

Unvalidated References:

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 2 January 2004.

.....
Legislative Counsel
Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. 31 of 2002.

Environment (Fees and Charges) Regulation 2002

ARRANGEMENT OF SECTIONS.

1. Interpretation.
 - “Level 2 (Category A) activity”
 - “Level 2 (Category B) activity”
 - “Level 3 activity”
 - “cost”
2. Fee for environmental impact assessment.
3. Fee for environment permit.
4. Fee for assessment of environmental improvement plan.
5. Fee for pesticide permit.
6. Fee for water investigation.
7. Water use charges.
8. Fee for hydrological data.
9. Fee for copies of register.
10. Fee for review of director’s decision.
11. Fee for viewing of an application for an environment permit.
12. Waiver or reduction in fees.

SCHEDULE 1 – .

SCHEDULE 2 – .

SCHEDULE 3 – .

SCHEDULE 4 – .

SCHEDULE 5 – .

Environment (Fees and Charges) Regulation 2002

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council under the *Environment Act 2000*.

1. INTERPRETATION.

In these regulations, unless the contrary intention appears –

“Level 2 (Category A) activity” means those activity prescribed by the *Environment (Prescribed Activities) Regulation 2002* to be a Level 2 (Category A) activity;

“Level 2 (Category B) activity” means an activity prescribed by the *Environment (Prescribed Activities) Regulation 2002* to be a Level 2 (Category B) activity;

“Level 3 activity” means an activity prescribed by the *Environment (Prescribed Activities) Regulation 2002* to be a Level 3 activity;

“cost” means the amount needed to carry out the works to which an application relates other than the amount needed to buy land associated with the works and any amount needed to construct or modify any

building which will not or does not contribute substantially to the control of pollution or to the production capacity of the plant.

2. FEE FOR ENVIRONMENTAL IMPACT ASSESSMENT.

The fee payable for the submission of an environment impact statement is the amount specified in Column 2 of Schedule 1 in relation to the category of activity specified in Column 1 of Schedule 1.

3. FEE FOR ENVIRONMENT PERMIT.

(1) Subject to Section 7, the fee payable for an application for a permit is the amount specified in Column 3 of Schedule 1 in relation to the category of activity specified in Column 1 of Schedule 1.

(2) The annual fee payable for a permit is the amount specified in Column 4 of Schedule 1 in relation to the category of activity specified in Column 1 of Schedule 1.

(3) An annual fee in relation to a permit is payable on or before the anniversary in each year of the date on which the permit was issued.

(4) Subject to Sections 4 and 7, the fee payable for an application to amend, transfer or renew a permit is an amount equivalent to the annual fee payable for that permit.

4. FEE FOR ASSESSMENT OF ENVIRONMENTAL IMPROVEMENT PLAN.

(1) Subject to Subsection (2), the fee payable for assessment of an environmental improvement plan is an amount equivalent to the annual fee payable for that permit.

(2) Where an environment improvement plan is submitted as part of an application to amend a permit, the fee payable for assessment of an environment improvement plan and the application is an amount equivalent to the annual fee payable for that permit.

5. FEE FOR PESTICIDE PERMIT.

(1) The fee payable for an application for a permit to import, formulate or distribute pesticides is K50.00.

(2) The annual fee payable for a pesticide permit is K100.00.

(3) The annual fee referred to in Subsection (2) is payable on or before the anniversary in each year of the date on which the permit was issued.

6. FEE FOR WATER INVESTIGATION.

(1) The fee payable for an application for a water investigation is K500.00.

(2) The fee payable for transfer, renewal or amendment of a water investigation permit is K200.00.

7. WATER USE CHARGES.

(1) The annual charge for the abstraction of water is equal to the number of cubic meters of water taken, multiplied by the basic charge specified in Schedule 2 multiplied by the use factor specified in Column 2 of Schedule 2 for the type of use specified in Column 1 of Schedule 2, provided that the minimum fee payable is that specified in Column 3 of Schedule 2.

(2) The annual charge for the discharge of wastes into water or on land is equal to the number of cubic meters of discharge multiplied by the basic charge specified in Column 2 of Schedule 3 multiplied by the treatment factor specified in Column 3 of Schedule 3 for the type of waste specified in Column 1 of Schedule 3.

