

[AS REPORTED FROM THE LANDS AND AGRICULTURE
COMMITTEE]

House of Representatives, 8 December 1971.

Words struck out by the Committee are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Hon. Mr Allen

WATER AND SOIL CONSERVATION AMENDMENT
(NO. 2)

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A BILL INTITULED

An Act to amend the Water and Soil Conservation Act 1967

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

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1. Short Title and commencement—(1) This Act may be cited as the Water and Soil Conservation Amendment Act (No. 2) 1971, and shall be read together with and deemed part of the Water and Soil Conservation Act 1967* (hereinafter referred to as the principal Act).

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(2) This Act shall come into force on the 1st day of April 1972.

2. Interpretation—(1) Section 2 of the principal Act is hereby amended by inserting in subsection (1), in their appropriate alphabetical order, the following definitions:

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“Coastal water’ means all tidal saline water within the outer limits of the territorial sea of New Zealand:

“Condensing water’ or ‘circulating water’ means any water used in any trade, industry, or commercial process or operation in such a manner that it does not take up matter into solution or suspension:

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“Domestic sewage’ means liquid wastes (including 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 sewers controlled by a local authority:

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“Sewer’ includes a public drain under the control of a local authority:

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*1967, No. 135:

Amendments: 1968, No. 117; 1969, No. 114; 1971, No. 24

5 “Trade premises’ means any premises used or intended to be used for carrying on any trade or industry; and includes any land or premises wholly or mainly used (whether for profit or not) for agricultural or horticultural purposes:

10 “Trade wastes’ means any liquid, with or without matter in suspension or solution therein, that is or may be discharged from trade premises in the course of any trade or industrial process or operation or in the course of any activity or operation of a like nature; but does not include condensing water, surface water, or domestic sewage:

15 “Trade wastes bylaws’ means bylaws made under the authority of section 26L of this Act or deemed to be trade wastes bylaws pursuant to subsection (2) of section 26s of this Act:

20 “Waste’ includes any matter that, when added to or mixed with any natural water, will contaminate the water so as to change the physical or chemical condition thereof in such a manner as to—

(a) Make the water unclean, noxious, or impure;

or

(b) Be detrimental to the health, safety, or welfare of persons using the water; or

25 (c) Render the water undrinkable to farm animals; or

(d) Be poisonous or harmful to animals, birds, or fish around or in the water:”.

30 (2) Subsection (1) of section 2 of the principal Act is hereby further amended—

(a) By omitting from the definition of the term “Board” the words “Water Allocation Council”, and substituting the words “Water Resources Council”:

35 (b) By omitting from the definition of the term “Council” (as amended by section 3 (4) of the Waters Pollution Amendment Act 1970) the words “the Water Pollution Control Council, or the Water Allocation Council”, and substituting the words “or the Water Resources Council”:

40 (c) By omitting from the definition of the term “natural water” the words “used for the water supply purposes of any public authority”, and substituting the words “under the control of a public authority and used mainly for the water supply purposes of that public authority”:

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- (d) By omitting from the definition of the term "Organisation" (as amended by section 3 (4) of the Waters Pollution Amendment Act 1970) the words "the Water Pollution Control Council, and the Water Allocation Council", and substituting the words "and the Water Resources Council". 5

3. Bodies to participate in administration—(1) Section 4 of the principal Act is hereby amended by repealing paragraph (b) of subsection (1), and substituting the following paragraph: 10

"(b) The Water Resources Council."

(2) The said section 4 is hereby further amended by repealing paragraph (b) of subsection (4) (as amended by section 3 (4) of the Waters Pollution Amendment Act 1970).

4. Constitution of National Water and Soil Conservation Authority—Section 5 of the principal Act is hereby amended— 15

(a) By omitting from paragraph (c) of subsection (1) the words "Five other members", and substituting the words "Four other members": 20

(b) By repealing subparagraphs (ii) and (iii) of paragraph (c) of subsection (1), and substituting the following subparagraph: 25

"(ii) One shall be so appointed to represent the Water Resources Council:"

5. Constitution of Water Resources Council—(1) The principal Act is hereby further amended by repealing sections 7 and 8, and substituting the following section:

"7. (1) The Water Resources Council shall consist of 14 members appointed by the Governor-General on the advice of the Minister, of whom— 30

"(a) One, who shall not be an officer or employee in the Government service, shall be so appointed as Chairman:

"(b) One shall be an officer of the Department of Agriculture: 35

"(c) One shall be an officer of the Department of Scientific and Industrial Research:

"(d) One shall be an officer of the Ministry of Works:

"(e) One shall be an officer of the Department of Health: 40

- “(f) One shall be an officer of the Marine Department:
“(g) Three shall be so appointed to represent local authorities:
5 “(h) One shall be so appointed after consultation by the Minister with the Federated Farmers of New Zealand Incorporated:
“(i) One shall be so appointed after consultation by the Minister with the New Zealand Manufacturers’ Federation Incorporated:
10 “(j) One shall be so appointed after consultation by the Minister with the New Zealand Dairy Board:
“(k) One shall be so appointed after consultation by the Minister with the Meat Industry Research Institute of New Zealand Incorporated:
15 “(l) One shall be so appointed, after consultation by the Minister with the Minister of Internal Affairs, to represent all recreational interests in natural water.
“(2) Of the members appointed to represent local authorities—
20 ties—
“(a) One shall be so appointed, after consultation by the Minister with the Executive Committee of the Municipal Association of New Zealand Incorporated, from a panel of 3 persons nominated by that Committee:
25 “(b) One shall be so appointed, after consultation by the Minister with the Executive Committee of the New Zealand Counties Association Incorporated, from a panel of 3 persons nominated by that Committee:
30 “(c) One shall be so appointed, after consultation by the Minister with the New Zealand Catchment Authorities Association Incorporated, from a panel of 3 persons nominated by that Association.
35 “(3) The Council at its first meeting and thereafter from time to time shall appoint one of its members to be the Deputy Chairman of the Council.
“(4) A Deputy Chairman so appointed shall hold office for 1 year or until he sooner ceases to be a member of the Council,
40 and may from time to time while he continues to be a member of the Council be reappointed as Deputy Chairman.

