

DEPARTMENT OF THE ENVIRONMENT

A SCHEME OF FEES AND CHARGES TO RECOVER THE COST OF PROCESSING DISCHARGE CONSENT APPLICATIONS AND THE MONITORING OF DISCHARGES TO WATERWAYS AND UNDERGROUND STRATA

The Discharge of Effluent into Waterways and Underground Strata (Fees and Charges) Scheme (Northern Ireland) 2005.

The Department of the Environment, in exercise of the powers conferred on it by Article 11(1), (2) and (4) of the Water (Northern Ireland) Order 1999 **(a)** and of every other power enabling it in that behalf and in accordance with Article 11 (5), (6) and (7) of that Order, hereby, makes the following scheme.

Citation and commencement

1. This scheme may be cited as the Discharge of Effluent into Waterways and Underground Strata (Fees and Charges) Scheme (Northern Ireland) 2005 and shall come into operation on 1 January 2005.

(a) S.I.1999/662 (N.I.6)

Interpretation

2. In this scheme:

“application for a discharge consent” means an application for a consent under paragraph 1 of Schedule 1 to the Order;

“application for a variation of a discharge consent” means an application by the consent holder for the variation of a consent under paragraph 7 of Schedule 1 to the Order;

“discharge consent” means a consent given or served by the Department for the purposes of Article 9 of the Order;

“the Department” means the Department of the Environment;

“the Department’s compliance assessment monitoring programme” means the monitoring programme prepared by the Department listing the discharges which are subject to monitoring, sampling, assessment, inspection or audit by the Department which may be varied from time to time;

“discharge” means a discharge of an effluent;

“discharger” means any person who makes a consented discharge during the year;

“domestic sewage” in relation to any premises, means –

- (a) the contents of lavatories; and
- (b) water which has been used for cooking or washing necessary for human health or hygiene, not being water used for the business of a laundry or for a business of preparing food or drink;

“Order” means the Water (Northern Ireland) Order 1999;

“organic nature” means effluent with Biochemical Oxygen Demand and/or Chemical Oxygen Demand limits;

“single domestic dwelling” means a single dwelling house constructed or purchased for the sole purpose of all year round human habitation;

“year” means a period of 12 months commencing on 1 January.

Other expressions used in this scheme and the Order have the same meaning as in the Order.

Application Fees and Annual Charge Factor

3. (1) (a) Except in the case described in paragraph 4 (1)(b) and (c) the standard application fee shall be £865; and
 - (b) The reduced application fee shall be £110.
- (2) The annual charge financial factor shall be £380.
- (3) The fee for transfer of an existing consent shall be £30 - payable by the acquiring person or company.

Application fees

4. (1) For each application for a discharge consent, or the review of an existing consent, there shall be payable by the person making the application and where consent is given under paragraph 4 of Schedule 1 of the Order, by the person on whom the instrument giving consent has been served:

(a) the standard application fee except as provided in sub-paragraph (b) or (c);

(b) the reduced application fee where an application is in respect of:

(i) domestic sewage from a single domestic dwelling;

(ii) site drainage;

(iii) an emergency overflow of sewage from a pumping station; or

(iv) domestic sewage from non-domestic premises with a daily discharge volume not exceeding one cubic metre.

(c) the reduced application fee - where the application for review of a consent is not considered to reflect a significant change.

(2) Where an application relates to more than one effluent, a fee shall be payable for each discharge for which consent is required.

Annual charge

5. (1) Subject to sub-paragraph (4) there shall be payable, annually, by each discharger in respect of each discharge a charge for a full year which is the product of the following three factors related to the discharge consent under which the discharge is made:-

- a. The volume factor
- b. The contents factor
- c. The financial factor

There is currently no difference with regard to whether a discharge is to a waterway or to the underground stratum.

(2)(a) An annual charge will be made for all discharge consents that are sampled under the Department's compliance assessment monitoring programme.

(b) An annual charge will not normally be payable for discharges of sewage or trade effluent where the permitted volume is less than 5 cubic metres per day, unless prior to treatment they contain toxic, persistent or other substances which may be harmful.

(3) (a) Subject to sub-paragraph (b), where a discharge consent authorises the discharge of more than one effluent, a charge is made for each such effluent monitored, whether or not they are discharged together or from one or more outlets.

