

INDEPENDENT STATE OF PAPUA NEW GUINEA

STATUTORY INSTRUMENT

No 31 of 2002

***Environment (Fees and Charges) Regulation 2002***

Being a Regulation relating to fees and charges,

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

(1) Subject to Subsection (2), in this Regulation, unless the contrary intention appears, the terms used shall have the same interpretation as in *Section 2* of the *Environment Act 2000*.

(2) In this Regulation, unless the contrary intention appears –

“**Act**” means the *Environment Act 2000* as amended.

“**Level 2 (Category A) activities**” means those activities prescribed by the *Environment (Prescribed Activities) Regulation* to be Level 2 (Category A) activities.

“**Level 2 (Category B) activities**” means those activities prescribed by the *Environment (Prescribed Activities) Regulation* to be Level 2 (Category B) activities.

“**Level 3 activities**” means those activities prescribed by the *Environment (Prescribed Activities) Regulation* to be Level 3 activities.

“**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.

**Part One - Fees**

2. FEES 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. FEES FOR ENVIRONMENT PERMITS

(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 shall be paid in relation to a permit 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. FEES 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. FEES FOR PESTICIDE PERMIT

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

(2) The annual fee payable for a pesticide permit is K100. The annual fee shall be paid on or before the anniversary in each year of the date on which the permit was issued.

6. FEES FOR WATER INVESTIGATION.

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

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

7. WAIVER OR REDUCTION IN FEES

(1) The Director may waive or reduce the fees payable for an application for a permit, or for transfer or amendment of a permit where -

- (a) 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
- (b) a permit is renewed; or
- (c) the issue of the permit does not require significant assessment, evaluation or administrative attention by the Director; or
- (d) other circumstances exist which in the Director's opinion justify the waiver or reduction of the fee.

## **Part Two - Water Use Charges**

8. WATER USE CHARGES

(1) The annual charge for the abstraction of water is equal to the number of cubic metres 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 metres 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(2), where Column 3 of Schedule 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. Any determination by the Director under this Section is subject to review by the Environment Council upon application by the permit holder in which case Section 68 of the Act shall apply.

(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.

### **Part Three - Miscellaneous Charges**

9. FEES FOR HYDROLOGICAL DATA

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

10. FEES FOR COPIES OF REGISTER

(1) Subject to Subsection (2), the fee for a copy of –  
(a) entries in the Register; or  
(b) any other document required to be provided by the Director,  
is K1 per page.

(2) The Director may reduce or waive the fee payable under Subsection (1) where –  
(a) the person liable to pay the fee is of limited means; or  
(b) he considers that the circumstances justify the reduction or waiver of the fee.

11. FEES FOR REVIEW OF DIRECTOR'S DECISION

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

12. FEES FOR VIEWING OF AN APPLICATION FOR AN ENVIRONMENT PERMIT

(1) Subject to Subsection (2), the fee payable for the viewing of an application for an Environment Permit in accordance with *Section 10(1)(c) of Environment (Permits and Transitional) Regulation* is K10.

(2) The Director may reduce or waive the fee payable under Subsection (1) where –  
(a) the person liable to pay the fee is of limited means; or  
(b) he considers that the circumstances justify the reduction or waiver of the fee.

**SCHEDULE 1**

*Act, Sec. 70 and 100  
Reg., Sec. 2,3 and 4*

THE INDEPENDENT STATE OF  
PAPUA NEW GUINEA

**ENVIRONMENT ACT 2000**

**FEES FOR ENVIRONMENTAL IMPACT ASSESSMENTS AND PERMITS**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<b>ACTIVITY*</b>	<b>FEE FOR AN ENVIRONMENT IMPACT ASSESSMENT</b>	<b>FEE FOR APPLICATION FOR A PERMIT</b>	<b>ANNUAL PERMIT FEE</b>
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

Act, Sec. 100  
Reg., Sec. 8(1)

THE INDEPENDENT STATE OF  
PAPUA NEW GUINEA

### 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<sup>3</sup>/year) x use factor x basic charge.**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<b>WATER USE</b>	<b>USE FACTOR</b>	<b>MINIMUM ANNUAL CHARGE</b>
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 no re-use of water	1.0	K250
Sprinkler 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

