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Scheme Of Charges In Respect Of Discharges To Controlled Waters

April 2009

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INTRODUCTION

1 COMMENCEMENT AND CITATION

- (1) This Scheme of Charges (the Scheme) is made by the Environment Agency pursuant to its powers in section 41 of the Environment Act 1995 and in accordance with section 42 of that Act.
- (2) The Scheme has effect from 1 April 1999 until revoked.
- (3) The Scheme may be referred to as the Environment Agency Applications and Discharge to Controlled Waters Charges Scheme.

2 INTERPRETATION

In the Scheme, except where the context otherwise requires,

- "the Agency" means the Environment Agency;
- "the 1991 Act" means the Water Resources Act 1991 as amended by the Environment Act 1995 and except in so far as expressly interpreted herein, the Scheme shall be construed by reference to that Act;
- "the 1995 Act" means the Environment Act 1995 and except in so far as expressly interpreted herein, the Scheme shall be construed by reference to that Act;
- "discharge" means a discharge of an effluent under a consent or the discharge or disposal of any substance under an authorisation;
- "holder" means any person who holds a discharge consent or an authorisation;
- "consent" means a consent given or served by the Agency pursuant to Part III of the Water Resources Act 1991;
- "authorisation" means an authorisation granted pursuant to the Groundwater Regulations 2009. (SI 2009/xxxx);
- "abandonment" means the same as defined in section 91A of the 1991 Act as amended by section 58 of the 1995 Act;
- "receiving waters" means the same as defined in paragraph 6.3 of this Scheme;
- "year" means a period of 12 months commencing on 1 April;
- "direct cooling water" means cooling water which is used for temperature reduction purposes and does not come into open contact with any process;
- "organic nature" means effluent with Biochemical Oxygen Demand and/or Chemical Oxygen Demand limits.

THE CHARGES

3 CHARGE RATES

The charge rates for the period from 1 April 2009 until 31 March 2010 shall be-

- | | |
|---|------|
| • for the Standard Application Charge, | £876 |
| • for the Reduced Application Charge, | £124 |
| • for the Annual Charge Financial Factor, | £677 |

and for subsequent periods the charge rates shall be amounts determined in relation to each year by the Agency, with the approval of the Secretary of State, under section 42 of the 1995 Act by reference to the provisions of section 41 of the 1995 Act.

4 APPLICATION CHARGE

- (1) In respect of each application made to the Agency pursuant to and for the purposes of section 88 of the 1991 Act there shall be payable by the person who makes the application and, where consent is given under paragraph 3 of Schedule 10 to the 1991 Act or authorisation

granted under Regulation 17 of the Groundwater Regulations 2009, by the person on whom the instrument giving consent or granting authorisation has been served:

- (i) the Standard Application Charge except as provided for in (ii) below;
 - (ii) the Reduced Application Charge where the effluent is any of the following:
 - (a) sewage effluent where the proposed volume is 5 cubic metres or less per day;
 - (b) sewage effluent which contains trade effluent or other matter where the proposed volume is 5 cubic metres or less per day;
 - (c) trade effluent from cooling or heat exchange where the proposed volume is 10 cubic metres or less per day;
 - (d) surface water not containing trade effluent;
 - (e) site drainage;
 - (f) effluent or substance discharged or disposed onto or into land where proposed volume is 5 cubic metres or less per day and discharge is on not more than six days per year or any such equivalent disposal.
- (2) Where an application relates to more than one discharge or disposal a charge is made for each such discharge or disposal.

5 ANNUAL CHARGE

- (1) Subject to paragraph (4) below, there shall be payable by each holder in respect of each discharge permitted by a consent or authorisation a charge for a full year, whether or not a discharge is made, which is the product of the following four factors related to the consent pursuant to which the discharge is made.
- A The Volume Factor
 - B The Contents Factor
 - C The Receiving Water Factor
 - D The Financial Factor
- (2)
- (i) Subject to paragraph (ii) below where a consent or authorisation authorises the discharge of more than one effluent a charge is made for each such effluent authorised whether or not they may be discharged together or from one or more outlets.
 - (ii) Where effluents receive treatment together or having joined together are then monitored together by the Agency 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 Agency monitors them all, subject to paragraph (iii) below, 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.
 - (iii) Where an effluent is discharged to more than one receiving water a charge is made for each discharge to a different receiving water.
- (3) Annual Charges will not be made for discharges of sewage effluent where the maximum daily volume of discharge permitted by the consent is 5 cubic metres or less.
- (4)
- (i) Where a holder transfers a consent or authorisation to a person the amount payable is calculated by apportioning the charge for the year pro rata to the period that the consent or authorisation was held up until the date of the transfer and thereafter the charge is payable by the new holder on a pro rata basis.
 - (ii) Where a consent or authorisation restricts a discharge from taking place for a consecutive period of three months or more during a year, the charge shall be reduced by 4% per calendar month of restriction i.e. pro rata by month to the