(b) Where effluents receive treatment together, or having joined together are then monitored together by the Department prior to discharge, or where effluents are of the same nature and the monitoring of any one or more of them is the means by which the Department monitors them all, subject to sub-paragraph (c), one charge only is made, determined according to the highest contents band into which any of the constituent effluents fall, and according to their aggregated volume.

- (c) Where an effluent is discharged to more than one waterway, a charge is made for each of the discharges to the respective waterways.
- (4)(a) Where a condition of a discharge consent restricts a discharge from taking place for a period of the year, then the amount payable is calculated by apportioning the annual charge pro-rata to the period during which the discharge is permitted.
- (b) Subject to sub-paragraph (a), no reduction in charges is made where a discharge is made in part or parts of the year under a discharge consent which is in force for the whole of the year.
- (5) If a discharge consent is reviewed during the year, the factors will be re-assessed for the remainder of the year and, where appropriate, the annual charge adjusted.
- (6) If a discharge consent is added to the Department's consent compliance programme, or revoked, during the year the amount payable is calculated by apportioning the charge for the year pro-rata to the period during which the consent is in force.
- (7) (a) If, before the start of the charging year, a discharger undertakes to monitor discharges under a discharge consent in such a manner as, in the Department's view, will enable the Department's monitoring costs to be reduced, the Department will make a reduction to the charge for the year having regard to consequent reduction in its costs.
- (b) The Department may at any time make a charge as provided under the Scheme without an abatement, if the discharger fails to monitor in accordance with such an undertaking.
 - (c) Where a discharger proposes to first make a consented discharge after the start of the charging year, an undertaking may be given at any time before the discharge commences.

THE FACTORS

Volume factor

6. (1) The volume factor relates to the maximum daily volume of discharge permitted by the discharge consent as follows:

	Cubic Metres per day		Cubic Metres per day	Volume Factor
		up to/less than	5	0.3
Equal to, or more than	5	up to and including	20	0.5
More than	20	up to and including	100	1.0
More than	100	up to and including	1,000	2.0
More than	1,000	up to and including	10,000	3.0
More than	10,000	up to and including	50,000	5.0
More than	50,000	up to and including	150,000	9.0
More than	150,000			14.0

(2) Where the discharge consent is in relation to a river based fish farm, which involves the regular feeding of the fish; - the volume factor is **1.0**.

(3) Subject to paragraph (4) and (5), where no maximum daily volume is fixed by a discharge consent, the volume factor is **1.0** except where the discharge is:

- (i) permitted by the discharge consent in relation to a storm or emergency discharge at treatment works or pumping stations - the volume factor is **0.3**; or
- (ii) permitted by the discharge consent on not more than 4 occasions per year, eg in the case of a swimming pool emptying discharge; - the volume factor is **0.3**.

(4) For sewage treatment works final effluents:

- (i) the maximum daily volume is the flow to full treatment;
- (ii) where no maximum daily volume is specified in the discharge consent, but an average daily flow is given, the daily maximum volume shall be taken to be 2.4 times the average daily flow;
- (iii) if a dry weather flow only is specified in the discharge consent, the daily maximum volume shall be taken to be 3 times dry weather flow.

(5) For trade effluents:

- (i) the maximum daily volume is the flow to full treatment;
- (ii) where no maximum daily volume is specified in the discharge consent, but a daily dry weather flow is given, this shall be taken to be the maximum daily volume except where the discharge may contain rainfall, when;
- (iii) the maximum daily volume shall be taken to be 3 times the daily dry weather flow.

Contents factor

7. The contents factor relates to the provisions in the discharge consent controlling or regulating the contents of the discharge as follows:

Band	Factor	Band	Factor
A	14.0	E	1.0
B	5.0	F	0.5
C	3.0	G	0.3
D	2.0		

Band A

8. Trade or sewage effluent:

(1) Where the discharge consent conditions contain numeric conditions for any of the following substances excluding any condition for total oil and/or grease:

- pesticides including organotins
- fungicides
- herbicides
- polyhalogenated biphenyls
- polynuclear aromatic hydrocarbons
- aliphatic hydrocarbons
- aromatic hydrocarbons
- halogenated organic compounds including haloforms
- alcohols with the exception of methanol, ethanol, butanols, and propanols, or glycols (including total and poly)
- aromatic nitrogen compounds
- phenolic compounds (with the exception of total and mono hydric phenols)
- heterocyclic compounds
- esters
- ethers
- ketones
- aldehydes (with the exception of formaldehyde)

(2) Where the discharge consent conditions include viruses.

