Management Group
CM Ref	CD-47/22
Due for review	September 2026
Related documents	IN-4004/12 Upper Hunter Shire Council Strategic Business Plan for Water Supply and Sewerage Services INT-25018/19 Upper Hunter Shire Council Integrated Water Cycle Management Issues Paper
Responsible officer	Manager Water Sewer
Department/Section	Infrastructure Services
Category	Sewerage & Drainage
Community Strategic Plan goal	Goal 6 Increase, enhance and maintain civil infrastructure, Community assets and open spaces to meet the needs of current and future generations. CS 26 Provide safe reliable water and sewerage services to meet the demands of current and future generations.



Policy Statement

Upper Hunter Shire Council is responsible for the provision of water supply and sewerage services within its local government area.

Sound regulation of sewerage and liquid trade waste is a key component of the NSW Government's best practice management requirements for wastewater management across the State.

This Policy has been developed in accordance with the Liquid Trade Waste Management Guidelines, 2021, as published by the NSW Department of Planning, Industry and Environment.

Objective

The purpose of this policy is to ensure:

- The proper control of liquid trade waste discharged to the sewerage system.
- The protection of public health, worker safety, the environment, and Council's sewerage system.
- Minimise adverse impacts on the sewage treatment processes
- Assist in meeting regulatory and licence compliance

The benefits of best practice sewerage and trade waste management and regulation include:

- Improved sewerage system performance –i.e. reduced frequency of sewage odour complaints, reduced frequency of sewer chokes; and protection of sewerage infrastructure, worker health and safety, and the environment.
- Being able to meet Council's due diligence obligations and achieve improved environmental outcomes, such as improved compliance with sewerage treatment works licences and more options for water recycling and reuse of biosolids.
- Full cost recovery by the introduction of commercial pricing of sewerage and liquid trade waste and removal of cross-subsidies.
- Reduced annual sewerage bills as the improved sewerage system performance will 'free up' system capacity. This will enable Council to service population growth and new commercial development without needing to augment the existing sewerage infrastructure.
- A more efficient approval process, together with recognition by industry of the economic benefits of consistently complying with their conditions of approval.

Compliance with the Best Practice Management Guidelines, which also ensures compliance with the National Sewage Quality Management Framework.

Scope

This policy applies to technical/ professional staff overseeing activities of sewerage connection, maintenance and operation, and/or staff involved in planning, development, property and land matters where liquid trade waste is present.



Definitions

Relevant definitions contained within NSW DPIE Water – Liquid Trade Waste Management Guidelines 2021.

Policy Details

The guidelines and approval processes have been addressed in Attachment A.

Responsibilities

Councillors

Councillors will review and adopt the policy.

Senior Management Group

The Senior Management Group will support this policy and ensure their relevant areas are implementing it consistently.

Particular/relevant Director

The Director Infrastructure Services will manage the policy is updated and implemented consistently.

All Managers

All Managers will support this policy and ensure it is implemented when applicable to their area and works undertaken.

Particular/relevant Manager

The Manager Water and Sewer will review, update and implement the policy. The Manager will also develop and maintain any procedures or processes required to manage liquid trade waste discharge.

Particular/relevant staff

The Manager Water and Sewer will have the responsibility to ensure the policy is implemented and Liquid Trade Waste Guidelines are adhered to.

References and Related Legislation

- NSW DPIE Water – Liquid Trade Waste Management Guidelines 2021 - IN-592/22



Version History

Version No.	Date	CM Ref #	Reason for Review
1	23/05/2016	CD-108/21	
2	26/09/2022	CD-47/22	



UPPER HUNTER SHIRE COUNCIL

LIQUID TRADE WASTE REGULATION POLICY

**Comply with NSW Department of Planning, Industry and Environment Liquid Trade
Waste Management Guidelines 2021**





PREAMBLE

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1. Glossary
2. Sample Liquid Trade Waste Services Agreement
3. Provisions in the Local Government (General) Regulation 2005 in regard to Acceptance of Liquid Trade Waste into the Sewerage System

1. INTRODUCTION

1.1 Purpose of this Policy

This policy sets out how Upper Hunter Shire Council will regulate sewerage and liquid trade waste discharges to its sewerage system in accordance with the NSW Framework for Regulation of Sewerage and Trade Waste. The policy addresses the approval, monitoring and enforcement processes 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 the integrity of Council's sewerage system. The policy also promotes waste minimisation, water conservation, water recycling and biosolids reuse.

The Upper Hunter Shire Council sewerage system is generally designed to cater for waste from domestic sources that are essentially of predictable strength and quality. Upper Hunter Shire Council **may** accept liquid trade waste into its sewerage system as a **service** to businesses and industry.

Liquid trade wastes can 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 regulation include:

- Grease, oil and solid material, if not removed onsite, can cause sewer chokes and blockages and the overflow and discharge of untreated sewage to the environment.
- Strong waste may cause sewage odour problems and corrosion of sewer mains, pumping stations and sewage treatment works.

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 Planning, Industry and Environment Water (DPIE Water) has concurred with the approval.

Under Section 90 (2) of the Local Government Act, the Director General, DPIE Water, may give the Council notice that the concurrence may be assumed (with such qualifications or conditions as are specified in the notice).

2. PART 1: OVERVIEW

2.1 What is liquid trade waste?

Liquid trade waste is defined in the Local Government (General) Regulation 2005 as: *Liquid trade waste means all liquid waste other than sewage of a domestic nature.*

Liquid trade waste includes non-domestic liquid waste discharges to Council's sewerage system 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;
- any commercial activities carried out at a residential premises;
- saleyards, racecourses and from stables and kennels that are not associated with domestic households;
- tankered human waste, ship to shore waste from marine pump-out facilities, portable toilet waste and established sites for the discharge of pan content from mobile homes/caravans to the sewerage system; and
- any other waste tankered to the sewerage facilities, such as commercial or industrial waste from areas that are not sewered,

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);
- wastewater from common laundry facilities in caravan parks (discharges from common kitchen facilities in caravan parks are liquid trade waste); and
- residential swimming pool backwash.

* *Used for personal hygiene only*

2.2 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 minimise adverse impacts on the sewage treatment processes;
- to assist Council to meet its statutory obligations;
- to provide an environmentally responsible liquid trade waste service to the non-residential sector;
- to encourage waste minimisation and cleaner production in the commercial and industrial sectors;
- to promote water conservation, water recycling and biosolids reuse;
- to ensure compliance of liquid trade waste dischargers with Council's 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 full cost recovery through appropriate sewerage and liquid trade waste fees and charges.

2.3 scope of policy

This policy comprises three parts:

- Part 1 provides an overview of the policy, including exemptions from the necessity to apply for an approval to discharge liquid trade waste to Council's 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.

2.4 exemptions

From obtaining approval of liquid trade waste discharge.