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“(5) On the occurrence from any cause of a vacancy in the office of Chairman of the Council, or during the absence from New Zealand or incapacity of the Chairman, or at any meeting of the Council while for any reason there is no Chairman or the Chairman is not present, the Deputy Chairman shall have and may exercise all the powers and duties of the Chairman.” 5

(2) The principal Act is hereby further amended by omitting the words “Water Allocation Council” where they occur in sections 9, 10, 11, 12, 13, 29, 30, and 37, and substituting in each case the words “Water Resources Council”. 10

6. Meetings—Section 12 of the principal Act is hereby amended by omitting from paragraph (a) of subsection (2) the word “Five”, and substituting the word “Four”. 15

7. Functions, powers, etc., of Authority—(1) Section 14 of the principal Act is hereby amended by omitting from subsection (1) (as amended by section 3 (4) of the Waters Pollution Amendment Act 1970) the words “and the Water Pollution Control Council”. 20

(2) The said section 14 is hereby further amended by omitting from the proviso to subsection (1) the words “either of those Councils”, and substituting the words “that Council”.

(3) The said section 14 is hereby further amended by omitting from paragraph (e) of subsection (3) (as amended by section 3 (4) of the Waters Pollution Amendment Act 1970) the words “and on the Water Pollution Control Council by or under the Waters Pollution Act 1953, as if the functions and powers of those Councils under those Acts”, and substituting the words “as if those functions and powers”. 25 30

(4) The said section 14 is hereby further amended by repealing paragraph (f) of subsection (3), and substituting the following paragraph:

“(f) To exercise all the functions and powers conferred on any public authority or officer thereof in respect of natural water by or under the Public Works Act 1928; and to advise the Minister of Works as to the exercise of his functions and powers, and of the exercise of the functions and powers of the Governor-General, under that Act and under section 33 of the Finance Act 1938 and section 39 of the Finance Act (No. 2) 1939: 35 40

“Provided that nothing in this paragraph shall prevent the exercise by any public authority or officer of any such function or power:”.

5 (5) The said section 14 is hereby amended by adding to subsection (4) the following paragraphs:

10 “(m) To advise the Minister from time to time on the best ways of maintaining or improving the quality of natural water and of co-ordinating the functions of persons or bodies charged with the duty of maintaining or improving the quality of natural water:

“(n) To carry out surveys and investigations for the purpose of ascertaining the causes, nature, and extent of the deterioration of the quality of natural water:

15 “(o) To organise and encourage research into ways and means of maintaining or improving the quality of natural water:

20 “(p) To compile and publish information on ways and means of maintaining or improving the quality of natural water:

“(q) To compile and publish codes setting out requirements for the treatment of waste and trade wastes before they are discharged into natural water:

25 “(r) To compile model bylaws for local authorities in respect of the treatment and disposal of trade wastes:

30 “(s) To investigate conflicts of interests that have arisen or may arise between different public authorities, bodies, industries, classes of the community, or persons in respect of the maintenance or improvement of the quality of natural water, and to recommend the resolution of any such conflicts:

35 “(t) To advise public authorities and public bodies for the purpose of co-ordinating the policies and activities of any such authorities and bodies in respect of the maintenance or improvement of the quality of natural water.”

8. Apportionment of functions within the Organisation—

40 (1) Section 15 of the principal Act is hereby amended by omitting the words “three Councils”, and substituting the words “2 Councils”.

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(2) The said section 15 is hereby further amended by repealing paragraph (b).

(3) The said section 15 is hereby further amended—

(a) By inserting, before the words “Matters of allocation of natural water” in paragraph (c), the words “Matters of quality of natural water and other water,”: 5

(b) By omitting from paragraph (c) the words “Water Allocation Council”, and substituting the words “Water Resources Council”. 10

9. Delegation of powers of Regional Water Boards—Section 16 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

Struck Out

“(2A) Notwithstanding subsection (2) of this section, a Regional Water Board shall not delegate any power conferred on it by section 21 or section 22 of this Act.” 15

New

“(2A) Notwithstanding subsection (2) of this section, a Regional Water Board shall not delegate— 20

“(a) Any power conferred on it by section 21 of this Act to grant a right; or

“(b) Any power conferred on it by section 22 of this Act to grant an authorisation.”

10. Application of Acts to other functions—Section 17 of the principal Act is hereby amended by omitting the words “and in the Waters Pollution Act 1953”. 25

11. Duties of Regional Water Boards—Section 20 of the principal Act is hereby amended by omitting from paragraph (g) of subsection (5) (as amended by section 3 (4) of the Waters Pollution Amendment Act 1970) the words “Water Pollution Control Council and the Water Allocation Council”, and substituting the words “Water Resources Council”. 30

12. Rights in respect of natural water—(1) Section 21 of the principal Act is hereby amended by adding to subsection (3) the following proviso: 35

“Provided also that no right to discharge waste into natural water that has been classified by the Council under section 26E of this Act shall be granted by any Board before the 1st day of June 1974 without the prior general or special consent in writing of the Council.”

5 (2) The said section 21 is hereby further amended by inserting, after subsection (3), the following subsection:

“(3A) In granting any right under this section to discharge natural water or waste into any natural water that has been classified under section 26E of this Act the Board shall, subject to subsection (3B) of this section, impose such terms and conditions as may be necessary to ensure that—

Struck Out

15 “(a) The quality of the receiving waters does not as a result of the discharge fall below the standards specified in the classification of those waters:

20 “(b) The combined effect of the discharge being authorised and of all lawful existing discharges into the receiving waters will not result in any failure to maintain the standards of quality specified in the classification of those waters.

New

25 “(a) After allowing for reasonable mixing of the discharge with the receiving water, the quality of the receiving water does not as a result of the discharge fall below the standards specified in the classification of that water:

30 “(b) The combined effect of the discharge being authorised and of all existing and authorised discharges into the receiving water will not result in any failure to maintain the standards of quality specified in the classification of the receiving water.

35 “(3B) Where it is impracticable, because of emergency, overflows, the carrying out of maintenance work, or any other circumstances, for the Board to impose any term or condition that it is required to impose under subsection (3A) of this section in granting any right, it may with the consent of the Water Resources Council, grant the right without imposing that term or condition.”

13. General authority for use, etc., of natural water—
Section 22 of the principal Act (as amended by section 37 of the Water and Soil Conservation Amendment Act 1971) is hereby further amended by adding to subsection (1) the following proviso:

“Provided that—

“(a) No authorisation may be given under this subsection to discharge waste into any natural water that has been classified under section 26E of this Act:

“(b) Where authorisation is given under this section to discharge waste into any natural water, and that water is subsequently classified under section 26E of this Act, such authority shall cease to have effect as from the date of the classification in respect of the discharge of any waste into that water.”

14. Control of taking and use of water during water shortage—Section 24E of the principal Act (as inserted by section 39 of the Water and Soil Conservation Amendment Act 1971) is hereby amended—

(a) By omitting from subsection (1) the word “prohibited”, and substituting the word “suspended”;

(b) By omitting from subsection (3) the word “stop”, and substituting the word “suspend”.