(3) For the purposes of Section 8 –

(a) where Column 3 specifies a range of relevant treatment factors, the Director shall determine the applicable treatment factor in consultation with the permit holder and by reference to the degree the discharge is adequately treated by the permit holder prior to its release; and

(b) any determination made by the Director under Paragraph (a) is subject to review under Section 68 of the Act by the Environment Council upon application by the permit holder.

(4) The annual charge for disturbed area runoff is the amount in Column 2 of Schedule 4 for the activity specified in Column 1 of Schedule 4.

8. FEE FOR HYDROLOGICAL DATA.

The fee payable for hydrological information is the amount provided in Column 2 of Schedule 5 in relation to the type of information specified in Column 1 of Schedule 5.

9. FEE FOR COPIES OF REGISTER.

Subject to Section 12, the fee for a copy –

(a) entries in the Register; or

(b) any other document required to be provided by the Director,

is K1.00 per page.

10. FEE FOR REVIEW OF DIRECTOR'S DECISION.

The fee payable for the review of Director's decision in accordance with Section 8(1)(b) of the Environment (Council's Procedure) Regulation 2002 is K200.00.

11. FEE FOR VIEWING OF AN APPLICATION FOR AN ENVIRONMENT PERMIT.

Subject to Section 12, the fee payable for the viewing of an application for an Environment Permit in accordance with Section 10(1) of the Environment (Permits) Regulation 2002 is K10.00.

12. WAIVER OR REDUCTION IN FEES.

The Director may waive or reduce the fees payable –

- (a) for an application for a permit, or for transfer or amendment of a permit where –
 - (i) an approval in principle for the activity which is the subject of the permit has been granted pursuant to Section 59 of the Act; or
 - (ii) a permit is renewed; or
 - (iii) the issue of the permit does not require significant assessment, evaluation or administrative attention by the Director; or
 - (iv) other circumstances exist which in the Director's opinion justify the waiver or reduction of the fee.

SCHEDULE 1 – .
THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

Act. Sec. 70 and 100			
Reg. Sec. 2.3 and			
ENVIRONMENT ACT 2000			
FEES FOR ENVIRONMENTAL IMPACT ASSESSMENT AND PERMITS			
Column 1	Column 2	Column 3	Column 4
Activity	Fee for an Environment Impact Assessment	Fee for Application for a Permit	Annual Permit Fee
Level 2 (Category A)		K100	K20
All other activities specified as Level 2 (Category B) and Level 3 where the cost of the works as estimated by the Director is listed below:			
<K250, 000	K500	K100	K20
K250,000 – K500,000	K1,000	K200	K40
K500,000 –K1 million	K2,000	K400	K80
K1 million –K5 million	K4,000	K800	K160
K5 –10 million	K8,000	K1,500	K300
K10 –50 million	K10,000	K2,000	K400

K50 –100 million	K20,000	K5,000	K1,000
K100 –250 million	K30,000	K10,000	K2,000
K250 –500 million	K50,000	K15,000	K3,000
<K500 million	K100,000	K25,000	K5,000
NOTE: Activities as specified in the Environment (Prescribed Activities) Regulation.			

SCHEDULE 2 – .
THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

Act. Sec. 100		
Reg. Sec. 8(1)		
ENVIRONMENT ACT 2000		
FEES FOR WATER ABSTRACTION		
Basic charge:		
(a) Surface Water = K0.01 per cubic metre per year.		
(b) Ground Water = K0.05 per cubic metre per year.		
Annual charge = volume (m ³ /year) x use factor x basic charge.		
Column 1	Column 2	Column 3
WATER USE	USE FACTOR	MINIMUM ANNUAL CHARGE
Public distribution and water supply	1.0	K100
Industrial activities within plant re – use of water (must reuse at least 50 percent of water)	0.8	K200
Industrial activities with nor re –use of water	1.0	K250
Sprinkle irrigation	0.3	K100
Trickle irrigation	0.1	K50
Flow irrigation (border, dyke or flooding)	0.5	K150
Non-consumptive use (hydro, dam, water wheels etc.)	0.1	K200