Table 1: Exemptions

This table lists commercial business activities that the Director General DECCW has consented to an exemption from the requirement to apply for approval for liquid trade waste discharge to the sewerage system. Each such business must meet the standard requirements specified below. An annual trade waste fee applies to each such discharger.	
Activity	Requirements
Beautician	Nil.
Bed and Breakfast (not more than 10 persons including proprietor)	Sink strainers in food preparation areas. Housekeeping practices (see Note 4).
Community hall (minimal hot food)	Sink strainers in food preparation areas. Housekeeping practices (see Note 4).
Day care centre (no hot food prepared)	Sink strainers in food preparation areas. Housekeeping practices (see Note 4). Nappies are not to be flushed into the toilet.
Delicatessen – no hot food prepared	Sink strainers in food preparation areas. Housekeeping practices (see Note 4).
Dental technician (no X-ray)	Plaster arrestor required.
Doctor's surgery (plaster casts, no X-ray)	Plaster arrestor required.
Dog/Cat groomer/salon	Floor waste basket and sink strainer required (see Note 3). Animal litter and any waste disposal products may not be discharged to sewer. No organophosphorus pesticides may be discharged to sewer.
Florist	Floor waste basket and sink strainer required. No herbicides/pesticides may be discharged to sewer.
Fruit and vegetable – retail	Floor waste basket and sink strainer required (see Note 3).
Funeral parlour	Floor waste basket required. Formaldehyde is not to be discharged to sewer.
Hairdressing	Floor waste basket and sink strainer (where available).

Activity	Requirements
Jewellery shop	
<i>miniplate</i>	Miniplate vessel to contain no more than 1.5 L of precious metal solution.
<i>ultrasonic washing</i>	Nil

<i>precious stone cutting</i>	If: <1000 L/d plaster arrestor required. >1000 L/d general purpose pit required.
Mixed business (minimal hot food)	Floor waste basket and sink strainer required (see Note 3). Housekeeping practices (see Note 4).
Mobile cleaning units carpet cleaning garbage bin washing	20 micron filtration system fitted to a mobile unit. Floor waste basket required. Discharge is via grease arrestor (if available).
Motel (no hot food prepared and no laundry facility)	Floor waste basket and sink strainer required (see Note 3). Housekeeping practices (see Note 4).
Nut shop	Floor waste basket and sink strainer required (see Note 3).
Optical service – retail	Solids settlement tank/pit required.
Pet shop – retail	Floor waste basket and sink strainer required (see Note 2).
Pizza reheating for home delivery	Housekeeping practices (see Note 4).
Sandwich shop, salad bar, juice bar, coffee shop (no hot food prepared)	Floor waste basket and sink strainer required (see Note 3). Housekeeping practices (see Note 4).
Venetian blind cleaning	Nil (see Note 2).

Notes:

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

3. PART 2: CRITERIA FOR APPROVAL TO DISCHARGE LIQUID TRADE WASTE TO COUNCIL'S SEWERAGE SYSTEM

3.1 factors for consideration

Council's decision to accept liquid trade waste into its sewerage system is on the basis of a preventive risk management framework for managing risks to the sewerage system within an integrated water cycle management¹ context. It will be based on the discharge meeting Council's requirements². When determining an application to discharge liquid trade waste to 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 that the liquid trade waste will have on the ability of the sewerage scheme to meet the Office of Environment and Heritage licence requirements;
- Compliance of the proposed liquid trade waste discharge with guideline limits in this policy;
- The potential impacts of the discharge on the quality of, and management practices for, effluent and biosolids produced from the sewage treatment process;
- The adequacy of the pre-treatment process(es) to treat the liquid trade waste to a level acceptable for discharge to the sewerage system, including proposed safeguards if the pre-treatment system fails;
- Whether appropriate safeguards are proposed to avoid the discharge of other, non-approved wastes to the sewerage system;
- The adequacy of any chemical storage and handling facilities, and the proposed safeguards for preventing the discharge of chemicals to the sewerage system;
- Whether prohibited substances are proposed to be discharged;
- The potential for stormwater, entering the sewerage system and adequacy of proposed stormwater controls;
- Waste minimisation and water conservation programs;

¹ *Integrated Water Cycle Management Guidelines for NSW Local Water Utilities, DWE, October 2004.*

² In considering options for waste management to drive resource efficiency, the following order of preference set out on page 6 of the Australian Sewage Quality Management Guideline, June 2012, WSAA will be adopted:

- Avoidance
- Minimisation
- Re-use
- Recovery of energy
- Treatment
- Disposal

- The adequacy of the proposed due diligence program and contingency plan, where required;
- The quality of liquid trade waste from some low risk commercial activities in Classification A will exceed Guideline limits in Council's Liquid Trade Waste Policy. As a higher level of pre-treatment will not be cost effective, such waste is acceptable if the discharger installs and properly operates and maintains the required pre-treatment equipment. Similarly, septic and pan waste may exceed some guideline limits.

3.2 discharge quality

Upper Hunter Shire Council has guideline limits for the acceptance of discharges, as set out in Table 2 on pages 9 to 11. 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, or other conditions being implemented.

3.3 prohibited substances

Some substances are not suitable for discharge to the sewerage system. Table 3 on page 12 sets out those substances which must not be discharged to the sewerage system. Council may not grant approval for the discharge of these substances to the sewerage system unless it is specifically approved under section 68 of the Local Government Act.

3.4 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 the sewerage system at some liquid trade waste premises. The discharge of limited quantities of first flush stormwater 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:

- 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;
- whether the open area is sealed;
- 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 the 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.

Note:

Trade waste charges for the acceptance of stormwater to the sewerage system are indicated in section 4.7.11 on page 29.

3.5 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 (refer to Section 4.7.8 on page 29)

3.6 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. (Refer *NSW Code of Practice: Plumbing and Drainage, 2006*). 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 to its sewerage system.

3.7 use of additives in pre-treatment systems

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

Table 2: Guideline Limits for Acceptance of Liquid Trade Wastes into the 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 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 600 mg/L and in some cases higher concentration for low mass loadings may be acceptable if the treatment works has sufficient capacity and odour will not be a problem.
COD	Normally, not to exceed BOD ₅ by more than three times. This ratio is given as a guide only to prevent the discharge of non-biodegradable waste.
Total Dissolved Solids	Up to 4000 mg/L may be accepted. However, the acceptance limit may be reduced depending on available effluent disposal options and will be subject to a mass load limit.
Temperature	Less than 38°C
pH	Within the range 7.0 to 9.0
Oil and Grease	100 mg/L if the volume of the discharge does not exceed 10% of the design capacity of the treatment works, and 50 mg/L if the volume is greater than 10%.
Detergents	All industrial detergents are to be biodegradable. A limit on the concentration of 50 mg/L (as MBAS) may be imposed on large liquid trade wastes.
Colour	No visible colour when the waste is diluted to the equivalent dilution afforded by domestic sewage flow.
Radioactive Substances	The discharge must comply with the <i>Radiation Control Act 1990</i> .

* See Attachment 1, Glossary for explanation of terms

Refer to *Australian Sewage Quality Management Guideline, June 2012*, WSAA for recommended analytical methods.

Table 2 (cont'd): Guideline Limits for Acceptance of Liquid Trade Wastes into the 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	30
Nitrogen (total Kjeldahl)	100
Phosphorus (total)	20
Sulphate (as SO ₄)	500
Sulphide (as S)	1
Sulphite (as SO ₃)	15
Acceptance Guideline Limits for Organic Compounds	
Benzene	<0.001
Toluene	0.5
Ethylbenzene	1
Xylene	1
Formaldehyde	30
Phenolic compounds (except pentachlorophenol)	1
Petroleum hydrocarbons (non-flammable) ⁽¹⁾	
C5-C9 (Flammable)	05
Total Recoverable Hydrocarbons (TRH)	30
Pesticides general (except organochlorine and organophosphorus) ⁽¹⁾	0.1
Polynuclear Aromatic Hydrocarbons (PAHs)	5

* See Attachment 1, Glossary for explanation of terms

⁽¹⁾ Refer to Table 3

Table 2 (cont'd): Guideline Limits for Acceptance of Liquid Trade Wastes into the Sewerage System

Parameter	Maximum concentration (mg/L)	Allowed daily mass limit (g/d)
Acceptance Guideline Limits for Metals		
Aluminium	100	-
Arsenic	0.5	2
Cadmium	1	5
Chromium*	3	10
Cobalt	5	15
Copper	5	15
Iron	100	-
Lead	1	5
Manganese	10	30
Mercury	0.01	0.05
Molybdenum	5	15
Nickel	1	5
Selenium	1	5
Silver	2 [#]	5
Tin	5	15
Zinc	1	5
Total heavy 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 5 mg/L.