Struck Out

15. Revocation and variation of permits under Waters Pollution Regulations 1963—The principal Act is hereby further amended by inserting, after section 24H (as inserted by section 39 of the Water and Soil Conservation Amendment Act 1971), the following section:

“24I. (1) Notwithstanding anything to the contrary in any permit issued under the Waters Pollution Regulations 1963, a Regional Water Board may, in respect of any such permit issued to discharge any waste within or from its region,—

“(a) Revoke the permit; or

“(b) Amend or revoke any of the terms or conditions to which the permit is subject; or

“(c) Add any new terms and conditions to the permit—
for the purpose of maintaining the minimum standards of quality of the receiving waters.

Struck Out

“(2) A Board shall not exercise any power conferred on it under subsection (1) of this section unless it has first given to the holder of the permit concerned 3 months’ notice in writing of its intention to exercise that power.

“(3) Section 25 of this Act shall apply to the exercise by the Board of any power conferred on it under subsection (1) of this section as if the exercise of that power were a decision of a Board under section 24 of this Act and as if the holder of the permit were an applicant.”

New

15. New sections inserted—The principal Act is hereby further amended by inserting, after section 24H (as inserted by section 39 of the Water and Soil Conservation Amendment Act 1971), the following sections:

“**24. Revocation and variation of permits under Waters Pollution Regulations 1963**—(1) Notwithstanding anything to the contrary in any permit issued under the Waters Pollution Regulations 1963, a Regional Water Board (if the permit is deemed to be a right granted under subsection (3) of section 21 of this Act to discharge waste within or from its region) or the Authority (if the permit is deemed to be a right granted under section 23 of this Act) may—

- “(a) Revoke the permit; or
“(b) Amend or revoke any of the terms or conditions to which the permit is subject; or
“(c) Add any new terms or conditions to the permit—
for the purpose of maintaining the minimum standards of quality of the receiving water.

“(2) A Board or the Authority shall not exercise any power conferred on it by subsection (1) of this section unless it has first given to the holder of the permit concerned 3 months’ notice in writing of its intention to exercise that power.

“(3) The holder of a permit in respect of which any power is exercised by a Board or the Authority under this section shall have a right of appeal in accordance with section 25 of this Act as if the exercise of that power were a decision of a Board under section 21 of this Act and as if the holder of the permit were an applicant.

New

“24J. **Extension of effect of temporary permits**—On the application of the holder of a temporary permit issued under the Waters Pollution Regulations 1963, a Regional Water Board (if the permit is deemed to be a right granted under subsection (3) of section 21 of this Act to discharge waste within or from its region) or the Authority (if the permit is deemed to be a right granted under section 23 of this Act) may by public notification authorise the continuation of that discharge after the permit ceases to have effect, for such period and to such extent and subject to such conditions as the Board or the Authority thinks fit, and may from time to time extend the period of such authorisation.”

16. Appeals—Section 25 of the principal Act is hereby amended by inserting in subsection (2), after the words “under that Act, and”, the words “subject to the provisions of that Act”.

17. New sections relating to classified natural water and trade wastes inserted—The principal Act is hereby further amended by inserting, after section 26 but before the heading “*Miscellaneous Provisions*”, the following headings and sections:

“Classification of Natural Water

“26A. **Investigation of water quality**—(1) The Authority, the Water Resources Council, or any Regional Water Board within its region, may from time to time carry out investigations for the purpose of ascertaining in any locality—

“(a) The extent of any discharges of waste into natural water:

“(b) The cause, effect, and extent of such discharges of waste:

“(c) The number of places from which waste is discharged into natural water:

“(d) The type and amount of waste being discharged from any places into natural water:

“(e) The persons or authorities by which any such places of discharge are controlled:

“(f) The uses for the time being made or likely in the future to be made of any natural water into which waste is or is likely in the future to be discharged:

“(g) The extent to which any discharges of waste into natural water should be controlled or abated:

“(h) Any other information considered necessary by the Authority, Council, or Board.

5 “(2) Any such investigations may be carried out at the request of any person or authority having an interest in the maintenance of the quality of natural water, or by the Authority, Council, or Board of its own motion.

“26B. Powers in respect of surveys and investigations—

10 (1) For the purpose of carrying out any investigation under section 26A of this Act the Authority or Water Resources Council or a Regional Water Board or any person authorised specially or generally in that behalf in writing by the Authority or Council or that Board may make surveys, investigations,
15 tests, and measurements in respect of discharges of waste into natural water and the quality of natural water, and may for that purpose—

“(a) Subject to subsections (2) and (3) of this section,
20 enter and re-enter from time to time upon any land with such assistants, gear, appliances, and equipment as may be reasonably necessary:

“(b) Require any person to furnish such information and returns as may be reasonably necessary in respect
25 of the discharge of waste into natural water and the quality of natural water:

“(c) Take samples of natural water:

“(d) Generally do all other things reasonably necessary to enable any such survey, investigation, test, or measurement to be carried out.

30 “(2) Nothing in subsection (1) of this section shall authorise the Authority or Council or any Board or any other person—

“(a) To enter into any dwellinghouse or other building:

Struck Out

35 “(b) To undertake any construction work in any National Park within the meaning of the National Parks Act 1952 or any public reserve within the meaning of the Reserves and Domains Act 1953, except with the prior consent of the Minister of Lands and in accordance with such conditions as he may impose
40 in giving his consent.

New

“(b) To enter any special area in respect of which a permit is required for entry under section 11 or section 12 of the National Parks Act 1952, or any reserve in respect of which a permit is required for entry under section 95 of the Reserves and Domains Act 1953, except under the authority of and in accordance with such a permit: 5

“(c) To—

- “(i) Erect any structure or building; or 10
- “(ii) Lay out any road, track, or path; or
- “(iii) Break or injure any fence, building, apparatus, or erection, or damage or interfere with any scenic or historic features; or
- “(iv) Break, cut, injure, or remove any or any part of any wood, tree, shrub, fern, plant, stone, or mineral— 15

in any National Park constituted under the National Parks Act 1952 or any public reserve within the meaning of the Reserves and Domains Act 1953, except with the prior written consent of the Minister of Lands and in accordance with such conditions as he may impose in giving his consent, or in any forest sanctuary set apart under section 20 of the Forests Act 1949, except with the prior written consent of the Minister of Forests and in accordance with such conditions as he may impose in giving his consent. 20 25

“(3) The Authority or the Water Resources Council or a Board, as the case may be, shall wherever practicable before any entry is made upon any land under subsection (1) of this section, give reasonable notice in writing to the owner and the occupier of that land of the intention to enter upon it under that subsection. 30

“(4) Every person who is authorised under subsection (1) of this section to enter or re-enter on any land shall produce his authority when so required by the owner or occupier of that land. 35

“(5) Every person having any estate or interest in land injuriously affected by the exercise of any power under subsection (1) of this section, and every other person suffering any damage as a result of the exercise of any such power, shall be entitled to compensation from the Minister in any case 40

where such power is exercised by or under the authority of the Authority or Council, and from the Board in any case where it is exercised by or under the authority of the Board.