(3) Where the discharge consent conditions specify the need for toxicity tests other than rapid bacterial toxicity tests to determine compliance.

Band B

9. Except where the discharge consent falls in Band A - trade or sewage effluent:

(1) Where the discharge consent conditions contain numeric conditions for any of the following substances:

- metals and metalloids
- cyanides
- sulphides
- phenolic compounds (total and monohydric)
- methanol
- ethanol
- butanols
- propanols
- glycols (including total and poly)
- carboxylic acids
- organic nitrogen compounds (other than those above and in Band A and with the exception of urea and quaternary ammonium salts).

(2) Where the discharge consent conditions specify rapid bacterial toxicity tests to determine compliance.

(3) Where discharge consent conditions include bacteria.

Band C

10. Except where the discharge consent falls in Bands A or B.

- (1) Sewage effluent with numeric conditions (other than volume) but not including effluents specified in Band E in relation to paragraph 12(2).
- (2) Trade effluent of an organic nature with numeric conditions other than those included in Band E in relation to paragraph 12(2).

Band D

11. Except where the discharge consent falls in Band A, B or C:

- (1) Sewage effluent with no numeric conditions other than volume or only descriptive conditions other than those effluents specified in Band E in relation to paragraph 12(2).
- (2) All other discharges of trade effluents other than those specified in Bands E, F and G.

Band E

12. Except where the discharge consent falls in Band A, B, C, or D:

- (1) Site drainage from trade premises, eg, cement and concrete product manufacturing operations – including site drainage incorporating effluent from a ‘drive-through’ wheel bath.
- (2) Storm and emergency discharges at treatment works, pumping stations and from drainage systems.
- (3) All trade effluents of direct cooling water or boiler blow-down, other than those specified in Band G.

- (4) All trade effluents from mineral extraction or processing other than those specified in Band F.

Band F

13. Trade effluent from the prevention of interference with mining or quarrying for which there are no conditions or the only conditions are one or more of volume, suspended solids, iron, pH and chloride.

Band G

14. Trade effluent of direct cooling water or boiler blow-down, for which the only conditions are one or more of volume, temperature, pH and chlorine.

Financial factor

15. The financial factor in respect of the annual charge is the charge rate set in accordance with paragraph 3 (2).

Payment of charges

16. (1) The application fee shall be due and payable in full on the making of an application or on the granting of a discharge consent if no application is made.
- (2) Payment of the annual charge shall be due on the 1st of January each year.
- (3) In the year where a new, or previously unmonitored, discharge consent is placed on the Department's compliance assessment monitoring programme, the invoice will be issued within 28 days of being entered onto the Department's programme. In these cases, the initial amount invoiced will be reduced pro-rata relative to the number of months remaining in the invoice period.

Fee for the transfer of existing discharge consents

17. Where a discharge consent given under paragraph 2 or 4 of Schedule 1 to the Order is transferred to a person who proposes to carry on the discharge in place of the holder and the applicant can give full details of the existing discharge consent, a fee of £30 shall be payable by the person or company acquiring the consent.

Payment and liability for payment

18. The application fee payable under paragraph 4 or 17 shall be due and payable in full on the making of an application, or on the granting of a discharge consent if no application is made. In the case of an application being withdrawn by the applicant, or refused by the Department, no refund of the application fee will be made. The annual charges payable under paragraph 5 shall be due and payable in full, or pro-rata depending on the time of the year on the addition of any discharge consent onto the Department's compliance assessment monitoring programme.

Revocation

19. The scheme entitled the Discharge of Effluent into Waterways and Underground Strata (Fees and Charges) Scheme (Northern Ireland) 2004 which came into operation on 1 January 2004 is hereby revoked.

Sealed with the official seal of the Department of the Environment on 30 December 2004

(L.S)

Dr R Ramsay
A senior officer of
the Department of the Environment