Table 3: Substances Prohibited from being Discharged into the Sewerage System

- organochlorine weedicides, fungicides, pesticides, herbicides and substances of a similar nature and/or wastes arising from the preparation of these substances;
- organophosphorus pesticides and/or waste arising from the preparation of these substances;
- Per- and Poly- fluoroalkyle substances (PFAS)
- 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;
- Disposable products including wet wipes, cleaning wipes, colostomy bags, cat litter and other products marketed as flushable.
- any substance assessed as not suitable to be discharged into the sewerage system;
- waste that contains pollutants at concentrations which inhibit the sewage treatment process (refer *Australian Sewage Quality Management Guideline, June 2012, WSAA*);
- any other substances listed in a relevant regulation.

4. PART 3: FRAMEWORK FOR REGULATION OF LIQUID TRADE WASTE

4.1 The NSW framework for regulation of sewerage and trade waste

Due to the *Tragedy of the Commons*³ 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 liquid trade waste regulation policy, assessment of each liquid 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*⁴, 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 charges⁵ and liquid trade waste fees and charges⁶ 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.

³ Refer to page 3 of *National Wastewater Source Management Guideline, June 2012*, WSAA. Thus, 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

⁴ In accordance with the *NSW Developer Charges Guidelines for Water Supply, Sewerage and Stormwater, 2016*

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.

4.2 Alignment with the national framework for SEWAGE QUALITY management

The NSW framework for regulation of sewerage and trade waste is outlined in section 4.1. The 12 elements of the National Framework for Sewage Quality Management are set out in the Australian Sewage Quality Management Guidelines, June 2012, WSAA.⁷

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 that identifies and addresses any areas of under-performance (Elements 5, 6, 9, 10, 11, 12)
- Achieve full cost recovery for water supply, sewerage and liquid trade waste services and apply an appropriate non-residential sewer usage charge (Elements 3, 8)
- Prepare and implement a sound liquid 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)

⁷ The following 12 elements of the *National Framework for Wastewater Source Management* are set out on page 22 of the *National Wastewater Source Management Guideline, July 2008*, WSAA:

COMMITMENT

1. Commitment to sewage quality Management

SYSTEM ANALYSIS and MANAGEMENT

2. Assessment of the hazards
3. Risk assessment and control
4. Operational monitoring and control points
5. Verification monitoring
6. Management of incidents and emergencies

SUPPORTING REQUIREMENTS

7. Employee awareness and training
8. Stakeholder management
9. Research and development
10. Documentation and reporting

REVIEW

11. Evaluation and audit
12. Review and continual improvement

- Appropriate liquid 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)
- Liquid 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).

4.3 application procedures

To obtain Council's approval to discharge liquid trade waste to Council's sewerage system, a discharger must lodge an application in writing. Application forms are available from Council.

If a person wishes to discharge liquid trade waste to the sewerage system but is not the owner of the premises, the person must obtain the owner's consent to the application.

The applicant must provide the following information:

- Applicant's full name, address and contact details
- Site owner's full name, address, contact details, if different to the applicant;
- Address of the business/industry where discharge to the sewerage system will occur;
- Contact person and contact details for the premises;
- Proposed date of commencement of discharge to the sewerage system;
- Type of process/activity generating the liquid trade waste;
- Hours of business operation;
- Proposed rate of discharge, including
 - maximum per day and per hour, and
 - hours of the day during which discharge will take place;
- Proposed pre-treatment equipment including
 - Type and details (e.g. model)
 - Size
 - Operational procedures
 - Details on equipment maintenance;
- Site plan, including
 - Liquid waste pre-treatment facilities
 - Internal wastewater drainage
 - Location of sampling points
 - Proposed connection point to the sewerage system
 - Stormwater drainage plan;

Additional information required for applications in Concurrence Classification B or C

- flow diagram and hydraulic profile of proposed liquid trade waste pre-treatment facilities;
- Physical and chemical characteristics of the proposed discharge including

- Nature of source
- Expected maximum and average concentrations of pollutants, and
- Temperature and pH;
- Nature and chemical composition of all substances stored/used on-site;
- Details of storage facilities;
- Relevant safety data sheets;
- Location of flow measurement point and proposed methods;
- Proposed arrangements for the disposal of other wastes that are not discharged to the sewerage system;
- any relevant environmental impact assessments;
- Consultant report (if applicable) 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:

- name, address and telephone number of business/industry responsible and the contact person;
- type of waste
- other waste collected by the applicant, but not proposed to be discharged to the sewerage system, including evidence to support appropriate disposal (details of disposal location, log books, receipts etc);
- volume of waste proposed to be discharged (daily, weekly, one-off etc.) –applies only to tinkered waste;
- details of any odour inhibiting or other chemicals used, if any, and dosage rates;
- proposed method of discharge including plans and drawings if appropriate;
- proposed method of flow measurement where required;
- security arrangements at the proposed disposal site (if applicable);
- measures to prevent stormwater ingress to the sewerage system (for the proposed dump point)

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

4.4 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. The duration of the approval will be as stated in the approval. In cases where Council requires a discharger to enter into a liquid trade waste services agreement (refer to section 4.9 on page 34), Council will issue a deferred commencement approval under section 95 of the Local Government Act requesting the discharger to do so within the time specified in Council's letter. In such cases, the approval will not be operative until the agreement has been executed by the discharger.

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

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

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

4.5 concurrence of the department of PLANNING, INDUSTRY and environment

If Upper Hunter Shire Council supports an application and has a notice stating that concurrence of the Director General, the Department of Planning, Industry and Environment Water (DPIE Water), can be assumed for the waste relevant to the application, Council will approve the application. Otherwise, Council will seek concurrence from DPIE Water in accordance with the requirements of section 90(1) of the Local Government Act.

Liquid trade waste discharges are divided into four (4) classifications for the purpose of the concurrence process.

- Concurrence Classification A – liquid trade waste dischargers for which Council has been authorised to assume concurrence to the approval subject to certain requirements.
- Concurrence Classification B – liquid trade waste dischargers whereby Council may apply to the Director General, DPI Water for authorisation to assume 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 to the Director General, DPI Water 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 to DPI Water for concurrence.

Upper Hunter Shire Council has been authorised to assume concurrence for Concurrence Classification A liquid trade waste discharges. These are listed in Table 4 and Council will not need to seek DPI Water concurrence for approval of trade waste applications for these activities.