5 “(6) Any such compensation shall be claimed and shall be determined in accordance with Part III of the Public Works Act 1928, and the provisions of that Act, as far as they are applicable and with the necessary modifications, shall apply accordingly.

10 “(7) Every person commits an offence against this Act who, without lawful excuse,—

“(a) Obstructs any person in the exercise of any powers conferred on that person under subsection (1) of this section; or

15 “(b) Fails to comply with any requirement under subsection (1) of this section to furnish any information or return in respect of the discharge of waste into natural water or the quality of natural water.

20 “26c. **Classification of natural waters**—(1) The Water Resources Council may, after considering any investigation carried out under section 26A of this Act in respect of any natural water, classify that natural water in accordance with sections 26D, 26E, and 26F of this Act.

25 “(2) Every such classification shall specify the natural water to which the classification relates by reference to a map or plan attached to the classification.

Struck Out

“~~(3) Every such classification shall be in accordance with one of the 9 classes set out in subsection (4) of this section.~~”

New

30 “(3) Every such classification shall—

“(a) If it is in respect of any water other than coastal water, be in accordance with one of the 4 classes specified in paragraphs (a), (b), (c), and (d) of subsection (4) of this section:

35 “(b) If it is in respect of any coastal water, be in accordance with one of the 5 classes specified in paragraphs (e), (f), (g), (h), and (i) of subsection (4) of this section.

40 “(4) The requirements as to quality for each class of natural water shall be those specified in respect of that class in the appropriate Schedule to this Act, being—

“(a) In respect of Class A, the First Schedule:

“(b) In respect of Class B, the Second Schedule:

“(c) In respect of Class C, the Third Schedule:

“(d) In respect of Class D, the Fourth Schedule:

“(e) In respect of Class SA, the Fifth Schedule:

“(f) In respect of Class SB, the Sixth Schedule: 5

“(g) In respect of Class SC, the Seventh Schedule:

“(h) In respect of Class SD, the Eighth Schedule:

“(i) In respect of Class SE, the Ninth Schedule.

“(5) The Council in making any classification may specify that Class X shall be incorporated in that classification, in which case the requirements as to quality specified in the Tenth Schedule to this Act in respect of Class X shall also apply in respect of the water so classified. 10

“(6) The Governor-General may from time to time, by Order in Council, amend any Schedule to this Act. 15

“26D. **Preliminary classification to be prepared**—(1) Where the Water Resources Council proposes to classify any natural water, it shall first cause a preliminary classification to be prepared, publicly notified, and circulated in such manner as the Council thinks fit to interested public authorities and other bodies, and to such persons as in the opinion of the Council have an interest in the classification that is greater than the interest of the public generally. 20

“(2) The public notification of the preliminary classification shall call for objections to or submissions in respect of such classification to be lodged at a place stated in the notice, and shall specify a date, being not earlier than 2 months after the date of the public notification, by which any such objections or submissions must be so lodged. 25

“26E. **Objections**—(1) The Water Resources Council shall consider any objections or submissions lodged in accordance with section 26D of this Act, and may hear or consider any evidence relating to such classification as it considers relevant. 30

“(2) The Council may then prepare a final classification.

“26F. **Notification of final classification**—As soon as possible after a final classification has been made the Council shall publicly notify details of the classification, and shall also inform all public authorities responsible for discharging waste into the natural water comprised in the classification, and all other bodies known to the Council and considered by it to have a substantial interest in the classification, of the details of the classification. 35 40

“26G. **Appeals**—(1) Within 2 months after the date of the public notification of the final classification any body or person claiming to be affected by the classification may appeal to the Town and Country Planning Appeal Board against that classification.

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“ (2) Every appeal under this section shall be determined by the Town and Country Planning Appeal Board in the manner prescribed by the Town and Country Planning Act 1953 and the regulations made thereunder, and subject to the 10 provisions of that Act the decision of the Appeal Board on any such appeal shall be final and conclusive.

“ (3) At the hearing of any such appeal, the Minister, the Authority, the Water Resources Council, or any party, Board, public authority, body, or person that is affected may be represented by counsel or otherwise and may call evidence on any 15 matter that should be taken into account in determining the appeal.

“26H. **Effect of classification**—(1) A final classification under section 26E of this section shall, subject to section 26G 20 of this section, be a declaration of the minimum standards of quality at which the natural water so classified shall be maintained in order to promote in the public interest the conservation and the best use of that water.

“ (2) Any reference in this Act or in any regulations or 25 bylaws made under this Act or in any other enactment to the minimum standards of quality of any natural water shall mean the minimum standards of quality at which that water is to be maintained under this section by reason of its classification under this Act.

30 “26I. **Reclassification of natural waters**—Any natural water that has been finally classified under section 26E of this Act may from time to time be reclassified by the Water Resources Council in the same manner as natural water may be classified under this Act. Sections 26c to 26H of this Act shall apply 35 in respect of such reclassification as they apply to the classification of natural water.

“26J. **Persons to notify Regional Water Board of discharges into classified waters**—(1) Within 1 month after the public notification of any final classification or reclassification of any 40 natural water under this Act, every person who is discharging

waste into that water shall give notice in writing to the Regional Water Board in or from whose region the discharge occurs of—

“(a) Each place at or from which the discharge occurs; and

“(b) The nature and volume of the discharge.

“(2) Every person or body who fails to comply with subsection (1) of this section commits an offence against this Act.

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Struck Out

“26k. **Classification to terminate rights and permits—**

(1) Subject to subsection (2) of this section and to section 26g of this Act, all rights and uses granted or authorised under this Act in respect of any natural water and all permits granted under the Waters Pollution Regulations 1963 to discharge any waste into any natural water shall terminate at the expiration of 3 months after the date of the final classification or reclassification, as the case may be, of that water.

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“(2) A Regional Water Board may by public notification authorise the continuation of any discharge of waste into natural water that was authorised before the date of the final classification or reclassification of that water, for such period and to such extent and subject to such conditions as the Board thinks fit, pending the obtaining of a right to discharge that waste into that water under section 21 of this Act, and may from time to time extend the period of such authorisation.