general reduction in cost to the Agency. Such a reduction will be applied prior to any other reduction or abatement under the Scheme.

- (iii) Subject to paragraph (4)(i) and (4)(ii) above, no reduction in charges is made where a discharge is made in part or parts of the year under a consent or authorisation which is in force for the whole of the year.
- (5) If a consent or authorisation is varied 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 consent or authorisation is issued 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 or authorisation is in force.
- (7) If a holder undertakes to monitor discharges under a consent or authorisation in such a manner as, in the Agency's view, will enable the Agency's monitoring costs to be reduced, the Agency will make a reduction to the charge for the year or provide a rebate, having regard to consequent reduction in its costs. The Agency may at any time make a charge as provided under the Scheme without an abatement, if the holder fails to monitor in accordance with an undertaking. Where a holder first makes a discharge under a consent or authorisation after the commencement of the year an undertaking may be given at any time prior to first making a discharge.

6 THE FACTORS

6.1 Volume

- (1) The Volume Factor relates to the maximum daily volume of discharge permitted by the consent or authorisation as follows:

Cubic Meters				Band	Factor
Up to and including		5		A	0.3
More than	5	up to and including	20	B	0.5
"	"	20	" " "	C	1
"	"	100	" " "	D	2
"	"	1,000	" " "	E	3
"	"	10,000	" " "	F	5
"	"	50,000	" " "	G	9
"	"	150,000		H	14

- (2) Subject to paragraph (3) and (4) below, where no maximum daily volume is fixed by a consent or authorisation the volume factor is 1.0 except where the discharge is:
- made in an emergency,
 - surface water (not containing trade effluent),
 - permitted by the consent or authorisation on not more than 6 days per year, when the factor is 0.3.
 - from a fish farm located in controlled waters when the factor is 5.0
- (3) For sewage treatment works final effluents:
- the maximum daily volume is the flow to full treatment;
 - where no maximum daily volume is specified in the consent, but an average daily flow is given the maximum daily volume shall be taken to be 2.4 times the average daily flow;
 - if a dry weather flow only is specified the maximum daily volume shall be taken to be 3 times dry weather flow.
- (4) For trade effluents:

- i) the maximum daily volume is the flow to full treatment;
- ii) where no maximum daily volume is specified in the 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 the maximum daily volume shall be taken to be 3 times the daily dry weather flow.

6.2 Contents

- (1) The Contents Factor relates to the provisions in the consent or authorisation controlling or regulating the contents of the discharge as follows:

Band	Factor
A	14
B	5
C	3
D	2
E	1
F	0.5
G	0.3
H	1.5

- (2) BAND A - Trade or sewage effluent discharged under a consent or any substance discharged under an authorisation:

- (i) Where the consent or authorisation 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 Hydrocarbons including Haloforms
 Alcohols with the exception of Methanol, Ethanol, Butanol and Propanol, Glycols
 (including Total and Poly)
 Aromatic Nitrogen Compounds
 Phenolic Compounds (with the exception of Total and Mono hydric phenols)
 Heterocyclic Hydrocarbons
 Esters
 Ethers
 Ketones
 Aldehydes (with the exception of Formaldehyde)

- (ii) Where the consent or authorisation conditions include viruses.
- (iii) Where the consent or authorisation conditions specify the need for Toxicity Tests other than Rapid Bacterial Toxicity Tests to determine compliance.

- (3) BAND B - Except where the consent falls in Band A trade or sewage effluent or where the authorisation falls in Band A substance.

- (i) Where the consent or authorisation conditions contain numeric conditions for any of the following substances:

Metals and Metalloids
 Cyanides
 Sulphides
 Phenolic Compounds (Total and Monohydric)
 Methanol

Ethanol
Butanol
Formaldehyde
Propanol
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)

- (ii) Where the consent or authorisation conditions specify Rapid Bacterial Toxicity Tests to determine compliance.
- (iii) Where consent or authorisation conditions include bacteria.