Table 4: Liquid Trade Waste Discharges with Automatic Assumed Concurrence

Commercial retail food preparation activities	Other commercial activities
Bakery (retail)	Animal wash (pound, stables, racecourse, kennels, mobile animal wash and veterinary with no X-ray)
Bed and Breakfast (<10 persons)	Boiler blowdown
Bistro	Cooling tower
Boarding house/hostel kitchen (exceeding 1 persons)	Craft activities (making of clay pottery, ceramics, cutting and polishing of gemstones or making of jewellery at clubs, cottage industries)
Butcher shop (retail)	Dental surgery/dental technician/ dental specialist
Café/coffee shop/coffee lounge	Dry cleaning
Canteen	Florist
Cafeteria	Funeral parlour, morgue
Chicken/poultry shop (only fresh chickens/game sold)	Hairdressing (includes barbers)
Chicken/poultry shop (retail BBQ/charcoal chicken)	Jewellery shop
Club (kitchen wastes)	Laboratory (pathology/analytical)
Commercial kitchen/caterer	Laundry or Laundromat (coin operated)
Community hall/civic centre	Lawnmower repairs
Day care centre	Mechanical repairs/workshop
Delicatessen	Medical Centre/ Doctor's surgery/ Physiotherapy (Plaster of Paris casts, laboratory)
Doughnut shop	Mobile cleaning units
Fast food outlet (McDonalds, KFC, Burger King, Pizza Hut, Red Rooster, etc.)	Nursing Homes
Fish shop (retail – fresh and/or cooked)	Optical service and glass cutting/ grinding activities
Food caravan	Pet shop (retail)
Fruit and vegetable shop (retail)	Photographic tray work/manual development
Function centre	Plants retail (no nursery)
Hotel	School (Primary and Secondary)
Ice cream parlour	Stone working

Juice bar	Surfboard manufacturing (wet process only)
Mixed business	Swimming pool/spa/hydrotherapy
Mobile food van	Vehicle washing (by hand/wand, automatic car wash, external truck wash or underbody/engine degrease only)
Motel	Venetian blind cleaning
Nightclub	Veterinary/animal kennels with X-ray
Nursing home kitchen	Waterless minilab
Nut shop	
Patisserie	
Pie shop	
Pizza shop	
Restaurant	
Salad bar	
Sandwich shop	
School canteen	
Supermarket (with butcher/delicatessen/seafood/or charcoal chickens)	
Take-away food outlet	

Notes:

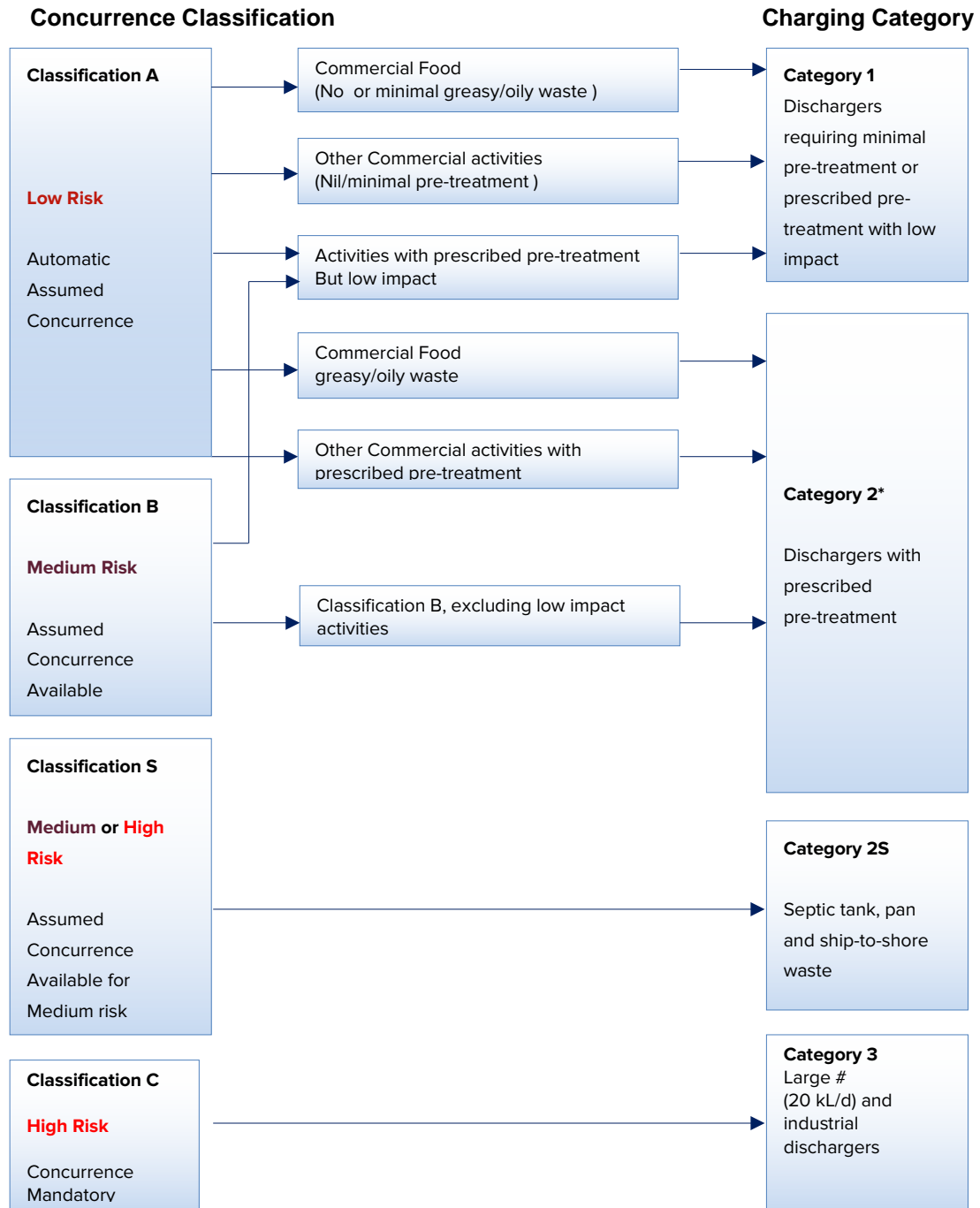
The volume of liquid trade waste must be less than 5 kL/d or 1000 kL/a, except in the case of commercial retail food preparation activities, where up to 16 kL/d is included in this category. If the waste discharged to the sewer exceeds these volumes, the application must be treated as Concurrence Classification B. Discharges over 20 kL/d must be treated as Classification C.

4.6 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 4.5 on page 17). For trade waste charging purposes there are also four (4) charging categories, Category 1, 2, 2S and 3 (pages 23, 24 & 25).

Figure 1 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 Liquid 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. Category 1 also includes dischargers requiring prescribed pre-treatment, but with low impact on the sewerage system.

Classification A activities – Commercial retail food preparation activities that do not generate or generate minimal oily/greasy waste: bakery (only bread baked on-site), bistro (sandwiches, coffee only), boarding/hostel <10 persons, café/coffee shop/coffee lounge, canteen, community hall (minimal food), day care centre (minimal hot food), delicatessen (minimal or no hot food), fruit and vegetable shop, hotel/motel (minimal hot food), ice cream parlour (take away only), juice bar, mixed business nightclub (no hot food), nut shop, pie shop (re-heating only), pizza no cooking/reheating (pizza heated and sold for consumption offsite), potato peeling (small operation), sandwich shop/salad bar (no hot food), takeaway food outlet (no hot food), school canteen with minimal hot food..

Classification A activities – other commercial activities: animal wash, beautician/tanning booths/hairdressing, crafts =<1000 L/d, dental surgery/dental technician (plaster casts, no X-ray unless digital), dry –cleaning, doctor's surgery / medical centre/ physiotherapy (plaster casts, no X-ray), florist, funeral parlour, mobile cleaning units, morgue, jewellery shop, optical service (retail), pet shop, plants retail (no nursery), non-residential swimming pool/hydrotherapy, veterinary (no x-ray).