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New

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“26k. **Classification to terminate rights—**(1) Subject to subsection (2) of this section and to section 26g of this Act, but notwithstanding any other provision of this Act, all rights and authorisations under this Act to discharge natural water or waste into natural water shall terminate at the expiration of 3 months after the date of the final classification or reclassification, as the case may be, of the receiving water.

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“(2) A Regional Water Board or the Authority, as the case may be, may by public notification authorise the continuation of any discharge of natural water or waste into natural water that was authorised before the date of the final classification or reclassification of the receiving water, for such period and to such extent and subject to such conditions as it thinks fit, pending the obtaining of a right under subsection (3) of section 21 or section 23 of this Act to discharge such natural water or waste into the receiving water, and may from time to time extend the period of such authorisation.

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“Trade Wastes

- “26L. Powers of local authorities to make trade wastes by-laws—(1) Any local authority may make bylaws not inconsistent with this Act or with regulations made under this Act
5 with respect to the discharge of any trade wastes, or trade wastes of any particular nature or composition, from trade premises into any sewer controlled by the local authority; and any such bylaws may provide for all or any of the following matters, that is to say:
- 10 “(a) Requiring notice to be given of the volume, composition, and rate of discharge of any trade wastes being discharged into any sewer at the time of the coming into force of the bylaws:
- 15 “(b) Requiring notice to be given of the volume, composition, and rate of discharge of any trade wastes intended to be discharged into any sewer before any new drain is connected to convey the trade wastes to the sewer, or before any increased, new, or different use is made of any drain at the time of the notice conveying any liquid to a sewer, and providing for the notice to be deemed an application for the consent of the local authority:
- 20 “(c) Determining the period or periods of the day during which trade wastes may be discharged from trade premises into the sewer:
- 25 “(d) Requiring the exclusion from liquid discharged with trade wastes of condensing water or a proportion of condensing water:
- 30 “(e) Requiring that, before any trade waste enters a sewer, the amount of any specified injurious constituent in the trade waste should be reduced to the extent prescribed in the bylaws:
- 35 “(f) Determining the maximum quantity or quantities of the trade wastes that may, without the consent of the local authority, be discharged from any trade premises into the sewer on any one day, and the highest rate at which the trade wastes may, without any such consent, be discharged from any trade premises into the sewer:
- 40 “(g) Regulating the temperature of the trade wastes at the time at which they are discharged into the sewer and defining the degree of acidity or alkalinity to which the trade wastes must conform when discharged:

- “(h) Requiring, in accordance with this Act, the occupiers of trade premises from which trade wastes are discharged into a sewer to pay to the local authority such charges at such scales as may be specified in that behalf in the bylaws for the reception of the trade wastes into the sewer, and for the disposal thereof, regard being had to the composition and volume of the trade wastes so discharged and to any additional expense incurred or likely to be incurred by the local authority in connection with the reception or disposal of the trade wastes: 5
- “(i) Making provision for the treatment of trade wastes, either before or after discharge into a sewer, by the local authority and prescribing the scales of charges in respect of any such treatment payable to the local authority by the occupiers of trade premises from which the trade wastes are discharged: 15
- “(j) Requiring the provision and maintenance by and at the expense of the occupier of the trade premises concerned of such an inspection chamber, manhole, or other apparatus or device as will enable a person readily to take at any time samples of what is passing into the sewer from the premises: 20
- “(k) Requiring the provision and maintenance by and at the expense of the occupier of the trade premises concerned of such meters as may be required to measure the volume of any trade wastes being discharged from the premises into a sewer, and for the testing of the meters: 25
- “(l) Requiring the provision and maintenance by and at the expense of the occupier of the trade premises concerned of screens, grease traps, silt traps, or other means of preventing or controlling the discharge of solids or grease from the trade premises. 30
- “(2) Any trade wastes bylaws may apply generally throughout the district of the local authority or within any specified part or parts thereof and may be so made as to apply to any specified trade premises or to any specified class or classes of trade premises. 35
- “26M. Making and confirmation of trade wastes bylaws— 40**
- (1) Subject to the provisions of this section, all trade wastes bylaws shall be made in the same manner as the local authority concerned is authorised to make bylaws and shall be subject to the same provisions as apply to those bylaws.

“(2) No trade wastes bylaws shall be of any effect until confirmed by the Minister.

“(3) The Minister shall not entertain any application for confirmation of any trade wastes bylaws made by a local authority unless he is satisfied that the following requirements have been complied with, that is to say:

“(a) At least 2 months before the making of the bylaws the local authority shall publish, by advertisement at its offices and in 1 or more daily newspapers circulating in the district of the local authority, a notice of its intention to make bylaws under this Act, stating—

“(i) To what trade wastes the bylaws will relate; and

“(ii) That, at such place as may be specified in the notice, copies of the draft bylaws may be inspected free of charge, and may be obtained on payment of such charge as may be specified; and

“(iii) That the local authority is prepared to receive and consider any representation with respect to the bylaws that may be made to it in writing by or on behalf of owners or occupiers of trade premises within the district of the local authority at any time during such period after the date of the publication of the notice, not being less than 2 months, as may be specified in the notice:

“(b) The local authority, before making the bylaws, shall take into consideration any representation that it has undertaken to consider under the terms of the notice given by it as aforesaid and shall consult any interested body:

“(c) If the Minister has, for the purposes of this Act, designated to the local authority any specified body of persons as being representative of the interests of the owners or occupiers of trade premises in the district of the local authority, or of any class of those owners or occupiers, the local authority shall, before making the bylaws, consult that body.

“(4) Where the owner or occupier of any trade premises within the district of a local authority serves on the local authority a written request to be registered and states his name and postal address, it shall be the duty of the local authority to enter his name and address in a register to be kept by it for the purpose of this Act; and so long as his name appears in the register the local authority shall cause

to be sent to him a copy of any notice which it is required by this Act to publish in connection with the making of trade wastes bylaws or the confirmation of any such bylaws.

“(5) The local authority may remove from the said register the name of any person who has ceased to be the owner or occupier of trade premises within its district, or who has requested the local authority in writing to remove his name from the register. 5

“(6) As soon as practicable after any trade wastes bylaws are confirmed by the Minister, the local authority shall publish, by advertisement at its offices and in 1 or more daily newspapers circulating in its district, a notice of the confirmation, specifying the date on which the bylaws will come into operation, and stating that copies of the bylaws may be inspected and obtained at the offices of the local authority on payment of a specified amount. 10 15

“26N. **Offences against trade wastes bylaws**—If any trade wastes bylaw under this Act is contravened or not complied with in the case of any trade premises, the occupier of the premises commits an offence and shall be liable on summary conviction to a fine not exceeding ~~(100 dollars)~~ \$1,000 and, if the offence is a continuing one, to a further fine not exceeding ~~(10 dollars)~~ \$100 for every day on which the offence has continued. 20

“26O. **Restriction on rights of local authority to charge in respect of treatment or reception of trade wastes**—(1) No charges under any trade wastes bylaws made under this Act for the treatment (whether before or after discharge into a sewer) or the reception or disposal of trade wastes shall be made by any local authority except— 30

“(a) Such charges as may be necessary for the treatment by the local authority of the trade wastes so as to reduce the trade wastes to a strength or quality equivalent to the average strength or quality of domestic sewage normally discharged into the sewers of that local authority: 35

“(b) A charge in respect of the reception and disposal of excess sewage from trade premises.

