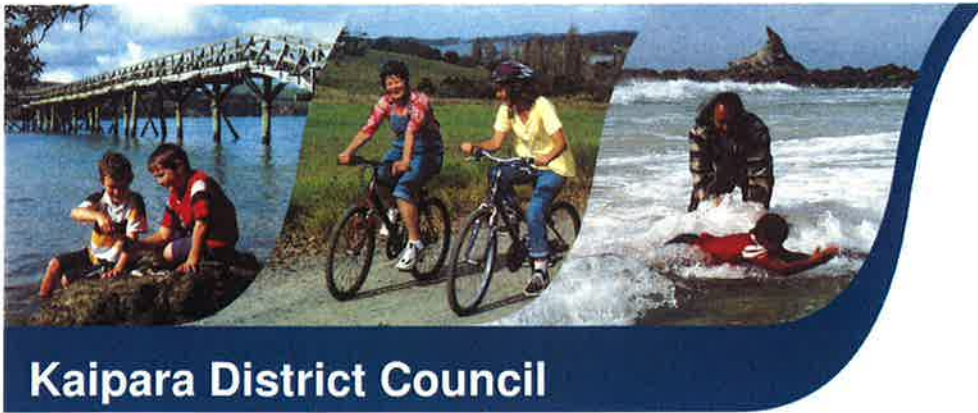


Appendix 12

Wastewater and Drainage Bylaw



Kaipara District
Wastewater Drainage Policy
and
Kaipara District
Wastewater Drainage Bylaw

June 2009



Kaipara te Oranganui

KAIPARA
DISTRICT

Two Oceans Two Harbours

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Kaipara District Wastewater Drainage Policy: Policy for the Discharge and Acceptance of Wastewater (“the Policy”)

1 Introduction

The definitions contained within clause 2 of the Kaipara District Wastewater Drainage Bylaw 2009 (“the Bylaw”) apply to this Policy unless otherwise stated.

The discharge and acceptance of wastewater is subject to a number of Acts, Regulations, Bylaws, Codes and Standards the most relevant of which are listed below.

a) Statutes and Regulations

- Building Act 2004 (“the Building Act”)
- Building Regulations 1992 (including the New Zealand Building Code)
- Hazardous Substances and New Organisms Act 1996
- Hazardous Substances Regulations
- Health Act 1956
- Health and Safety in Employment Act 1992
- Land Transfer Act 1952
- Local Government Act 1974
- Local Government Act 2002
- Plumbers, Gasfitters and Drainlayers Act 1976
- Plumbers, Gasfitters and Drainlayers Act 2006
- Property Law Act 2007
- Local Government (Rating) Act 2002
- Resource Management Act 1991 (“RMA”)

b) Codes and Standards

- New Zealand Building Code
- NZS 9201, Model General Bylaws, Part 22:1999, Wastewater Drainage
- NZS 9201, Model General Bylaws, Part 23:2004, Trade Waste
- NZS 9201, Model General Bylaws, Chapter 7:1994, Water Supply, Part 2 Water Supply Bylaw
- Kaipara District Code of Practice for Subdivision and Land Developments

2 Domestic Wastewater

‘Domestic wastewater’, as defined in the Bylaw, shall include wastewater produced by the draining of domestic swimming and spa pools subject to a maximum discharge restriction (refer 13.5) and 6.1 of the Wastewater Drainage Bylaw.

Where part of a residential premises is used as an office or other trade related activity from which no Trade Waste could be produced, and which no other persons apart from those living at those premises use, then it shall be treated as domestic premises.

No domestic wastewaters shall:

- a) Exceed the substance or flow limits detailed in the Bylaw;
- b) Contain unacceptable Discharges as defined in the Bylaw.

3 Acceptance And Duration

3.1 General

Council shall continue to accept wastewater from premises once an approved connection to the public sewer has been made. Disconnection of the sewer, or restriction of the water supply are not options available in the event of non-compliance with the law and/or Bylaws by the customer. Refer to 15 for remedies which are available. For the customer's obligations refer to 13.

3.2 Change of Ownership

In the event of premises changing ownership, the new owner shall automatically become the new customer of that premise.

4 Application To Connect

4.1 Application: Domestic Wastewater

Every application for a wastewater service connection shall be made in writing on the prescribed form together with the prescribed charges. The applicant shall provide all the details required by the Council. An application shall be made whether or not a public sewer has already been laid up to the point of discharge.

