



CENTRAL GIPPSLAND REGION WATER AUTHORITY

BY-LAW NO. 14
2006

TRADE WASTE

This By-law is made by the Central Gippsland Water Authority pursuant to its powers under the Water Act 1989.

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CHAPTER 1

TITLE DEFINITIONS, STATUTORY AND OTHER PROCEDURAL ITEMS.

1.1 Making of By-law

Central Gippsland Region Water Authority (“the Authority”) pursuant to its power under the Water Act 1989, hereby makes this By-Law.

1.2 Title

This by-law shall be known as the “Central Gippsland Region Water Authority By-Law No. 14” and may be referred to in its short form as the “Trade Waste By-Law No. 14”.

1.3 Authorising Provisions

This By-Law is authorised by sections 160,161 and 181 of the Act.

1.4 Commencement

This by-law shall come into operation on the day the Authority completes the required procedures set out under section 161 of the Act.

1.5 Repeal

From the commencement of this By-law the Central Gippsland Region Water Authority Trade Waste By-Law No. 8 is repealed.

1.6 Application

This By-Law applies throughout the whole of every *Sewerage District*.

1.7 Objectives

The objectives of this By-Law are:

- a) to protect the environment
- b) to protect the health and safety of members of the public and the *Authority’s* employees;
- c) to protect the *Authority’s* sewerage infrastructure and associated assets;
- d) to maximise opportunities for reusing treated effluent and biosolids;
- e) to recover the true costs associated with the receipt, carriage, treatment and disposal of *Trade Waste* and maintenance and repair for the *Authority’s* sewerage system through the implementation of fees and charges;
- f) to encourage waste minimisation and cleaner production initiatives including waste prevention, recycling and pre-treatment of *Trade Waste*;

This will be achieved by:

- a) regulating the discharge of *Trade Waste* into the *Authority’s* wastewater system and wastewater treatment plants.
- b) Providing for the management of the receipt of *Trade Waste* and other liquid waste by the *Authority*, including the inspection, measurement, monitoring and testing of *Trade Waste* and the provision of information to the *Authority* by

- any *Person* whose *Trade Waste* or other liquid waste the *Authority* may receive, including through a system of *Trade Waste Agreement*.
- c) giving recognition to the *Authority's Trade Waste Management System* as a key policy instrument specifying methods of charging by the *Authority* for the receipt of *Trade Waste* and other liquid waste by the *Authority*, including explaining the basis for *Trade Waste* charges approved by the Essential Services Commission and resolution of the *Authority*, the recovery of the *Authority's* cost of inspection, measurement, monitoring, testing, treatment, receipt or disposal of any *Person's Trade Waste* or other liquid waste;
 - d) imposing penalties for the contravention by a *Person* of this By-Law or any terms and conditions of that *Person's Trade Waste Agreement* or of the *Trade Waste Policy*;
 - e) prescribing certain waste as *Trade Waste* for the purposes of the Act and of this By-Law; and
 - f) repealing the *Authority's* By-Law No.8

1.8 Definitions

In this By-Law, unless inconsistent with the subject matter or context:

“ <i>Acceptance Standard</i> ”	means the <i>Acceptance Standard</i> formulated by the <i>Authority</i> from time to time under the <i>Trade Waste Policy</i> .
“ <i>Act</i> ”	means the Water Act 1989, as amended from time to time.
“ <i>Application</i> ”	means an <i>Application</i> to enter into a <i>Trade Waste Agreement</i> .
“ <i>Authority</i> ”	means the Central Gippsland Region Water Authority, or its successors presently trading as Gippsland Water.
“ <i>Authority's System</i> ”	means all assets of the <i>Authority</i> including such pipes, treatment plants, sewers, storage and waste disposal infrastructure to which the premises may be connected or to which the <i>Trade Waste</i> may be discharged or in which the <i>Trade waste</i> may be treated.
“ <i>Authorities Trade Waste Management System</i> ”	means the system used by the <i>Authority</i> to manage and administrate <i>Trade Waste</i> information.
“ <i>Authorised Officer</i> ”	means a person appointed by the <i>Authority</i> to be an <i>Authorised Officer</i> for the purposes of this By-law.
“ <i>Occupier</i> ”	means the <i>Person</i> who conducts business at a <i>Property</i> from which the <i>Trade Waste</i> is discharged.