“(2) When fixing any charges to which paragraph (a) of subsection (1) of this section relates the local authority shall take into consideration and make allowances for any return received by the local authority in respect of the sale or other disposal of by-products produced as the result of the treatment of the trade wastes in respect of which the charges are made. 40 45

“(3) With respect to any charges to which paragraph (b) of subsection (1) of this section relates, the following provisions shall apply:

5 “(a) The charges shall be made in accordance with and at a scale or scales prescribed by trade wastes bylaws under this Act:

10 “(b) Any such charges shall be made only in respect of the amount by which trade wastes discharged from any premises exceeds the amount of domestic sewage that would normally be discharged from other premises having substantially the same rateable value:

15 “(c) The amount of any such charges shall not exceed the amount of the costs which the local authority estimates would be reasonably incurred by it in respect of the reception and disposal of an equivalent amount of domestic sewage:

20 “(d) Any local authority may, for the encouragement of industry, exempt trade premises discharging less than a prescribed amount of trade wastes from the payment of any such charges or from a prescribed proportion of any such charges.

25 “(4) Nothing in this section shall affect the right of a local authority to make charges or levy rates in respect of the treatment, reception, or disposal of sewage conferred by or under the authority of any other Act or by any agreement entered into under the authority of this Act.

30 “(5) For the purposes of this section the expression ‘rateable value’, when used in relation to any premises, means the value in respect of which rates are levied by the Borough Council, Town Council, or County Council, as the case may require, of the district where the premises concerned are situated.

35 “26P. **Appeal from assessment of charges**—(1) Within 21 days after the receipt by any person of an assessment from a local authority of an amount claimed by the local authority to be due pursuant to trade wastes bylaws under this Act, in respect of the treatment or reception of trade wastes, that person may notify the local authority that he objects to the
40 assessment.

“(2) The objection shall be in writing and shall set out the grounds of the objection.

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“(3) Unless within 14 days after the receipt of the objection the assessment is amended by the local authority in such a manner as to be acceptable to the objector, he may appeal to a Magistrate.

“(4) Every appeal to a Magistrate under this section shall be made within such time and shall be in such form as may be prescribed by regulations under this Act and, except as prescribed by any such regulations, the Magistrate shall determine his own procedure at the appeal. 5

“26q. **Hearing and determination of appeal**—(1) At the hearing of any such appeal the Magistrate shall hear all the evidence tendered and all representations by or on behalf of the appellant and other persons which he deems relevant to the subject-matter of the appeal. 10

“(2) In his determination of any such appeal the Magistrate may confirm, modify, or disallow the assessment. 15

“(3) There shall be an appeal from any determination of a Magistrate under this section in all respects as if the determination were a final determination of a Magistrate’s Court.

“26r. **Trade wastes bylaws may be relaxed in certain cases**—Where a local authority considers that the operation of any trade wastes bylaw made by that authority would be unreasonable in relation to any particular case the local authority may, with the consent of the Minister, relax the requirements of the bylaw or dispense with the compliance therewith in that particular case. 20 25

“26s. **Discharge of sewage into sewer in accordance with bylaws not to constitute offence**—(1) Notwithstanding the provisions of this Act, the discharge of any domestic sewage into a sewer under the control of a local authority in accordance with the bylaws of that authority and the discharge of trade wastes into a sewer in accordance with trade wastes bylaws under this Act shall not constitute a breach of any provision of this Act or of any regulations made thereunder: 30

“Provided that nothing in this section shall absolve any local authority from liability in respect of the discharge, in contravention of this Act or of any regulations made under this Act, of any waste from a sewer under the control of the local authority. 35

“(2) The Minister may, by notice under his hand published in the *Gazette*, declare that any bylaw made by a local authority and specified in the notice shall be deemed to be a trade wastes bylaw for the purposes of this section. On the 5 publication of any such notice (which may at any time be amended or revoked) the expression ‘trade wastes bylaws’ when used in this section shall be deemed to include any bylaw to which any such notice for the time being relates.

“26r. **Right to discharge trade wastes into sewers**—Subject 10 to the provisions of this Act and of any regulations and trade wastes bylaws under this Act, the occupier of any trade premises within the district of a local authority may, with the consent of the local authority, or, as far as permitted by any such trade wastes bylaws, without any such consent, discharge 15 into the sewers under the control of the local authority any trade wastes proceeding from those premises.

“26u. **Agreements as to disposal of trade wastes**—(1) Subject to the provisions of this Act and of any trade wastes bylaws for the time being in force, a local authority may 20 enter into and carry into effect an agreement with the owner or occupier of any trade premises within its district for the reception and disposal of any trade wastes produced on those premises, and in particular, but without prejudice to the generality of the preceding provisions of this section, the 25 agreement may provide for the construction, maintenance, and operation by the local authority of such works as may be required for the said reception, treatment, or disposal, and for the repayment by the owner or occupier, as the case may be, of the whole or part of the expenses incurred by 30 the local authority in carrying out its obligations under the agreement.

“Provided that any agreement entered into under this subsection by a local authority shall not take effect until the agreement has been approved by the Minister.

35 “(2) A local authority may enter into and carry into effect an agreement with the owner or occupier of any trade premises within its district whereby the local authority, upon such terms as may be specified in the agreement, undertakes to remove and dispose of substances produced in the course of 40 treating any trade wastes on or in connection with those premises.