Where an application has been accepted by the Council, which requires a new public sewer connection to be constructed from the existing public sewer to the point of discharge, the customer shall pay such charges as fixed by the Council for this work.

The Council shall supply and install the public sewer up to the point of discharge except as provided for in 4.3.

Refer 14 for payment of connection charges.

4.2 Application Procedure for Trade Waste Discharges

Premises which produce Trade Wastes which have Characteristics outside of those specified for Acceptable Discharge in Schedule A of the Bylaw, are not entitled to have their wastewater accepted by the Council. Acceptance of Trade Wastes (if any) will be subject to a separate agreement with Council. This is taking into account the capacity of the particular wastewater treatment system to properly treat the Trade Waste in accordance with the discharge permit applicable to the system.

4.3 Subdivision

Where a new public sewer is required as part of a subdivisional development, the developer shall provide all the drainage works subject to approval by the Council of the design and construction of the works. These will be addressed by way of the RMA and Rules in the District Plan.

5 Point Of Discharge

5.1 General

The point of discharge from a customer shall be the point on the public sewer, which marks the boundary of responsibility between the customer and the Council, irrespective of property boundaries.

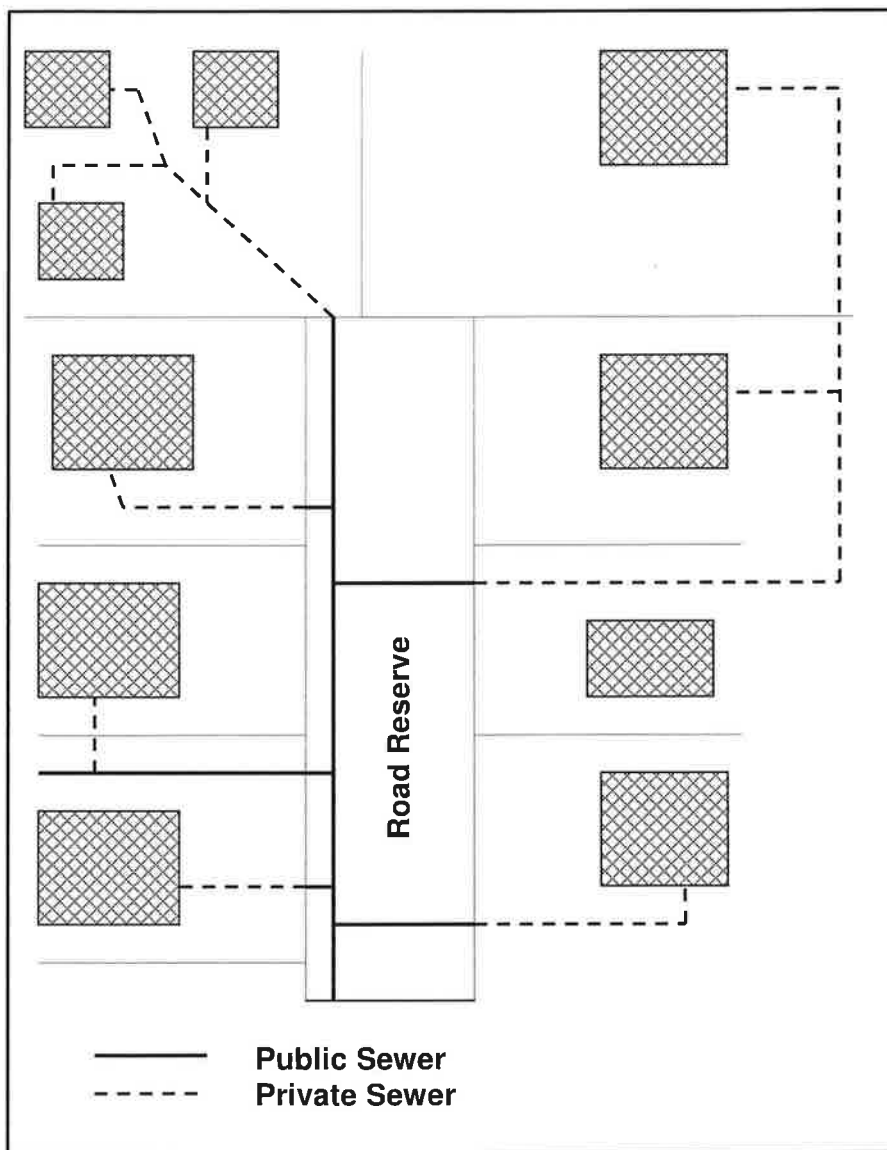
Unless otherwise approved there shall be one point of discharge only for each premises, and any private drain shall not extend by pipe or any other means to serve another premises unless it is a common private drain.