Classification A or B activities – dischargers with prescribed pre-treatment with low impact on the sewerage system: boiler blowdown, cooling tower, industrial boilers, laboratory (analytical/pathology/tertiary institution), laundry/laundromat, primary and secondary school ⁽¹⁾, vehicle washing/detailing (excluding truck 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 ⁽²⁾ include:

Classification A activities: commercial retail food preparation/ serving activities that generate oily/greasy waste: bakery (pies, sausage rolls, quiches, cakes, pastries with creams or custards), bistro, boarding house/hostel kitchen (exceeding 10 persons), butcher, café/coffee shop/coffee lounge, cafeteria, canteen, chicken/poultry shop, club, day care centre with hot food, club, community hall ⁽³⁾, commercial kitchen/caterer, delicatessen with hot food, fast food outlet, fish shop (retail and cooking on –site) , function centre, hotel, ice cream parlour, motel, nightclub, nursing home, patisserie, pizza cooking, supermarket, restaurant, take away food outlet with hot food, school canteen with hot food.

Other commercial Classification A activities: car detailing, craft activities > 1000 L/d, lawnmower repairs, mechanical workshop, stone working, surfboard manufacture (wet process only)

Classification B activities: auto dismantler, bus/coach depot, bakery (wholesale), butcher (wholesale), construction equipment maintenance and cleaning, boutique or artisan foods, engine reconditioning, equipment hire, maintenance and cleaning, fish co-op, graphic arts, hospital, microbrewery, oyster processing –shucking, panel beating, , radiator repairer, screen printing, service station forecourt, shopping complex, truck washing (platforms/flat beds), and truck washing (external).

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

Notes:

- (1) *If significant hot food preparation is carried out, Category 2 charges may be levied by Council.*
- (2) *Excludes low impact activities, listed under Category 1.*
- (3) *If the type and size of kitchen fixtures installed enable catering for large functions.*

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:

- Transporters who tanker human waste to Council’s sewage treatment works-septic tank waste (effluent and septage), ablution block waste (blackwater and greywater), portable toilet waste, sludge from on-site aerated wastewater treatment systems for single households, waste from pit toilets, night soil.
- Ship-to-shore pump-out facility owners/operators-toilet waste and/or greywater.
- Owners/operators of dump points that are directly connected to the sewerage system for disposal of toilet waste and/or greywater from a bus or a recreation vehicle (RV) (e.g. Caravan, motor home).

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.

Concurrence Classification A or B discharger (i.e. in Category 1 or 2) whose volume exceeds the limits indicated in the Liquid Trade Waste Management Guidelines (2021) becomes a Category 3 discharger, except shopping complexes and institutions (e.g. hospitals, educational facilities, correctional facilities, etc.).

Large trade waste dischargers and other Classification C activities include: abattoir, bakery (wholesale), brewery, cooling towers, cosmetics/perfumes manufacture, dairy processing (milk/cheese/yoghurt/ice cream etc.), food processing (cereals/cannery/condiments/confectionary/edible oils/fats/essence/flavours/fish/fruit juice/gelatine/honey/meat/pickles/smallgoods/tea and coffee/vinegar/yeast manufacture etc.),

fruit and vegetable processing, flour milling, glue manufacturer, egg processing, pet food processing, plants nursery (open areas), potato processing, poultry processing, saleyards, seafood processing, soft drink/cordial manufacture, starch manufacture, sugar refinery, tanker washing, tip leachate, transport depot/terminal, water treatment backwash, wholesale meat processing, winery, wine/spirit bottling.

Dischargers of industrial waste include the following Classification C activities:

acid pickling, adhesive/latex manufacture, agricultural and veterinary drugs, anodising, bitumen and tar, bottle washing, cardboard and carton manufacture, carpet manufacture, caustic degreasing, chemicals manufacture and repackaging, contaminated site treatment, cyanide hardening, detergent/soaps manufacture, drum washing, electroplating, engine gearbox reconditioning, extrusion and moulding (plastic/metal), feather washing, fellmonger, felt manufacture, fertilisers manufacture, fibreglass manufacture, filter cleaning, foundry, galvanising, glass manufacture, ink manufacture, laboratories (excluding those in Category 2), liquid wastewater treatment facility (grease trap receival depot and other pump-out waste depot), metal finishing, metal processing (refining/rumbling/non-cyanide heat treatment/phosphating/photo engraving/printed circuit etching/sheet metal fabrication etc.), mirrors manufacture, oil recycling (petrochemical) and refinery, paint stripping, paint manufacture, paper manufacture, pharmaceuticals manufacture, plaster manufacture, powder coating, printing (newspaper, lithographic), sandblasting, slipway, tannery, timber processing (joinery and furniture/plywood/hardwood), textile manufacture (wool dyeing/spinning/scouring), truck washing (internal), waxes and polishes.

4.7 liquid trade waste fees and charges

4.7.1 Fees and Charges

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

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

Council's liquid trade waste fees and charges may include:

- Application fee
- Annual trade waste fee
- Re-inspection fee
- Trade waste usage charge
- Septic tank and pan waste disposal charge
- Excess mass charges

- Food waste disposal charge
- Non-compliance liquid trade waste usage charge
- Non-compliance excess mass charge and pH charge
- Non-compliance penalty.

4.7.2 Phasing in of Charges

Large increases in liquid trade waste fees and charges may be phased in over a period of up to 3 years at Council's discretion.

4.7.3 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.

Upper Hunter Shire Council charges a fee for the renewal of expired Liquid Trade Waste Discharge Approvals, including the renewal of interim Approvals, where no changes to the discharge pre-treatment or conditions have taken place, and may charge a fee to recover costs incurred in variation to an existing Approval.

4.7.4 Annual Trade Waste Fee

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

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

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

In view of the adverse impact of wastes with a high concentration of oil and grease on Council's sewerage transportation system, Council may carry out inspections of commercial premises preparing hot food twice per year and require that the discharger produce documentation that the pre-treatment equipment has been properly serviced between the

inspections, e.g. pump-out docket, invoices from service contractor. The cost of these scheduled inspections is included in the annual trade waste fee for such premises.

4.7.5 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 reinspections to confirm that remedial action has been satisfactorily implemented.

Council will impose a fee for each reinspection.

The reinspection fee will be set annually by Council on the basis of full cost recovery. A reinspection may include the monitoring of liquid trade waste discharges, the cost of which may be recovered from the discharger.

4.7.6 Trade Waste Usage Charge

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

Trade Waste Usage Charge (\$) = Q x \$/kL will be set annually by Council

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

Note:

1. The usage charge will be set annually by Council, indexed on the basis of the Consumer Price Index for Sydney
2. **Existing** Category 2 dischargers who have **not** installed and maintained **appropriate** pre-treatment facilities will be required to pay an additional trade waste usage charge.

4.7.7 Excess Mass Charges

Excess mass charges will apply for substances discharged in excess of the deemed concentrations in domestic sewage shown in Table 5 below. For excess mass charge calculation, equation (1) below will be applied.

Table 5: Deemed Concentration of Substances in Domestic Sewage

<i>Substance</i>	<i>Concentration (mg/L)</i>
<i>Biochemical Oxygen Demand (BOD₅)</i>	300
<i>Suspended Solids</i>	300
<i>Total Oil and Grease</i>	50
<i>Ammonia (as Nitrogen)</i>	35
<i>Total Kjeldahl Nitrogen</i>	50
<i>Total Phosphorus</i>	10
<i>Total Dissolved Solids</i>	1000
<i>Sulphate (SO₄)</i>	50 [#]

[#] SO₄ concentration: The concentration in the potable water supply to be used if it is higher than 50 mg/L.

