



Circular No. LWU 6
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Impacts of the Local Government (General) Regulation 2005 for Management of Liquid Trade Waste Discharges to the Sewerage System

On 1st September 2005 the nine 1999/98 Local Government Regulations were replaced with the new *Local Government (General) Regulation 2005 (Regulation)* published in the Government Gazette No 107 of 26 August 2005. The Department of Local Government (DLG) has issued a Circular including a conversion guide that relates clauses of the repealed Regulations to their equivalents in the new *Regulation*. The DLG Circular may be viewed at the DLG web site:

www.dlg.nsw.gov.au/dlghome/documents/Circulars/05-47.pdf

This Circular LWU6 has been prepared to highlight amendments in the *Regulation* that are relevant to management of trade waste discharges to the sewerage system in non-metropolitan NSW. The Circular will also assist Local Water Utilities (LWUs) in updating their Trade Waste Policies and Approvals to comply with the *Regulation*.

➤ **Definition of liquid trade waste**

Liquid trade waste is now defined in Clause 3 of the *Regulation* as:

"Liquid trade waste means all liquid waste other than sewage of a domestic nature."

This amendment ensures that all liquid wastes discharged into the sewerage system, other than domestic sewage, are classified as trade waste and need to be approved under section 68 of the *Local Government Act, 1993*.

The *Regulation* also provides an amended definition of **Sewage of a Domestic Nature**. Under these definitions septic tank and pan waste are now classified as trade waste.

➤ **Liquid Trade Waste Management Guidelines**

The *Regulation* includes references to the *Liquid Trade Waste Management Guidelines 2005 (Guidelines)* identifying the essential role of these *Guidelines* in the management of liquid trade waste in non-metropolitan NSW (refer Clauses 25 & 32).

➤ **Prohibited substances**

Clause 6 of the repealed *Local Government (Water Services) Regulation 1999* which listed substances prohibited from being discharged into the sewerage system has been omitted in the *Local Government (General) Regulation 2005*. The clause became unnecessary as under the new *Regulation* any discharge into the sewer (except for domestic waste) needs to be approved and conditions of approval include a list of prohibited substances. Non-compliance with an approval is an offence under section 627 of the *Local Government Act*.

As noted above, the *Regulation* acknowledges the requirements of the *Liquid Trade Waste Management Guidelines* in regard to trade waste management. The *Guidelines* provide a list of substances excluded from the sewerage system.

➤ **Liquid Trade Waste Policy**

Councils that have not yet adopted a new Liquid Trade Waste Policy and any council that adopted its policy after 1st September 2005 now need to update the policy to incorporate references to the current *Regulation* in accordance with Attachments 1 & 2.

A Liquid Trade Waste Policy that has been adopted in accordance with the *Guidelines* before 1st September 2005 is now valid (Clause 144 of the *Regulation*). However, it is recommended that councils amend the Attachment to their Policy to include the provisions in the current *Regulation* related to trade waste management (refer Attachment 2).

Liquid Trade Waste Approvals issued after 1st September 2005 need to refer to relevant clauses of the new *Regulation* to ensure validity.

➤ **Policy for Acceptance of Septic Tank and Pan Waste to the Sewerage System**

The same procedures as indicated above apply. Update a new policy or a policy adopted after 1st September 2005 in accordance with the updated Appendix I (see below). A Policy adopted in accordance with the *Guidelines* before 1st September 2005 remains valid.

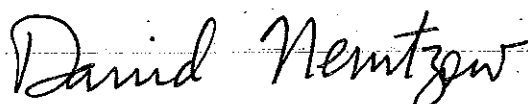
DEUS has updated the *Liquid Trade Waste Management Guidelines 2005* to incorporate references to the current *Regulation*. The updated *Guidelines* are now available on DEUS website www.deus.nsw.gov.au/water

To assist Local Water Utilities (LWUs) with updating their Local Approval Policies and approval conditions, the following documents have been e-mailed to all LWUs:

- Appendix D - *Model Policy for Discharge of Liquid Trade Waste to the Sewerage System*;
- Appendix I - *Model Policy for Acceptance of Septic Tank and Pan Waste to the Sewerage System*;
- Appendix E - *General Conditions of Approval*;
- Circular LWU6.