5.2 Single Ownership

For single dwelling units the point of discharge shall be located at the point of physical connection to the public sewer, whether it be within a road, other public lands, or private land.

The approval of more than one point of discharge must be by the Council and also recorded on the drainage plan (refer 12).

Table 1 (Policy): Point of discharge locations



5.3 Multiple Ownership

The point of discharge for the different forms of multiple ownership of premises and/ or land shall be as follows:

- a) For company share/block scheme (body corporate), as for single ownership;
- b) For leasehold/tenancy in common scheme (cross lease), strata title, and unit title (body corporate).
Where practicable each owner shall have an individual drain with the point of discharge determined by agreement with the Council. If not practicable there shall be a common private drain which shall be incorporated as an additional provision in the lease agreement. In specific cases other arrangements will be acceptable subject to individual approval.

Each owner's point of discharge must be approved by the Council and recorded on the drainage plan. Other arrangements shall be considered only where there are advantages to the Council.

5.4 Common Private Drains

Common private drains shall serve a maximum of five single dwelling units, and may also have one point of discharge only (in common).

Under section 461(2) of the Local Government Act 1974, Common drains shall be covered by a certificate from the Council recording the rights of each party, which is registered against the Certificate of Title.

6 Level Of Service

The Council shall provide wastewater services in accordance with the level of service contained in Council's *Kaipara's Future - Working Together* (the Long Term Council Community Plan).

7 Liability

The Council shall not be liable for any loss, damage or inconvenience, which the customer (or any person within the premises) may sustain as a result of deficiencies in the wastewater collection system.

8 Emergency

Natural hazards (such as floods or earthquakes) or accidents beyond the control of the Council, which result in disruptions to the ability of the Council to receive wastewater, will be deemed an emergency.

During an emergency the Council may restrict or prohibit the discharge of wastewater for any specified purpose, for any specified period, and for any or all of its customers.

Such restrictions shall be publicly notified. The decision to make and lift restrictions, and to enact additional penalties, shall be made by the Council, or where immediate action is required the officer of the Council authorized for that purpose subject to subsequent Council ratification.

9 Maintenance And Repair

Where it is not practical to notify the customer of a maintenance interruption to the point of discharge before work commences, the Council may shutdown the point of discharge without notice, and the customer shall be advised as soon as possible.

10 Blockages

A customer whose gully trap is overflowing or who has other reasons to suspect a blockage, shall contact the Council immediately. The Council will arrange to check the public sewer, and to clear and remove the blockage, and clean up all affected areas. If the blockage is within the customer's private drain the customer shall be charged in accordance with the Council current schedule of rates and charges.

If the blockage is found to be within the public sewer, then provided that the blockage has not been forced downstream into the public sewer in an act of clearing it from the private drain, or that the customer has not been negligent in discharging a non-acceptable wastewater, then the Council shall cover all costs. If otherwise, the Council shall recover the costs of the unblocking work from the customer.

11 Trees

In the event of the roots of any tree on any private property causing or being likely to cause damage, interference to the flow, or blockage to a public sewer the Council shall follow the procedure set out in section 468 of the Local Government Act 1974.

12 Working Around Buried Services

The Council shall use its best endeavours to keep and maintain drainage plans of the location of its buried services. This information shall be available for inspection during normal business hours at no cost to the user. Reasonable charges may be levied to cover the costs of making copies available.

Any person proposing to carry out excavation work shall view the as-built information to establish whether or not Council services are located in the vicinity. At least three days notice in writing shall be given to the Council of an intention to excavate in the vicinity of the buried services. Where appropriate the Council may mark out to within ± 1.0 metre on the ground the location of its services, and may nominate in writing any reasonable restrictions on the work it considers necessary to protect the buried services.