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

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

1,000 (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 discharge of substance to the sewerage system.

Charging rates (U) used in equation (1) are as shown in Council’s Annual Management Plan.

With regard to BOD, equation (1) applies for BOD₅ up to 600 mg/L.

Excess mass charges for BOD exceeding 600mg/L

If Council approves the acceptance limits for BOD higher than 600 mg/L, an exponential type equation will be used for calculation of the charging rate (\$/kg) as shown in equation (2) below. Equation (2) provides a strong incentive for dischargers to reduce the strength of waste. In addition, equation (5) on page 30 will be used where the discharger has failed to meet their approved BOD limit on 2 or more instances in a financial year.

Excess mass charging rate for BOD (\$/kg) =

$$U_e = 2C \times \frac{(\text{Actual BOD} - 300 \text{ mg/L})}{600 \text{ mg/L}} \times 1.05^{(\text{Actual BOD} - 600 \text{ mg/L}) \div (600 \text{ mg/L})}$$

.....(2)

Where C = the charging rate (\$/kg) for BOD₅ 600 mg/L.

Actual BOD – the concentration of BOD₅ as measured in a sample.

For example if C = \$0.64/kg, equation (2) would result in the following excess mass charging rates:

\$0.64/kg for BOD₅ 600 mg/L

\$2.02/kg for BOD₅ 1200 mg/L

\$5.20/kg for BOD₅ 2400 mg/L

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

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

Where U_e is the excess mass charging rate calculated using equation (2).

4.7.8 Tankered Category 3 Waste

In some instances, liquid waste that falls into charging category 3 is transported to the sewage treatment works. Examples of such waste may include tinkered landfill leachate, diary waste from unsewered areas, etc. in such instances, Council needs to decide to whom the liquid trade waste approval (and relevant charges) are to be issued.

Note: Upper Hunter Shire Council does not currently accept the disposal of tankered waste to its sewerage systems.

4.7.9 Non-compliance Charges

Category 1 and 2 Dischargers

If the discharger has not installed or maintained appropriate pre-treatment equipment, the following trade waste usage charges will be applied for the relevant billing period:

Category 1 Discharger: \$/kL will be set annually by Council

Category 2 Discharger: \$/kL will be set annually by Council

Category 3 Discharger

Non-compliance pH charge

Equation (3) is used for waste with pH being outside the approved range. This equation provides an incentive for dischargers to apply appropriate pH correction so their waste remains within the approved pH limits. Council may require industrial and large dischargers 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.

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

$$K \times (\text{actual pH} - \text{approved pH})^* \times 2^{(\text{actual pH} - \text{approved pH})^*} \dots\dots\dots (3)$$

*absolute value to be used.

K = pH coefficient in \$= 0.45 (in 2021) and needs to be adjusted in accordance with changes in the CPI.

Example: Council has approved the pH range 7.0 to 9.0 for a large discharger generating high strength trade waste in order to prevent corrosion and odour problems in the sewerage system. pH coefficient (K) is \$0.45

Case1: pH measured 5.5

$$\text{Charging rate (\$/kL)} = 0.45 \times [5.5 - 7] \times 2^{(5.5-7)} = \$1.91\text{per kL}$$

Case 2: pH measured 11.0

$$\text{Charging rate (\$/kL)} = 0.45 \times [11 - 9] \times 2^{(11-9)} = \$3.60 \text{ per kL}$$

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 equation (4) shall apply for non-compliant excess mass charges, except for BOD where equation (5) shall apply.

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

Where:

- S = Concentration (mg/L) of substance in sample
- A = Approved 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 discharge of pollutant to sewerage system, as shown in Council’s Annual Management Plan.
- D = Concentration (mg/L) of substance deemed to be present in domestic sewage.

Non-compliance Excess Mass Charges for BOD

If a discharger has failed to meet the approved maximum concentration of BOD on 2 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) below:

BOD non-compliance excess mass charging rate

$$U_n = 2C \times \frac{(A - 300 \text{ mg/L})}{600\text{mg/L}} \times 1.05^{(A - 600 \text{ mg/L}) \div (600 \text{ mg/L})}$$

..... (5)

$$+ 4C \times \frac{(\text{Actual BOD} - A)}{600\text{mg/L}} \times 1.05^{(\text{Actual BOD} - A) \div 600\text{mg/L}}$$

For example, if C = \$0.64/kg, BOD₅ actual (measured) level is 2400 mg/L and the approved maximum concentration of BOD (A) is 1000 mg/L, equation (5) would result in a non-compliance excess mass charging rate of \$8.26/kg.

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

$$\text{Non-compliance Excess Mass Charge (\$)} = \frac{(S - D) \times Q \times U_n}{1000}$$

Where U_n is the non-compliance excess mass charging rate calculated using equation (5).

The non-compliance excess mass charges shown above are in lieu of the excess mass charges in section 4.7.7.

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.

4.7.10 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.

4.7.11 Food Waste Disposal Charge ⁽¹⁾

⁽¹⁾: for existing installations only. New installations are not permitted.

Where Council has permitted the use of a food waste disposal unit (in sink for an existing hospital, nursing home or other facility, the following additional food waste disposal charge will be payable annually,

Food Waste Disposal Charge (\$) = B x UF

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

UF = Annual charging rate (\$/bed) for a food waste disposal unit a hospital or nursing home.

4.7.12 Solid food waste processing unit

(For existing installations only. New installations are not permitted)

Discharge of waste from a solid food waste processing unit (digester/composter) is classified as Concurrence Classification C and is in Charging Category 3.

Excess mass charges for all parameters in excess of the deemed concentrations in domestic sewage will be applicable to the waste stream from such equipment for further information.

In addition, the discharger has to bear the cost of frequent sampling as the quality of wastewater dependant on the solid waste input to the processing unit and the effectiveness of the on-site pre-treatment equipment

4.7.13 Discharge of stormwater to the sewerage system

The discharge of rain, surface, seepage or groundwater to the sewerage system is prohibited under clause 137A of the Local Government (General) Regulation 2005 and this policy. As indicated in section 3.4, the acceptance of first flush stormwater run-off may be permitted based on case –by-case assessment.

Discharge of stormwater from a large open areas and large quantities of groundwater (exclude site remediation) or high-quality treated water is discouraged. If discharge of such water is approved, a volume-based charging rate same as the non-compliance usage charging rate (\$/kL) for category 2 will be applied. Excess mass charges will be also applied in accordance with section 4.7.7.

4.7.14 Septic and Pan Waste Disposal Charge

Upper Hunter Shire Council does not currently accept the disposal of tankered waste to its sewerage system but has installed a septic and pan waste disposal site.

This charge may be imposed to recover the cost of accepting and treating septic tank and pan waste if a disposal site is installed.

Septic tank and pan waste disposal charge (\$) = Q x 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 Management Plan.

4.7.15 Responsibility for Payment of Fees and Charges

Property (land) owners are responsible for the payment of fees and charges for sewerage and liquid trade services provided by Council. This includes property owners of marina, Caravan Park, etc., if a dump point located at their premises is connected to the sewerage system. 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.

Council will charge a septic tank and pan waste disposal charge for services it provides to transporters of septic tank and pan waste tankered and discharged to the sewerage system.