“(3) Where, for the purpose of compliance with any trade wastes bylaws, it is necessary for any works to be constructed by any person, the local authority may construct those works at the request of that person. The amount of the expenses reasonably incurred by the local authority in so doing shall be a debt due to the local authority from the person at whose request the works were constructed. 5

“(4) Where any sum is payable by any person under subsection (3) of this section to a local authority, the local authority may make an agreement with him for the payment of that sum and the interest thereon to the local authority in such instalments over such period and on such terms (including a term as to the giving of security by the debtor), as may be specified in the agreement. 10

“26v. **Local authority may enter into agreements for disposal of sewage and trade wastes**—(1) With the approval of the Minister, any local authority may enter into an agreement with any owner or occupier of any trade premises within its district to share the costs of construction, maintenance, and operation of any works for the reception, treatment, and disposal of domestic sewage within the whole or any part of the district of the local authority and trade wastes from the trade premises. 15 20

“(2) With the approval of the Minister, any local authority may enter into an agreement with any owner or occupier of any trade premises within its district whereby the owner or occupier will receive domestic sewage from a local authority for treatment and disposal together with trade wastes from any such premises. The local authority may make such contribution towards the costs of any such reception, treatment, and disposal as may be agreed upon between the parties to the agreement.” 25 30

18. Offences—(1) Section 34 of the principal Act is hereby amended by adding to paragraph (c) of subsection (1) the word “or”, and by adding to that subsection the following paragraph: 35

“(d) Knowingly causes or permits any chemical, metallic, or organic wastes or any unsightly or odorous litter or refuse to enter any (*waters that have*) water that has been classified under section 26E of this Act.” 40

(2) The said section 34 is hereby further amended—

(a) By omitting from subsection (2) the words “two hundred dollars”, and substituting the *(words “2,000 dollars”)* expression “\$2,000”:

5 (b) By omitting from subsection (2) the words “ten dollars”, and substituting the *(words “100 dollars”)* expression “\$100”.

(3) The said section 34 is hereby further amended by adding the following subsections:

10 “(3) For the purpose of this section a person shall be deemed to discharge natural water or waste into natural water if he places or causes to be placed any natural water or waste in a position where it is liable to fall or descend, or be washed or to percolate into or to be carried by wind, tide,
15 or current, into any natural water.

“ (4) Where any person is convicted of an offence against this Act or against any regulations made under this Act involving the discharge of waste into natural water, the Court may direct that such portion of the fine imposed
20 as the Court may deem necessary shall be paid to any body or person (not being a local authority or public body to which section 109 of the Public Revenues Act 1953 applies) to cover any costs incurred by that body or person in removing, burying, or otherwise disposing of or neutralising the effects
25 of any discharge which gave rise to the offence.”

19. Power to order contravention to be remedied—The principal Act is hereby further amended by inserting, after section (34) 34A (as inserted by section 41 of the Water and Soil Conservation Amendment Act 1971), the following

30 section:

“34 (A) B. (1) The Authority or a Council or any Regional Water Board or local authority, if it appears to it that any body or person is contravening or failing to comply with any requirement, rule, or provision in this Act or in any regulations
35 or bylaws made under this Act, may apply to a Magistrate’s Court for an order under subsection (2) of this section.

“(2) The Magistrate’s Court, if satisfied that the respondent has contravened or failed to comply with any such requirement, rule, or provision, may—

40 “(a) Order the respondent to do any work specified in the order or adopt any means specified in the order for the purposes of preventing any further contravention of or non-compliance with that requirement, rule, or provision; and

“(b) Specify in the order a period within which the respondent shall comply with the order.

“(3) A Magistrate’s Court may from time to time, on the application of any respondent against whom an order has been made under subsection (2) of this section, extend the period within which the order is to be complied with. 5

“(4) An order may be made under subsection (1) of this section notwithstanding that, in respect of the non-compliance or contravention to which the application for the order relates, the respondent has been convicted of an offence and a penalty has been imposed on the respondent in respect of that offence. 10

“(5) No Regional Water Board may make an application under subsection (1) of this section unless the non-compliance or contravention to which the application relates has occurred within the region of that Board. 15

“(6) No local authority may make an application under subsection (1) of this section except in respect of the non-compliance with or contravention of a requirement, rule, or provision contained in a bylaw made by that local authority.”

20. Regulations—(1) Section 37 of the principal Act is hereby amended by inserting, after paragraph (e), the following paragraph: 20

“(ea) Providing for the appointment of inspectors and defining their powers and functions:”.

(2) The said section 37 is hereby further amended by adding the following subsection: 25

“(2) Regulations made under this section may be so made as to apply generally throughout New Zealand or within any specified part or parts thereof, or within the whole of New Zealand except such part or parts as may be specified in the regulations, or to all natural water or to specified natural water or classes of natural water, and may be so made as to apply to any specified industry or to any specified class or classes of industry.” 30

21. Schedules added to principal Act—The principal Act is hereby further amended by adding the schedules set out in the Schedule to this Act. 35

22. Contracts—Part II of the First Schedule to the Public Bodies Contracts Act 1959 (as amended by section 33 (2) of the principal Act and section 3 (3) of the Waters Pollution Amendment Act 1970) is hereby further amended 40

Struck Out

(d) Every permit issued under those regulations to discharge any waste into any classified waters shall be deemed to be a right granted under subsection (3) of section 22 of the principal Act but shall nevertheless be subject to the terms and conditions imposed in that permit. 5

New

(d) Every permit issued under those regulations to discharge any waste into any classified water shall— 10

(i) If it has been issued otherwise than to the Crown or a Department of State, be deemed to be a right granted under subsection (3) of section 21 of that Act:

(ii) If it has been issued to the Crown or to a Department of State, be deemed to be a right granted under section 23 of that Act— 15

but shall nevertheless be subject to the terms and conditions imposed in that permit insofar as those terms and conditions are not inconsistent with that Act. 20

(3) Notwithstanding the revocation of the Waters Pollution Regulations 1963, every appeal that has been brought under regulation 20 of those regulations before the commencement of this Act and that has not been determined before the commencement of this Act shall be determined in accordance with those regulations. 25

SCHEDULE

Section 21

“SCHEDULES

Section 26c

FIRST SCHEDULE

STANDARDS FOR CLASS A WATERS

The waters shall in all respects be maintained in their natural state, and no waste shall be permitted to enter them.

SECOND SCHEDULE

STANDARDS FOR CLASS B WATERS

The quality of Class B waters shall conform to the following requirements:

- (a) The **(ambient)** natural water temperature shall not be changed by more than 3 degrees Celsius:
- (b) The acidity or alkalinity of the waters as measured by the pH shall be within the range of 6.0 to 8.5 except when due to natural causes:
- (c) The waters shall not be tainted so as to make them unpalatable, nor contain toxic substances to the extent that they are unsafe for consumption by humans or farm animals, nor shall they emit objectionable odours:

New

(ca) There shall be no destruction of natural aquatic life by reason of a concentration of toxic substances:

- (d) The natural colour and clarity of the waters shall not be changed to a conspicuous extent:
- (e) The oxygen content in solution in the waters shall not be reduced below 6 milligrams per litre:
- (f) Based on not fewer than 5 samples taken over not more than a 30 day period, the median value of the faecal coliform bacteria content of the waters shall not exceed 2,000 per 100 millilitres and the median value of the total coliform bacteria content of the waters shall not exceed 10,000 per 100 millilitres:
- (g) No discharges that are not substantially free from suspended solids, grease, and oil shall be permitted to enter the waters.