When excavating and working around buried services due care shall be taken to ensure the services are not damaged, and that bedding and backfill is reinstated in accordance with the appropriate Council specification. Excavation within roadways is also subject to the permit process of the appropriate roading authority.

Any damage which occurs to a buried service or other Council asset shall be reported to the Council immediately. Repair costs may be charged for.

13 Customer's Drainage System

13.1 General

The customer's drainage system is governed by the Building Act from inside the building to the point of discharge. The Council may not impose anything on the customer, which is more onerous than is contained in the New Zealand Building Code.

The customer's drainage system shall be designed, installed and maintained, both in its component parts and in its entirety, to ensure that it complies with the Building Act and the New Zealand Building Code.

Drainage from premises constructed, or for which construction was commenced, prior to the coming into force of the Building Act, does not need to be upgraded to meet the requirements of the New Zealand Building Code. If however any work is required on the customer's drainage system, arising from:

- a) The issuing of a defect notice;
- b) Alteration to the premises;
- c) Change of use of the premises;

then any such work shall meet the requirements of the New Zealand Building Code.

Customers with discharges from premises not covered by the Building Act and the New Zealand Building Code shall nevertheless have a drainage system, which complies with the Building Act and New Zealand Building Code.

13.2 Waste Minimization

In order to meet the principles of sustainable management as promoted by the RMA, the Council will encourage customers to fit the devices contained in 'Table 1 (Bylaw)' on all new installations.

Table 1 (Bylaw): Waste Minimisation Devices

Device	Value
Dual flush toilet cistern	Flush 1 6 litres Flush 2 3 litres
Low flow shower heads	Maximum 12 litres per minute
Urinal flushing control	On-Demand Controller

13.3 Inflow And Infiltration

Stormwater shall be excluded from the wastewater system by ensuring that:

- a) There is no direct connection of any stormwater pipe or drain to the wastewater
- b) Gully trap surrounds are set above stormwater ponding levels (refer New Zealand Building Code), or secondary overland flow path flood levels;
- c) Inspection covers are in place and are appropriately sealed.

For large impervious areas (e.g. stock yards or truck washing facilities), specific provision shall be made for a permanent barrier which will prevent water from outside the confines of the facility from entering the wastewater system. This could be by way of a nib wall, speed humps, or appropriately graded surrounds.

Where it is impractical to cover a large impervious area, consideration shall be given to a system which detains run-off from the "first foul flush" for ultimate disposal to the wastewater system, with subsequent run-off disposal as stormwater.

Private drains shall be kept and maintained in a state which is free from cracks and other defects which may allow infiltration.

13.4 Pump Stations

General: Private wastewater pump stations will be approved only where there are no practical alternatives for a gravity flow discharge to the public sewer.

Single ownership: A private wastewater pump station for a single dwelling unit represents an alternative solution in terms of the Building Act. As such, the customer (owner) will be required to demonstrate that the pump station complies with the provisions of the New Zealand Building Code when seeking a consent.

Multiple ownership: A private wastewater pump station serving more than one residential dwelling unit requires a compliance schedule as well as an annual building warrant of fitness in order to meet the requirements of the Building Act.

A "Common Pump Station Agreement" shall be required between the parties, including appropriate maintenance of rising mains. It shall be registered against the Certificate of Title of each party.

The combined rate of discharge to the public sewer shall not exceed the rate specified by the Council.

13.5 Swimming Pools

Customers with swimming or spa pools shall be required to demonstrate that the pool drain has been fitted with a flow limiting device to ensure the discharge does not exceed the maximum instantaneous flow requirement of 2.0 litres per second.

14 Payment

Payment for the discharge of wastewater and related services shall be in accordance with the Council schedule of rates and charges.

15 Breaches And Remedies

15.1 Powers

Powers to enforce penalties relating to the discharging of wastewater by customers are given to the Council by a number of acts. The Local Government Act 2002 deals specifically with Trade Wastes. Other relevant pieces of legislation are more indirect in application. The Local Government (Rating) Act 2002 allows for action to be taken when rates are unpaid.

The relevant legislation includes:

- Local Government Act 2002
- Local Government (Rating) Act 2002
- Health Act 1956 Part II
- Building Act 2004

15.2 Failure to pay

Any money owing for rates for wastewater services becomes a charge on the land.