SCHEDULE 3 - .
THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

Act. Sec. 100		
Reg. Sec. 8(2)		
ENVIRONMENT ACT 2000		
FEES FOR DISCHARGE OF WASTES INTO WATER		
Annual charge = volume (m ³ /year) x basic charge x treatment factor.		
Column 1	Column 2	Column 3
NATURE OF WASTE	BASIC CHARGE (Per Annum)	TREATMENT FACTOR
Sewage		
Untreated sewage, including sewage that is screened and macerated	K0.05/m ³	1.0
Sewage with no primary treatment (screened and settled) provided the retention time in sedimentation tank is at least 45 minutes	K0.05/m ³	0.6
Sewage with secondary treatment (trickling filters, activated sludges, oxidation pools or lagoons)	K0.05/m ³	0.3
Tertiary treatment (all forms of advance sewage treatment)	K0.05/m ³	0.05
Organic Wastes		
All organic wastes that contain substantial numbers of bacteria and viruses pathogenic to humans including –	K0.5kg BOD ₅ ^a per year	-
(a) agricultural and horticultural waste;		
(b) meat processing and packaging industry wastes		
(c) wastes of a similar kind		

All organic wastes that are free from bacteria and viruses pathogenic to humans including –	K0.25/kg BOD ₅ per year.	
(a) agricultural and horticultural wastes of coffee, oil palm, cocoa, and sugar industries;		
(b) meat food processing wastes.		
Inorganic Wastes (other than Mining)		
All waste discharges containing inorganic chemicals	K0.05/m ³	See Note (b) below
Mining Waste		
Mill tailings disposal to marine or fresh waters (untreated)	K0.01/tonne	1.0
Mill tailings disposal to marine or fresh waters (treated)	K0.01/tonne	0.01 –1.0
Waste rock disposal to marine or fresh waters (untreated)	0.01/m ³	1.0
Waste rock disposal to marine or fresh waters (treated)	K0.01/m ³	0.01 –1.0
NOTE:		
(a)	^a BOD ₅ mean Biochemical Oxygen Demand after five days incubation period.	
(b)	Treatment Factor for Inorganic Wastes.	
The treatment factors for waste discharges containing inorganic chemicals are determined in accordance with the extent of variation of the level of the limiting water quality indicator from its prescribed water quality criteria at the point of discharge into a water body.		
Treatment Factor	Percentage Variation	
0.05	<5% variation.	
0.3	5% – <30% variation.	
0.45	30% – <45% variation.	
0.6	45% – <60% variation.	

0.75	60% – <75% variation.
0.9	75% – =90% variation.
1.0	>90% variation.

SCHEDULE 4 – .
THE INDEPENDENT STATE OF PAPUA NEW GUINEA

Act. Sec. 100	
Reg. Sec. 8(4)	
ENVIRONMENT ACT 2000	
FEES FOR DISTURBED AREA RUNOFF	
Column 1	Column 2
ACTIVITY	CHARGE (Per Annum)
Mining/Petroleum	
Rainfall runoff (containing sediment) during exploration phase	K1,000
Rainfall runoff (containing sediment) during construction phase	K2,000
Rainfall runoff (containing sediment) during operational phase	K1,000
Rainfall runoff (containing sediment) during rehabilitation phase	K1,000
Forestry	
Rainfall runoff (containing sediment) during forestry operations	K2,000
Agriculture	
Rainfall runoff (containing sediment) during land clearance phase	K1,000
Infrastructure (road, airport, bridge, etc.)	
Rainfall runoff (containing sediment) during construction phase	K1,000
Others	

Rainfall runoff (containing sediment) during construction phase for activities where an area of land exposed is –	
(a) greater than 10,000m ² but less than 90,000m ²	K500
(b) greater than or equals to 90,000m ²	K1,000

SCHEDULE 5 – .
THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

Act. Sec. 100	
Reg. Sec. 9	
ENVIRONMENT ACT 2000	
FEES FOR HYDROLOGICAL DATA	
Column 1	Column 2
INFORMATION TYPE	CHARGE
Hydrological Data Book	K100
Flood Manual	K60
Specific Data on:	
Daily or Monthly discharge	
Good Record: –'A'Class1	K100
Good Record: –'B'Class2	K60
Good Record: –'C'Class3	K25
Ratings	K200
Rainfall	
'A'Class	K100
'B'Class	K60
'C'Class	K25
NOTE:	
1. 'A' Class means all records or data for the year is considered 100% good.	
2. 'B' Class means all records or data for the year is considered 75% good.	
3. 'C' Class means all records or data for the year is considered 50% good.	

Environment (Fees and Charges) Regulation 2002