Act, Sec. 100  
Reg., Sec. 8(2)

THE INDEPENDENT STATE OF  
PAPUA NEW GUINEA

### ENVIRONMENT ACT 2000

#### FEES FOR DISCHARGE OF WASTES INTO WATER

**Annual charge = volume (m<sup>3</sup>/year) x basic charge x treatment factor.**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
NATURE OF WASTE	BASIC CHARGE (Per Annum)	TREATMENT FACTOR
<b>Sewage</b>		
Untreated sewage, including sewage that is screened and macerated	K0.05/m <sup>3</sup>	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 <sup>3</sup>	0.6
Sewage with secondary treatment (trickling filters, activated sludge, oxidation pools or lagoons)	K0.05/m <sup>3</sup>	0.3
Tertiary treatment (all forms of advanced sewage treatment)	K0.05/m <sup>3</sup>	0.05
<b>Organic Wastes</b>		
All organic wastes that contain substantial numbers of bacteria and viruses pathogenic to humans including – (a) agricultural and horticultural wastes; (b) meat processing and packaging industry wastes (c) wastes of a similar kind.	K0.5/kg BOD <sub>5</sub> <sup>a</sup> per year.	-
All organic wastes that are free from bacteria and viruses pathogenic to humans including – (a) agricultural and horticultural wastes of the coffee, oil palm, cocoa, and sugar industries; (b) food processing wastes.	K0.25/kg BOD <sub>5</sub> per year.	-
<b>Inorganic Wastes (other than Mining)</b>		
All waste discharges containing inorganic chemicals	K0.05/ m <sup>3</sup>	See Note (b) below
<b>Mining waste</b>		
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)	K0.01/ m <sup>3</sup>	1.0
Waste rock disposal to marine or fresh waters (treated)	K0.01/ m <sup>3</sup>	0.01 - 1.0

NOTE: a) <sup>a</sup> BOD<sub>5</sub> means 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**

Act, Sec. 100  
Reg., Sec. 8(4)

THE INDEPENDENT STATE OF  
PAPUA NEW GUINEA

**ENVIRONMENT ACT 2000**

**FEES FOR DISTURBED AREA RUNOFF**

<i>Column 1</i> <b>ACTIVITY</b>	<i>Column 2</i> <b>CHARGE (Per Annum)</b>
<b>Mining/Petroleum</b>	
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
<b>Forestry</b>	
Rainfall runoff (containing sediment) during forestry operations	K2,000
<b>Agriculture</b>	
Rainfall runoff (containing sediment) during land clearance phase	K1,000
<b>Infrastructure (road, airport, bridge, etc.)</b>	
Rainfall runoff (containing sediment) during construction phase	K1,000
<b>Others</b>	
Rainfall runoff (containing sediment) during construction phase for activities where an area of land exposed is -	
(a) greater than 10,000m <sup>2</sup> but less than 90,000 m <sup>2</sup>	K500
(b) greater than or equals to 90,000 m <sup>2</sup>	K1,000

## SCHEDULE 5

Act, Sec. 100  
Reg., Sec. 9

### THE INDEPENDENT STATE OF PAPUA NEW GUINEA

#### ENVIRONMENT ACT 2000

#### FEES FOR HYDROLOGICAL DATA

<i>Column 1</i>	<i>Column 2</i>
INFORMATION TYPE	CHARGE
Hydrological Data Book	K100.
Flood Manual	K60.
Specific data on:	
<u>Daily or monthly discharge.</u>	
<i>Good Record: - 'A' Class.<sup>1</sup></i>	K100.
<i>Good Record: - 'B' Class.<sup>2</sup></i>	K60.
<i>Good Record: - 'C' Class.<sup>3</sup></i>	K25.
<u>Ratings.</u>	K200.
<u>Rainfall.</u>	
<i>'A' Class.</i>	K100.
<i>'B' Class.</i>	K60.
<i>'C' Class.</i>	K25.

NOTE: <sup>1</sup> 'A' Class means all records or data for the year is considered 100% good.  
<sup>2</sup> 'B' Class means all records or data for the year is considered 75% good.  
<sup>3</sup> 'C' Class means all records or data for the year is considered 50% good.