In exercise of the powers and authorities vested in it by Sections 145 and 146 of the Local Government Act 2002 the Kaipara District Council proposes to make this Bylaw to protect public health and to regulate wastewater discharges and to protect structures and infrastructure associated with it.

The proposed Bylaw may be referred to as the Kaipara District Wastewater Drainage Bylaw 2009 and, except for those parts declared to be limited or extended in their operation, it shall apply to the whole of the Kaipara District as from time to time constituted.

Kaipara District Wastewater Drainage Bylaw

1 Introduction

This Bylaw is for wastewater drainage from both domestic and trade premises to Council's wastewater system.

2 Definitions

For the purposes of this Bylaw the following definitions shall apply:

'Acceptable Discharge' means a wastewater with physical and chemical characteristics, as detailed in Schedule A of the Bylaw.

'Approval or Approved' means approval or approved in writing by the Council, either by resolution of the Council or by an officer of the Council authorised for that purpose.

'Buried Services' means all public sewers, rising mains, trunk sewers and other underground utilities under the responsibility of the Council.

'Certificate of Title' means a certificate registering the ownership of land available to any owner(s) under the Land Transfer Act 1952, Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002, or any other Act.

'Characteristic' means any of the physical or chemical characteristics of wastewater to be discharged to the public sewer of the Council.

'Council' means the Kaipara District Council.

'Customer' means a person who either discharges, or has obtained a consent to discharge or direct the manner of discharge of wastewater from any premises to the public sewer of the Council.

'Dead of Covenant' means an agreement whereby a party stipulates as to the truth of certain facts, or binds himself to give something to another, or to do or not to do any act.

'Disconnection' means the physical cutting and sealing off of any of the Council water services, utilities, drains or sewer from use by any Person.

'Domestic Wastewater' means liquid wastes (with or without matter in solution or suspension therein) discharged from premises used solely for residential purposes or wastes of the same character discharged from other premises; but does not include any solids, liquids or gases that may not lawfully be discharged into the wastewater system.

'Drain' means that section of private drain between the customer's premises and the point of discharge through which wastewater is conveyed from the premises. This section of drain owned and maintained by the customer (or group of customers).

'Drainage District' means the district or part thereof of the District for which the Council may provide a drainage system.

'Infiltration' means ground or surface water entering a public sewer or private wastewater drain through defects such as, but not limited to, poor joints and cracks in pipes or manholes. It does not include inflow.

'Inflow' means water discharged into a drain from non-complying connections or other drainage faults. It includes stormwater entering through illegal down pipe connections or from low gully traps.

'Level of Service' means the measurable performance standards on which the Council undertakes to receive wastewater from its customers.

'Memorandum of Encumbrance' means an agreement for the payment by any person or persons by yearly or periodical payments or otherwise of any annuity, rent charge, or sum of money other than a debt where land owned by the person or persons is legally defined and used as security should failure to meet that persons commitments occur.

'Person' includes a corporation sole and also a body of persons whether incorporated or unincorporated.

'Point of Discharge' is the boundary between the public wastewater system and a private drain.

'Premises' means either:

- a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and for which a building consent has been or may be issued, or
- b) A building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available, or
- c) Land held in public ownership (e.g. reserve) for a particular purpose, or
- d) Individual units in buildings, which are separately leased or separately occupied, or
- e) Other land.

'Private Drain' means that section of drain between the premises and the point of discharge to the Council wastewater system. (This section of drain is owned and maintained by the customer or with the Council's express approval a group of customers.)

'Publicly Notified' means published on at least one occasion in a newspaper circulating in the Council's wastewater drainage area, or, under emergency conditions, by the most practical means available at that time.

'Rising Main' means a sewer through which wastewater is pumped.

'Schedule of Rates and Charges' means the list of items, terms and prices for services associated with the discharge of wastewater as approved by the Council.

'Service Area' means the district or part thereof of the District for which the Council may provide a wastewater system, including, with the consent of the territorial authority, any area within that district.

'Service Opening' means a manhole, or similar means for gaining access for inspection, cleaning or maintenance, of a public sewer.

'Sewer' means the public sewer and lateral connections that carry away wastewater from the point of discharge. The public sewer is owned, administered and maintained by the Council.

'Stormwater' means surface water run-off resulting from precipitation.