- “*Ordinary Domestic Waste*” means human excreta or domestic waterborne waste, whether untreated or partially treated, but does not include *Trade Waste*.
- “*Measurement Standards*” means the standards for the measurement of *Trade Waste* as formulated by the *Authority* from time to time under the *Trade Waste Policy*.
- “*Penalty Unit*” means a ‘*penalty unit*’ within the meaning of the Sentencing Act 1991.
- “*Person*” includes an individual, a corporation, an association incorporated under the Associations Incorporation Act 1981, a partnership and an unincorporated association. It also includes Victorian municipal and other statutory authorities (but does not include the *Authority*) government departments and agencies of the Commonwealth and of other States and Territories.
- “*Property*” includes whole or part of:
- a) any land, or waterway, including a lot on a plan of subdivision;
 - b) any residential, commercial and non-residential buildings and building under construction; and
 - c) where the context so permits, includes any mobile and any immobile vehicle or vessel.
- “*Sewer*” means any pipe, channel, tunnel or other conduit which is constructed or provided for the conveyance of *Ordinary Domestic Waste* or *Trade Waste* and is vested in or owned by the *Authority*.
- “*Sewerage District*” means every present and future are specified under the *Act* or by the Order of the Minister under the *Act* to be a *Sewerage District* of the *Authority*.
- “*Trade Waste Agreement*” means an Agreement in writing duly signed by the *Authority* and a *Person* wishing to discharge *Trade Waste* into the *Authority*’s sewer system.
- “*Trade Waste*” means any waterborne waste but does not include *Ordinary Domestic Waste*.
- “*Trade Waste Policy*” means the *Authority*’s *Trade Waste* policies as adopted under Clause 3 of this By-Law.
- “*Wastewater Treatment Plant*” means a *Wastewater Treatment Plant* operated under the control and supervision of the *Authority* for the

purposes that include receiving *Ordinary Domestic Waste* and *Trade Waste*.

“*Water*”

means water, whether or not it contains impurities.

CHAPTER 2

PROHIBITED DISCHARGES

2.1 No *Person* shall cause or permit the addition of any *Water* to any *Trade Waste* stream in order to reduce the concentration of level or any component or characteristic or such *Trade Waste*;

2.2 No *Person* shall discharge any *Trade Waste* into the *Authority's System* except in accordance with a *Trade Waste Agreement*..

2.3 Nothing in this By-Law requires the *Authority* to accept the discharge of *Trade Waste* into its *Sewers* or at a *Wastewater Treatment Plant*.

CHAPTER 3

TRADE WASTE POLICY

3.1 Trade Waste Policies

The *Authority* may from time to time issue a *Trade Waste Policy* for the purposes of this By-Law which set:

- a) *Acceptance Standards*;
- b) *Measurement Standards*; or
- c) Other standards.

generally, or for specific classes of *Trade Waste*.

3.2 Inconsistency

To the extent of any inconsistency between the provisions of any two or more of:

- a) the *Act*;
- b) this By-Law;
- c) a *Trade Waste Agreement*
- d) the *Trade Waste Policy*

the first mentioned of those two or more instruments shall prevail to the extent of that inconsistency.

3.3 Amendment of Trade Waste Policy

The *Trade Waste Policy* may be amended from time to time by resolution of the *Authority*.

3.4 Inspection and Publication of Trade Waste Policy

The *Authority* shall publish notice of the making of a *Trade Waste Policy* (including and changes to an existing *Trade Waste Policy*) in a newspaper circulating generally in the area concerned. The *Authority* shall make copies of all current *Trade Waste Policies* (as amended from time to time) available for inspection at the offices of the *Authority*.

CHAPTER 4

TRADE WASTE AGREEMENTS

4.1 Applications

Any *Person* must apply to the *Authority* to enter into a *Trade Waste Agreement* if that *Person* is:

- a) The *Occupier* of the *Property* which generates the *Trade Waste* which is the subject of the *Application*; or
- b) otherwise accepted by the *Authority*.