(4) BAND C - Except where the consent or authorisation falls in Bands A or B:

- (i) Sewage effluent with numeric conditions other than volume but not including effluents specified in Band E (ii).
- (ii) All discharges of trade effluent of an organic nature with numeric conditions other than those included in Band E, F, G and H.

(5) BAND D - Except where the consent or authorisation falls in Bands A, B or C:

- (i) Sewage effluent with no numeric conditions other than volume or only descriptive conditions other than those effluents specified in Band E(ii)
- (ii) All other discharges of trade effluent other than those specified in Bands E, F, G and H.

(6) BAND E - Except where the consent or authorisation falls in Bands A, B, C or D:

- (i) Site drainage from trade premises.
- (ii) Storm and emergency discharges at treatment works, pumping stations and from drainage systems.
- (iii) All trade effluents of direct cooling water other than those specified in Band G.
- (iv) All trade effluents from the prevention of interference with mining or quarrying and from the continuation of pumping of such discharges from mines following abandonment other than those specified in Band F.

(7) BAND F

- (i) Surface water (not containing trade effluent).
- (ii) Trade effluent from the prevention of interference with mining or quarrying and from the continuation of pumping of such discharges from mines following abandonment for which there are no conditions or the only conditions are one or more of volume, suspended solids, iron, pH and chloride.
- (iii) Trade effluents where the consent permits the discharge of water abstracted from the controlled water after use in a trade, subject to limits only in the increase of concentrations of Biochemical Oxygen Demand and/or solids in suspension and/or ammonia in the water.
- (iv) Any effluent not identified elsewhere.

(8) BAND G

- (i) Trade effluent of direct cooling water for which the only conditions are one or more of volume, temperature, pH and chlorine.
- (ii) Trade effluents where the consent permits the discharge of water after use for the cultivation of plants.

(9) BAND H - Any effluent or substance with no numeric conditions other than volume, discharged or disposed onto or into land where the consent or authorisation permits:-

- (i) a maximum daily volume of 5 cubic metres or less per day; and
- (ii) a discharge on not more than six days per year or any such equivalent disposal; and
- (iii) a discharge only at specified periods of the year.

6.3 Receiving Waters

The Receiving Water Factors are:

	Band	Factor
Ground waters or land	G	0.5
Coastal waters	C	0.8
Surface waters	S	1
Estuarial waters	E	1.5

For the purposes of this paragraph the waters referred to above shall have the following meaning:

GROUND WATERS – Ground waters are any waters contained in underground strata, or in:

- (i) a well, borehole or similar work sunk into underground strata, including any adit or passage constructed in connection with the well, borehole or work for facilitating the collection of water in the well, borehole or work; or
- (ii) any excavation into underground strata where the level of water in the excavation depends wholly or mainly on water entering it from the strata.

COASTAL WATERS - Coastal waters are any controlled waters seaward from the baselines for estuarial waters (as defined below) and controlled waters seaward from the high water mark (as defined in Ordnance Survey maps) outside estuarial baselines.

SURFACE WATERS - Surface waters are the waters defined as inland freshwaters by section 104(1) of the Water Resources Act 1991.

ESTUARIAL WATERS - Estuarial waters are any waters which are within the area which extends landward from the baselines identified in the maps deposited at the Agency's Regional offices for this purpose, upstream to the fresh-water limit.

6.4 Financial Factor

The Financial Factor in respect of the Annual Charge is the charge rate set annually in accordance with paragraph 3 above.

7 TIME FOR PAYMENT

- (1) The Application charge shall be due and payable in full on the making of an application or the giving of a consent or authorisation if no application is made.
- (2) Payment of the Annual Charge shall be due on 1 April.
- (3) In the year during which a consent or authorisation is given or transferred, payment of the Annual Charge is due on demand.

8 DECISIONS UNDER THE SCHEME

Where under the Scheme provision is made for anything to be assessed, agreed, determined, certified or otherwise decided by the Agency such decisions may be given on its behalf and certified by the Chief Executive or any officer nominated by him for that purpose.

Signed for and on behalf of the Environment Agency

Ric Navarro
Director of Legal Services

31 March 2009