'Trade Premises' means:

- a) Any premises used or intended to be used for any industrial or trade purpose; or
- b) Any premises used or intended to be used for the storage, transfer, treatment, or disposal of waste materials or for other waste management purposes, or used for composting organic materials; or
- c) Any other premises from which a contaminant is discharged in connection with any industrial or trade process; or
- d) Any other premises discharging other than domestic sewage and includes any land or premises wholly or mainly used for agricultural or horticultural purposes.

'Trade Waste' is any liquid, with or without matter in suspension or solution, that is or may be discharged from a trade premises to the Kaipara District Council wastewater system in the course of any trade or industrial process or operation, or in the course of any activity or operation of a like nature; and may include condensing or cooling waters; stormwater which cannot be practically separated, or domestic wastewater.

'Trunk Sewer' means a sewer, generally greater than 150 mm in diameter, which forms a part of the principal reticulation network of Council's wastewater system.

'Unacceptable Discharge' means a wastewater, which is not acceptable for discharge into the Council wastewater system, as detailed in Schedule A.

'Wastewater' means water or other liquid, including waste matter in solution or suspension, discharged from a premise to a sewer.

'Wastewater System' means the collection, treatment and disposal of sewage and Trade Wastes, including all sewers, pumping stations, storage tanks, wastewater treatment plants, outfalls, and other related structures operated by Council and used for the reception, treatment and disposal of Trade Wastes.

3 Acceptance Of Discharge

3.1 Wastewater

Every premise shall be entitled to have its wastewater accepted by the Council subject to:

- a) The premises lying within a service area if such an area has been designated by the Council under the Local Government Act 2002 (LGA), and
- b) The premises lying within an area which is served by public sewers, and
- c) Payment of the appropriate rates and charges in respect of that premises in general and wastewater services in particular, and
- d) Fulfilment of the requirements of this Bylaw.

3.2 Trade Waste

Premises which produce Trade Wastes which have Characteristics outside of those specified for Acceptable Discharge in Schedule A, are not entitled to have their wastewater accepted by the Council. Acceptance of Trade Wastes (if any) will be subject to a separate agreement with Council.

4 Approval To Connect

No person other than the authorized agents of the Council, shall without approval, make any connection to or otherwise interfere with any part of the Council's wastewater system.

5 Continuity Of Discharge

The Council does not guarantee to receive wastewater without interruption, however the Council will use all reasonable endeavours to ensure that any disruption is kept to a minimum.

6 Premises

6.1 Flow Rate

The maximum instantaneous flow rate discharged from a domestic premise shall not exceed 2.0 litres per second. The Council may also set a maximum daily flow rate discharged from a domestic premise.

6.2 Unacceptable Discharges

No wastewater, that does not meet the characteristics of Acceptable Discharge in Schedule A, shall be discharged into the wastewater system, except with the written agreement of the Council.

6.5 Prevention Of Inflow And Infiltration

The customer shall prevent any stormwater or groundwater entering the wastewater drainage system. This includes roof downpipes, surface water run-off, overland flow, and subsurface drainage.

7 Disconnection

A customer shall give seven working days notice in writing of his or her intention to demolish or remove a building connected to the sewer. The demolition or removal shall not commence until the sewer has been disconnected to the Council's satisfaction.

If relaying of a private drain is required a customer shall give two working days notice in writing to the Council of his or her requirement for disconnection of the discharge connections.

8 Public Drainage System

8.1 General

With respect to building or loading over buried services, or excavation near public sewers, the restrictions described in 8.2 to 8.4 shall apply. Other restrictions may be applied by the Council for the protection of the wastewater system after consideration of proposed work methods, depth of excavation, soil physical properties, and other site specific factors.