An *Application* shall unless the *Authority* determines otherwise comply with the *Trade Waste Policy* and be accompanied by the relevant fee as set by the *Authority* from time to time.

4.2 Decisions on Applications

The *Authority* shall consider each *Application* in accordance with the *Trade Waste Policy*.

The *Authority* may require a *Person* to provide additional information in relation to the *Person's Application* before the *Authority* decides the *Application*.

Nothing in this By-Law or that may be contained in the *Trade Waste Policy* requires the *Authority* to enter into a *Trade Waste Agreement* with any *Person*.

4.3 Changes in operations that can affect a Trade Waste Agreement

A *Person* shall notify the *Authority* in writing of its intention to make any change in its operation which in any way whatsoever could affect:

- a) the nature of the *Trade Waste* to be discharged;
- b) the chemical composition and physical characteristics of the *Trade Waste* to be discharged;
- c) the rate, including peak rates and total daily, weekly and annual volume of *Trade Waste* to be discharged;

CHAPTER 5

CHARGES AND COSTS

5.1 Payment of Charges and Costs

A *Person* with whom the *Authority* has entered into a *Trade Waste Agreement* must promptly pay to the *Authority*:

- a) the *Authority's* charges for the discharge of *Trade Waste* to the *Sewer* as stated in the *Trade Waste Policy*.
- b) the *Authority's* costs of and incidental to the receipt of the *Trade Waste* (including without limitation costs associated with the inspection, sampling, treatment, following a non-compliant discharge of *Trade Waste*);
- c) any contravention charges arising from the issue of a contravention notice under a *Trade Waste Agreement*.

CHAPTER 6

ENFORCEMENT

6.1 Access and Inspections

An *Authorised Officer* shall be permitted to enter any *Property* relating to a *Trade Waste Agreement* for the purposes of:

- a) carrying out all necessary inspections in order to satisfy the *Authority* that the relevant *Trade Waste* discharge is complying with the relevant *Trade Waste Agreement*, this By-Law or the *Trade Waste Policy*;
- b) ascertaining whether *Trade Waste* is being produced on or discharged from the particular *Property* in breach of the relevant *Trade Waste Agreement*, this By-Law or the *Trade Waste Policy*.

6.2 Compliance with this By-Law and Trade Waste Agreements

A *Person* who fails to comply with this By-Law, Trade Waste Policy or a *Trade Waste Agreement* is guilty of an offence and is liable to penalty:

- a) not exceeding 200 penalty units; and
- b) in the case of a continuing contravention, an additional penalty of 80 *Penalty Units* for each day on which the offence continues:
 - I. after service of a notice of contravention on the *Person* under section 151 of the *Act*; or
 - II. if no notice of contravention is served, after conviction of the *Person* for the offence.

6.3 Termination of Agreement

The *Authority* may terminate any *Trade Waste Agreement*:

- a) immediately upon becoming aware that this By-Law, the *Trade Waste Policy* or the *Trade Waste Agreement* have been breached.
- b) by providing twelve months written notice.

6.4 Notice to Comply

An *Authorised Officer* may serve a notice under section 151 of the *Act* requiring a *Person* to comply with the term and conditions of a *Trade Waste Agreement*.

A notice to comply must be in writing and may do no more of the following things:

- a) direct the *Person* to comply with the *Trade Waste Agreement*;
- b) direct the *Person* to stop within such time as specified in the notice the conduct which constitutes the breach of the *Trade Waste Agreement*;

- c) direct the *Person* to cease, to reduce or otherwise to modify the flow of any component or characteristic of any discharge or deposit of *Trade Waste* into any *Sewer* or at any *Wastewater Treatment Plant*.

6.5 Costs incurred by *Authority* to be paid

All costs incurred by the *Authority* of and incidental to:

- a) The enforcement of this By-Law, any *Trade Waste Agreement* or the *Trade Waste Policy* against any *Person*;
- b) Protecting or cleaning up:
 - I. any part of the *Authority's* assets or works (including proximate and down stream works) and *Sewers*;
 - II. and *Property* whether or not owned by that same *Person* or another *Person* or *Persons*;

that is damaged or threatened with damage as a consequence of the discharge by that *Person* of any *Trade Waste* into any *Sewer*, must be paid by that *Person*.