Table 6: Summary of Trade Waste Fees and Charges

Fee/Charge	Category 1	Category 2	Category 3	Category 2S
Application Fee	Yes ³³	Yes	Yes	Yes
Annual non-residential sewerage bill with appropriate sewer usage charge per kL	Yes	Yes	Yes	No
Annual liquid trade waste fee	Yes ³⁴	Yes	Yes	Variable ³⁵
Re-inspection fee (when required)	Yes	Yes	Yes	Optional ³⁶
Trade waste usage charge per kL	No	Yes	No	No
Human waste disposal charge per kL	No	No	No	Yes
Excess mass charges per kg	No	No	Yes	No
Non-compliance trade waste usage charge per kL	Yes ³⁷	Yes ³⁷	No	No
Non-compliance excess mass per kg and pH charges per kL (if required)	No	No	Yes	No

33 Not applicable for discharges listed as Deemed to be Approved.

34 May not be applicable for discharges listed as Deemed to be Approved.

35 Refer to S.8.3.5 in Liquid Trade Waste Management Guidelines (2021) for guidance on applying annual fees to Category 2S discharges.

36 Applicable if re-inspection of facilities as required.

37 Non-compliance trade waste usage charge, if the discharger fails to install or properly maintain appropriate pre-treatment equipment, refer Council's management plan for charges.

4.8 monitoring

Council will carry out inspections of the premises of all liquid trade waste dischargers and their treatment facilities at least once per annum. Inspections of commercial premises preparing hot food may be carried out 2 times per annum (refer to page 24 in section 4.7.4). Monitoring

of the large and industrial dischargers is to be carried out as specified in the 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 NSW DPIE Water to ensure reliable and accurate results. Where the discharger is sampling the effluent, Council may randomly take duplicates to confirm the waste characteristics.

4.9 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 dischargers) or Classification S into its sewerage system to execute a liquid trade waste services agreement (refer to Attachment 2). 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 (refer to section 4.4 on page 16). The conditions will be binding on the applicant and the Council. The agreement will be for a period of up to five (5) 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.

4.10 enforcement of approvals and agreements

(See the attached sample agreement at Attachment 2)

Councils have a number of statutory responsibilities for the approval of liquid waste discharged to their sewerage system, as set out in the *Local Government Act 1993 and the Local Government (General) Regulation 2005*. As stated in S68 of the Local Government Act, a person wishing to discharge liquid waste must first obtain Council's approval. Under the Act, Councils are ultimately responsible for the acceptance of these discharges.

However under S.90(1) of the Act and Cl.28 of the Regulation, Council needs to obtain concurrence to its approval, unless it has assumed concurrence.

The Act and the Regulation underpin the approval process, as part of the approval process, the Act empowers Councils to issue penalty infringement notices and orders, deal with offences, and enforce enforcement.

4.11 modification and revocation of approvals

Under S.108 of the Local Government Act, Council may revoke an approval. Council must have good grounds for doing so and must give an advanced notice (s. 110 of the Act) to the discharger of its intention to revoke the approval. The approval can be revoked in the circumstances set out in s.109 of the Act, including failure to comply with a;

- Requirement made by or under the Act relating to the approval
- Condition of the approval

If any discharger consistently fails to comply with the conditions of approval, Council must revoke its approval and require the discharger to cease discharging liquid trade waste to the sewerage system. If the discharger takes appropriate remedial measures and Council is satisfied with such measures, Council may consider permitting the discharger to recommence the discharge on the condition that discharger executes as appropriate liquid trade waste services agreement. Such an agreement will provide Council with better control of potentially non-compliant discharges.

Council may also revoke an approval in other circumstances, which may give rise to an obligation to pay compensation to the affected person (s.112 of the Act). Accordingly, each approval granted by Council should be subjected to careful assessment and include appropriate conditions.

4.12 prevention of waste and misuse 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.

4.13 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.

4.14 due diligence PROGRAMS, CONTINGENCY plans and effluent improvement plan

Businesses discharging liquid trade waste to the sewerage system that are assessed as having the potential for a high risk to the sewerage system and /or the environment, or fall into Concurrence Classification C, must have a due diligence program and contingency plan. These discharges need to submit a due diligence program and a contingency plan with any new application or variations to their approval, as a condition of their approval. This does not apply to low and medium risk liquid trade waste (Classifications A & B) unless special circumstances prevail or additional conditions are imposed.

These plans are normally submitted to Council within three months for a contingency plan and six months for a due diligence program, from the commencement of the discharge or approval of the variation. However, in instances that pose a potential threat to the sewerage system, these plans are required to be submitted as early as possible. It is not necessary for Council to forward these plans to the department, unless Council wishes to obtain advice or comment from the department.

If a business has an environmental management plan (EMP) in place, such as an accredited ISO 14001 program, it may not be necessary to provide these documents because the EMP would normally be sufficient to acknowledge the company's environmental due diligence. However, the EMP may not include all necessary provisions in regards to liquid trade waste, in such cases the department may require that the due diligence program and the contingency plan be developed and submitted to Council.

ATTACHMENT 1

GLOSSARY

Assumed Concurrence: Council may apply to the Director General of the Department of Primary Industries Office of Water (DPI Water), for authorisation to assume concurrence for the Classification B or Classification S activities. If granted, Council will no longer need to forward such applications to DPIE Water for concurrence.

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

Bilge Water: minor amounts of water collecting in the bilge of a vessel from spray, rain seepage, spillage and boat movements. Bilge water may be contaminated with oil, grease, petroleum products and saltwater.

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, BOD₅ 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 deodorising 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 premise that is typically a stand-alone operation and prepares food for consumption offsite. 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.

Director General: Director General means the Director General of the Department of Planning, Industry and Environment Water (DPIE Water).

Due Diligences 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.

DPIE Water Concurrence is required before Council may approve an application for the discharge of liquid trade waste (including septic tank and pan waste) to the sewerage system. It is a requirement under section 90 (1) of the Local Government Act and clause 28 of the Local Government (General) Regulation 2005 that Council obtain the written concurrence of

the Director General of the Department of Planning, Industry and Environment Water (DPIE Water), prior to approving such waste to be discharged to Council's sewerage system.

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 the discharger will meet the acceptance limits for the discharge of liquid trade waste to the sewerage system within the agreed timeframe.

Galley Waste: In this Policy, a liquid waste from a kitchen or a food preparation area of a vessel; solid wastes are excluded.

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.

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

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

Mandatory Concurrence: For the liquid waste in Classification C, Councils will need to obtain concurrence from DPI Water for each discharger.

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, basket arrestors for sink and floor waste, plaster arrestors and fixed or removable screens.

National Framework for Wastewater Source Management: refer to section 4.2

NSW Framework for Regulation of Sewerage and Trade Waste: refer to section 4.1

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.

Pan: For the purpose of this Policy "pan" means any moveable receptacle kept in a closet and used for the reception of human waste.

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

Sewage of 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.

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

Ship-to-Shore Pump-Out: Liquid waste from a vessel that may be considered for disposal to the sewerage system. This includes on-board toilet wastes, galley wastes and dry dock cleaning waste from maintenance activities.

Sullage: Domestic wastewater excluding toilet waste.

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.

Suspended Solids (SS): The insoluble solid matter which is 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 total amount of dissolved material in the water.

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.