THIRD SCHEDULE

STANDARDS FOR CLASS C WATERS

The quality of Class C waters shall conform to the following requirements:

- (a) The **(ambient)** natural water temperature shall not be changed by more than 3 degrees Celsius:
- (b) The acidity or alkalinity of the waters as measured by the pH shall be within the range 6.5 to 8.3 except when due to natural causes:

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THIRD SCHEDULE—*continued*

- (c) The waters shall not be tainted so as to make them unpalatable, nor contain toxic substances to the extent that they are unsafe for consumption by human or farm animals nor shall they emit objectionable odours:

New

(ca) There shall be no destruction of natural aquatic life by reason of a concentration of toxic substances:

- (d) The natural colour and clarity of the waters shall not be changed to a conspicuous extent:
(e) The oxygen content in solution in the waters shall not be reduced below 6 milligrams per litre:
(f) Based on not fewer than 5 samples taken over not more than a 30-day period, the median value of the faecal coliform bacteria content of the waters shall not exceed 200 per 100 millilitres:
(g) No discharges that are not substantially free from suspended solids, grease, and oil shall be permitted to enter the waters.

FOURTH SCHEDULE

STANDARDS FOR CLASS D WATERS

The quality of Class D waters shall conform to the following requirements:

- (a) The (*ambient*) natural water temperature shall not be changed by more than 3 degrees Celsius:
(b) The acidity or alkalinity of the waters as measured by the pH shall be within the range of 6.0 to 9.0 except when due to natural causes:
(c) The waters shall not be tainted so as to make them unpalatable, nor contain toxic substances to the extent that they are unsafe for consumption by farm animals, nor shall they emit objectionable odours:

New

(ca) There shall be no destruction of natural aquatic life by reason of a concentration of toxic substances:

- (d) The natural colour and clarity of the waters shall not be changed to a conspicuous extent:
(e) The oxygen content in solution in the waters shall not be reduced below 5 milligrams per litre:
(f) No discharges that are not substantially free from suspended solids, grease, and oil shall be permitted to enter the waters.

FIFTH SCHEDULE

STANDARDS FOR CLASS SA WATERS

The quality of Class SA waters shall conform to the following requirements:

Struck Out

- (a) The ambient water temperature shall not be changed by more than 2 degrees Celsius:

FIFTH SCHEDULE—continued

New

- (a) The natural water temperature shall not be changed by more than 3 degrees Celsius:
- (b) The (*normal*) natural pH of the waters shall not be changed by more than 0.1 unit and at no time shall be less than 6.7 or greater than 8.5:
- (c) There shall be no destruction of (*normal*) natural aquatic life by reason of a concentration of toxic substances nor shall the waters emit objectionable odours:
- (d) The natural colour and clarity of the waters shall not be changed to a conspicuous extent:
- (e) The dissolved oxygen content in solution in the waters shall not be reduced below 5 milligrams per litre:
- (f) Based on not fewer than 5 samples taken over not more than a 30-day period, the median value of the total coliform bacteria content of the waters shall not exceed 70 per 100 millilitres:
- (g) No discharges that are not substantially free from suspended solids, grease, and oil shall be permitted to enter the waters.

SIXTH SCHEDULE

STANDARDS FOR CLASS SB WATERS

The quality of Class SB waters shall conform to the following requirements:

Struck Out

- (a) The ambient water temperature shall not be changed by more than 2 degrees Celsius:

New

- (a) The natural water temperature shall not be changed by more than 3 degrees Celsius:
- (b) The (*normal*) natural pH of the waters shall not be changed by more than 0.1 unit and at no time shall be less than 6.7 or greater than 8.5:
- (c) There shall be no destruction of (*normal*) natural aquatic life by reason of a concentration of toxic substances nor shall the waters emit objectionable odours:
- (d) The natural colour and clarity of the waters shall not be changed to a conspicuous extent:
- (e) The dissolved oxygen content in solution in the waters shall not be reduced below 5 milligrams per litre:
- (f) Based on not fewer than 5 samples taken over not more than a 30-day period, the median value of the faecal coliform bacteria content of the waters shall not exceed 200 per 100 millilitres:
- (g) No discharges that are not substantially free from suspended solids, grease, and oil shall be permitted to enter the waters.

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SEVENTH SCHEDULE

STANDARDS FOR CLASS SC WATERS

The quality of Class SC waters shall conform to the following requirements:

Struck Out

~~(a) The ambient water temperature shall not be changed by more than 2 degrees Celsius:~~

New

(a) The natural water temperature shall not be changed by more than 3 degrees Celsius:

(b) The (normal) natural pH of the waters shall not be changed by more than 0.1 unit and at no time shall be less than 6.7 or greater than 8.5:

(c) There shall be no destruction of (normal) natural aquatic life by reason of a concentration of toxic substances nor shall the waters emit objectionable odours:

(d) The natural colour and clarity of the waters shall not be changed to a conspicuous extent:

(e) The dissolved oxygen content in solution in the waters shall not be reduced below 5 milligrams per litre:

(f) No discharges that are not substantially free from suspended solids, grease, and oil shall be permitted to enter the waters.

EIGHTH SCHEDULE

STANDARDS FOR CLASS SD WATERS

The quality of Class SD waters shall conform to the following requirements:

(a) There shall be no destruction of (normal) natural aquatic life by reason of a concentration of toxic substances, or an altered acidity or alkalinity as measured by the pH, or a rise in temperature caused by the pollutant:

(b) There shall be no fouling of fishing grounds:

(c) The natural colour and clarity of the waters shall not be changed to a conspicuous extent:

(d) No discharges that are not substantially free from suspended solids, grease, and oil shall be permitted to enter the waters.

NINTH SCHEDULE

STANDARDS FOR CLASS SE WATERS

The quality of Class SE waters shall conform to the following requirements:

- (a) There shall be no destruction of (*normal*) natural aquatic life by reason of a concentration of toxic substances, or an altered acidity or alkalinity as measured by the pH, or a rise in temperature by the pollutant:
- (b) No discharges that are not disintegrated shall be permitted to enter the waters.

TENTH SCHEDULE

STANDARD FOR CLASS X WATERS

The quality of Class X waters shall conform to the following requirement:

Discharges into the waters shall have not less than 80 percent of the total phosphate content as phosphorus, or such lesser percentage as the Water Resources Council may specify in respect of any particular discharge, removed by such method of treatment as the Water Resources Council approves."