8.2 Building Over Buried Services

a) Rising mains and trunk sewers

No building shall be built over a public rising main or trunk sewer, or closer to a rising main or trunk sewer than a distance calculated as the greater of:

- i) 1.5 metres from the centre of any main or sewer, or
 - ii) The depth of the centre line of the rising main or trunk sewer, plus the diameter of the rising main or trunk sewer pipe, plus 0.2 metres from the centre of that sewer, subject to compliance with 3.1 of NZS 3604 Timber Framed Buildings.
- b) Other public sewers
- i) No building shall be built over a public sewer, whether on public or private land;
 - ii) No building shall be built closer than a distance calculated as the greater of:
 - ia) 1.5 metres from the centre of any public sewer, or
 - ib) the depth of the centreline of the sewer pipe, plus the diameter of the sewer pipe, plus 0.2 metres, subject to compliance with 3.1 of NZS 3604 Timber Framed Buildings.
 - iii) Council may allow a building developer to divert a sewer, but construction must be to Council's standards and entirely at the applicant's expense.
 - iv) Where (i) (ii) and (iii) above are found to be impractical and the building cannot be sited elsewhere on the property or modified to conform with the above conditions, and it is essential for the proposed building to be built on that part of the property, approval may be granted subject to the building developer meeting the cost of any specific requirements. These may include the provision of access manholes, pipe strengthening, ducting, additional support of the building's foundations and relocatable construction.

8.3 Loading Or Material Over Public Sewers

No person shall cause the crushing load imposed on a public sewer to exceed that which would arise from the soil overburden plus a HN-HO-72 wheel or axle load (as defined by the Transit New Zealand Bridge Manual).

No person shall place any additional material over or near a public sewer without approval.

Service openings shall not be covered in any way without Council approval. Removal of any covering material or adjustment of the service opening shall be at the property owner's expense.

8.4 Excavation Near Public Sewers

Without Council approval, no person shall excavate, or carry out piling or similar work closer than:

- a) Five metres from the centre line of any rising main or trunk sewer, or
- b) Two metres from the centre line of any public sewer, without approval. Such approval may impose conditions on the carrying out of any work near the sewer.

9 Storage Of Hazardous Materials

The occupier or any premises shall not store raw material, products or wastes containing corrosive, toxic, biocidal, radioactive, flammable, or explosive materials, or any material which, when mixed with the wastewater stream, is likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, or any other material likely to be deleterious to the Council wastewater system or

the health and safety of Council staff and the public, without taking all reasonable steps to prevent entry into the Council sewer from leakage, spillage or other mishap.

The occupier of any premise shall comply with the requirements of the Hazardous Substances and New Organisms Act 1996.

The foregoing Bylaw was made by the **Kaipara District Council** by Special Consultative Procedure and confirmed at a meeting of Council held on 24 June 2009. This Bylaw becomes operative on Friday 17 July 2009.

In witness whereof the Common Seal of the **Kaipara District Council** was hereunto affixed pursuant to a resolution of Council passed on 24 June 2009 in the presence of:

Mayor

Chief Executive

10 Schedule A

Acceptable Discharge

The following physical and chemical Characteristics are the maximum permissible for the acceptance of wastewater into the public sewer from each Point of Discharge. Any increases in any Characteristic would be subject Council approval and would require a specific separate agreement with the property owner and/or occupier:

Parameter	Maximum mg/litre (except for flow, pH units, temperature and SAR)
Flow	6,000 litres per day
(BOD), 5-Day Biochemical Oxygen Demand	300
(COD), Chemical Oxygen Demand	800
Total Suspended Solids	300
Total Phosphorous	12
Total K Nitrogen	50
Total Dissolved Solids	750
Temperature	<38 degrees C
Oil/grease - extractable material	80
Aluminium	20
Ammonia	50
Arsenic	0.018
Beryllium	0.2
Boron	0.5
Cadmium	0.0015
Chloride	350
Chromium	0.25
Cobalt	0.1
Copper	0.15
Cyanide	0.34
Fluoride	2
Formaldehyde	50
Iron	20
Lead	0.1
Lithium	5
Manganese	10
Magnesium	50
Mercury	0.001
Molybdenum	0.04
Nickel	0.05

Parameter	Maximum mg/litre (except for flow, pH units, temperature and SAR)
Oil/grease	150
pH range	6-9
Phenol	10
Phenol-cresol	16
Silver	5
Sodium Absorption Ratio	<8
Selenium	0.005
Sulphates	500
Vanadium	0.2
Zinc	0.3
DDT, (Dichloro-Diphenyl-Trichloroethane) DDD; and DDE	0.0004 0.0004 (Trigger for sum of DDT, DDD and DDE parameters)
Dieldrin substances (Organo Chlorine Pesticides)	0.0001 Trigger for sum of all Organo Chlorine Pesticides
PCBs, (polychlorinated Biphenyl)	0.002