ATTACHMENT 2

LIQUID TRADE WASTE SERVICE AGREEMENT

BETWEEN

UPPER HUNTER SHIRE COUNCIL

AND

[APPLICANT]

LIQUID TRADE WASTE SERVICES AGREEMENT

BETWEEN

1. Upper Hunter Shire Council

AND

2. The Applicant

RECITALS

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

OPERATIVE PART

1. Definitions and Interpretation

1.1 In this Agreement, unless the context otherwise requires:

“**Act**” means the *Local Government Act 1993 (NSW)*.

“**Annexure**” means the annexure to this Agreement.

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

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

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

“**Council**” means the Upper Hunter Shire Council.

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

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

1.2 Unless the context otherwise requires:

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

2. Liquid Trade Waste Services

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

3. Additional Conditions for Discharge of Liquid Trade Waste

- 3.1 The Applicant may discharge liquid trade waste to the Council's sewerage system in accordance with the Approval and subject to this Agreement.
- 3.2 The Applicant must comply with all applicable Acts, regulations, by laws, proclamations and orders and with any lawful direction or order given by or for the Council or any other competent authority.
- 3.3 The Applicant must not discharge liquid trade waste contrary to this Agreement or the Approval or in any manner which may have an adverse effect on any person or property (including the sewerage system and the ecological system in the waters, land or area receiving sewage treatment works effluent or biosolids), or which may cause the Council to be in breach of any applicable Act, regulation, by law, proclamation or order or of any lawful direction given by or for any competent authority.
- 3.4 The Applicant must at its own cost monitor its discharges in accordance with the requirements set out in the Approval and must maintain records of such monitoring for inspection by the Council for such period as may be specified in the Approval.
- 3.5 The Council will carry out routine sampling and testing of the waste stream.
- 3.6 Where any flow metering device is installed, the Applicant must at its own cost cause the device to be calibrated at least annually by a person or company approved by the Council. The Applicant must obtain a calibration certificate and provide a copy of the certificate to the Council within one month of receiving it.
- 3.7 If the Applicant is required to cease discharging liquid trade waste for any period, then the Applicant must cease discharging such waste for the period specified.
- 3.8 Where the Applicant 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.

4. Fees and Charges

- 4.1 In accordance with section 560 of the *Local Government Act 1993*, Council will levy all water supply, sewerage and liquid trade waste fees and charges on the owner of the property.
- 4.2 In consideration of provision of the Liquid Trade Waste Services, the fees and charges as specified in Council's Annual Management Plan and notified by Council to the owner and the Applicant must be paid to the Council, including fees for sampling and testing by Council in accordance with the Approval.
- 4.3 Fees and charges payable will include both non-residential sewerage charges and liquid trade waste fees and charges.
- 4.4 All monies payable to Council must be paid within the time specified in the notice of charge.

5. Term

- 5.1 This agreement will commence from the date it is signed on behalf of Council, and will continue until the Applicant's Approval is revoked or the Applicant permanently ceases to discharge liquid trade waste pursuant to the Approval, whichever is the earlier. Upon such revocation or permanent cessation of the approved activity this Agreement shall automatically terminate by operation of this clause.
- 5.2 Termination of this Agreement is without prejudice to any accrued rights or obligations of either Party.

6. Powers of the Council

- 6.1 Council may enter the Premises at a reasonable hour in the daytime or at any hour during which business is in progress or is usually carried on at the Premises for the purpose of conducting any inspection, examination, testing, monitoring or sampling to determine whether the Applicant is complying with the conditions of this Agreement.
- 6.2 The Applicant acknowledges that 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 Council to the Applicant within the time specified for compliance in that order or direction.
- 6.3 The Applicant releases Council from any liability to the Applicant for any loss or damage due to the disruption of the Applicant's business arising out of the exercise of Council's rights pursuant to this clause.

7. Information supplied by the Applicant

- 7.1 The Applicant warrants that all information in its application for approval is true, complete and accurate, to the best of its knowledge
- 7.2 The Applicant must immediately notify Council in writing of any error or omission in that information or any change to the information of which the Applicant becomes aware.
- 7.3 The Applicant must not provide any false or misleading information to Council.

8. Indemnity

- 8.1 The Applicant indemnifies Council from and against any claims, losses or expense (including legal costs on a solicitor and client basis) which the Council pays, suffers, incurs or is liable for as a result of:
- (a) *any unlawful, negligent, reckless or deliberately wrongful act or omission of the Applicant or its personnel or agents in connection with the discharge of liquid trade waste, including (without limitation) such acts or omissions which cause damage to property, personal injury or death; and*
- (b) *a breach of this Agreement by the Applicant.*
- 8.2 The Applicant's liability to indemnify Council shall be reduced proportionally to the extent that any unlawful, negligent, reckless or deliberately wrongful act or omission of Council caused or contributed to the liability or loss.

9. Insurance

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

10. Bond

- 10.1 The Applicant must pay to Council a bond in the sum specified in the Annexure.
- 10.2 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.
- 10.3 Where the Applicant fails to cease discharging trade waste as prescribed in clause 3.7, Council may require the Applicant to forfeit 50% of the bond.
- 10.4 Council must return the bond to the Applicant, less any amount deducted by Council under this clause, upon termination of this Agreement.

11. No Assignment

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

12. Notices

- 12.1 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) *forward 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.*
- 12.2 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.*
- 12.3 Notwithstanding the preceding clause 12.2, 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.

13. Variation

13.1 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.

13.2 In addition to automatic variation under clause 13.1, 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.

14. 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.

15. Applicable Law

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

15.2 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.

16. Rights Cumulative

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

Executed as an Agreement

Execution by the Council:

Upper Hunter Shire Council on)
)
.....day of 20....)
in the presence of:)
) [Signature of General Manager]
.....)
General Manager)
and) [Signature of Witness]
.....)
[print name of witness]

Executed by the Applicant (corporate entity):

)
)
.....)
Pty Limited was affixed this day of)
.....20....)
in the presence of:)
) [Signature of Director]
.....)
[Name of Director])
)
) [Signature of Director/Secretary]
.....)
[Name of Director/Secretary]

Executed by the Applicant (individual):

Signed by:)
[Name of Applicant]) [Signature of Applicant]

Thisday of20...)
)

In the presence of:)
.....)
[Print name of witness]) [Signature of Witness]

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 NUMBER: Lot(s) _____
- 2. DP NUMBER _____
- 3. LOCATION: _____
- 4. DESCRIPTION: _____
- 5. NATURE OF BUSINESS: _____

D. NOTICES

Applicant's Representative: _____

Postal Address: _____

Facsimile: _____

Email: _____

Council's Representative: _____

Postal Address: _____

Facsimile: _____

Email: _____

E. PUBLIC LIABILITY

INSURANCE:

Minimum cover: \$ _____

F. BOND

\$ _____

ATTACHMENT 3

Provisions in the Local Government (General) Regulation 2005 in regard to Acceptance of Liquid Trade Waste into the Sewerage System

Local Government (General) Regulation 2005

Clause 25 Matters to accompany applications relating to discharge into sewers

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

Clause 28 Approval to discharge waste into sewers: concurrence required

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

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

Clause 32 Disposal of trade waste

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

Clause 159 Prevention of waste and misuse of water

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

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

"Liquid Trade Waste Management Guidelines" means the Guidelines of that name produced by the Department of Energy, Utilities and Sustainability in March 2005, as in force from time to time. These Guidelines have now been superseded by *Liquid Trade Waste Regulation Guidelines*, April 2009.

*From 27 July 2009 a reference to the Director-General of the Department of Energy, Utilities and Sustainability is to be construed as a reference to the Director-General of Department of Environment, Climate Change and Water.