Local Water Utilities are reminded that compliance with *Best-Practice Management of Water Supply and Sewerage Guidelines*, May 2004, requires each LWU to implement an appropriate liquid trade waste policy and best-practice non-residential sewerage and trade waste pricing and issue an approval under the *Local Government Act* for each liquid trade discharger to the sewerage system.

Any enquires in relation to this Circular should be directed to Padmini Vitharana on 8281 7429 or at padmini.vitharana@deus.nsw.gov.au. Thank you for your consideration.



David Nemtzw
Director-General
24 January 2006

ATTACHMENT 1

~~Amendments to Policy for Discharge of Liquid Trade Waste to the Sewerage System*~~

Page 180 Purpose of this Policy

Due to a change of a *Trade waste* definition, please insert the following after the 4th paragraph on this page:

"This policy excludes management of waste from a sewage management facility." Reference can be made here to a Policy for Acceptance of Septic Tank and Pan Waste to the Sewerage System if Council proposes to adopt such a policy.

In the 6th paragraph replace the reference to the repealed regulations after the words "subject to the" with "Local Government (General) Regulation 2005".

In the 7th paragraph replace the words "clause 30 of the *Local Government (Approvals) Regulation*" with "clause 28 of the *Local Government (General) Regulation*".

Page 182 Table of Contents

Replace the words "Provisions in Regulations" with "Provisions in the *Local Government (General) Regulation 2005*" in the heading for Attachment 2.

Page 183 Glossary

Delete the definition of "**Domestic Sewage**" and provide a new definition:

"Sewage of a Domestic Nature: The waterborne waste derived from human origin, comprising faecal matter, urine and liquid household wastes from water closet pans, sinks, baths, basins and similar fixtures designed for use in private dwellings, but does not include waste in or from a sewage management facility".

Replace the definition of **Local Government Regulations** as below:

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

Replace the definition of **Liquid Trade Waste** with a new definition:

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

Provide a new definition:

"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."

** Reference to page numbers in this Attachment is on the basis of Appendix D of the Liquid Trade Waste Management Guidelines 2005.*

Page 187 What is Liquid Trade Waste

Delete the 1st paragraph under this heading and insert the following:

"For the purpose of this policy,

Trade waste means all liquid waste other than sewage of a domestic nature."

Delete the paragraph after the 4th dot point and insert the following 5th dot point:

- *saleyards, racecourses and from stables and kennels not associated with domestic households.*

Delete the final dot point on this page and insert the following:

"This policy excludes acceptance of waste from a sewage management facility to the sewerage system, eg septic tank waste, waste from marine pump-out facilities and established sites for the discharge of pan content from mobile homes/caravans to the sewerage system. While these wastes are defined as trade waste, specific procedures need to be applied to their management as the waste is often transported or pumped-out from their source."

Page 193 Section 2.4 Stormwater dischargers from open areas

The 1st sentence under this heading should read:

"Stormwater is a prohibited discharge under this policy."

Page 198 Table 3

Delete the words "(Refer to Appendix B)" in the last dot point.

Page 216 Section 3.10 Prevention of waste of water

Replace the words "its relevant regulation" with "its Regulation".

Page 221 Liquid Trade Waste Services Agreement

Replace a reference in **Recitals** to "clause 30 of the Local Government (Approvals) Regulation" with "clause 28 of the Local Government (General) Regulation".

Page 222 Section 1.1

Replace a reference to "Recital B" in the definition of "Approval" with a reference to "Recital C".

Page 227 Section 14.1

The 1st sentence should read:

"If the Applicant's Approval to discharge liquid trade waste from the Premises is varied, this Agreement shall be .."

ATTACHMENT 2

The title of this Attachment should read:

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

This Attachment needs to be replaced with the following:

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.