

## Industry Regulation fact sheet

# Industry Regulation fees

This fact sheet provides an overview and guidance on the Department of Water and Environmental Regulation's (DWER) methods for calculating licensing and works approval fees for premises prescribed under the [Environmental Protection Act 1986](#)

registration to operate, and fees are levied in relation to those inst

## Fee components<sup>2</sup>

for:

- Part 1 - Premises component;
- Part 2 - Waste; and
- Part 3 - Discharge component.

Regulation 5D(1a) specifies that the annual licence fee is the sum of the Part 1 - Premises component and for a combination of the Part 2 - Waste and Part 3 - Discharge components. Lower discharge quantities will result in a lower annual licence fee. This provides a financial incentive for licensees to reduce their discharge quantities.

## General

Applications for a licence, works approval, amendment, registration or transfer are required to be accompanied by the prescribed fees. It is the obligation of the applicant or licence holder to calculate those fees. DWER will validate (and adjust) the applicant's fee calculations as required.

## Licence application fees

The fee for the first year of application is paid at the time of lodging the application, but the fee period does not commence until the licence is granted. The date of granting the licence becomes the anniversary date in each year, and a new annual fee is required in advance of the anniversary date in each year for the coming annual fee period.

Since annual licence fees must be paid in advance, their calculation is necessarily based on forward estimates. To ensure that licensees are only charged for actual production and discharge quantities (see also Refunds):

- licensees should ensure their forward estimates are accurate and realistic which will reduce the administrative burden of subsequently claiming refunds for reduced discharges;

<sup>1</sup> This is the annual anniversary of the date of the grant of the licence from the licence commencement date.

<sup>2</sup> Fee amounts are expressed as units or fractions of units, one unit is equivalent to the amount specified in column 2 of the tables in regulation 4(5), 4(6) and 4(7) of the EP Regulations, for the specified financial year.





holder that the licence has ceased. Application for a new licence will be required if the licence holder wishes to continue activities resulting in discharges from the prescribed premises. To operate or discharge from a prescribed premises without a licence may constitute an offence.

## Discharge of harmless waste onto land

Under Regulation 5F, an amount of 25 fee units for the annual period may be paid in respect to waste discharged onto land if the Chief Executive Officer is satisfied that the method of discharge renders the waste harmless to the environment.

## Refunds

Annual licence fees can be refunded in full or in part at the discretion of DWER on application. Refund of annual licence fees can be sought for:

- the premises component if the premises ceases to be prescribed during the period of the licence; and/or
- the difference in the discharge component where the quantity of waste discharged from the premises during the fee period ('the actual discharge') is less than the quantity used to determine the licence fee that was paid for that period.

Where a licence holder or applicant believes they are being charged more than once for the same kind of waste in a discharge or where the two kinds of waste do not have the potential to cause a different environmental impact, they may also be eligible for a refund. Refund applications must provide sufficient information and reasoning to justify the claim.

As fees are charged in advance (for which discharge quantities need to be estimated), any subsequent reduced production can result in less discharge than initially estimated; a

licensee can then apply for a refund und.5 ( not)4.3 ( )11.3 (f)nu5nr.i w/dr (an t)-6Jalla3td8ch any sehti duo





Waste fees apply to all tailings that are disposed into dedicated containment facilities (apart from backfill of underground workings as discussed below). Tailings disposal methods which attract a fee include:

- tailings that are dry stacked;
- tailings slurries and dry tailings that are deposited into containment structures regardless of the containment's hydraulic conductivity;
- tailings or any component applied to land for soil amelioration or land rehabilitation purposes; and
- tailings discharged into pit voids or valley impoundments.



- water quality;
- the receiving environment; and
- the likely changes to water quality during the in-pit residence time before being transported to the final destination void.

A detailed water balance should be provided demonstrating the volume of water extracted and subsequently discharged to the environment. The water balance should include any additional water sources (such as process water or stormwater) that are mixed and discharged with the abstracted water and any water re-used, as well as water lost through infiltration and evaporation; fees will be charged on the total amount finally discharged.

## Flyash

Flyash is a solid (but powdery or particulate) residue predominantly from coal combustion and waste incineration. Flyash materials are often converted to slurry for ease of handling and storage in ash dams; note that the addition of water affects the total waste quantity. Fees apply to flyash and other solid combustion products collected and discharged to the environment and includes:

- flyash captured from flue gas prior to its discharge to air such as from baghouses or electrostatic precipitators (ESPs); and
- bottom ash, the residue that collects at the base of a fire or combustion chamber (6.12.6.16.126e.oms;u



## Part 3 -Discharge components

The waste types that constitute the Part 3 - discharge component are set out in Table 1 and Table 2 of Schedule 4 Part 3 of the EP Regulations. Table 1 specifies discharges into air and Table 2 specifies discharges onto land or into waters.

- Tables 1 and 2 include wastes that can be components of other wastes listed in the tables.

### Example 2

- A separate discharge component fee is payable for every kind of waste specified in Part 3 that poses a different risk to the environment.

### Example 3

- A discharge component fee is payable for both the presence of the heavy metals in the discharge, and the total suspended solids in the discharge (of which the heavy



## Total Suspended Solids, Phosphorus and Total Nitrogen onto land or into waters

Annual fees are payable for the discharge of phosphorus and total nitrogen onto land or into waters, and for total suspended solids in liquid waste discharged onto land or into waters. (see example 3.)

### Total Dissolved Solids (TDS)

TDS is a measure of the combined content of all inorganic and organic substances dissolved in a liquid.

Where waste in Table 2 is found in solution and is a component of TDS, annual fees are payable for the TDS of the discharge onto land and into waters, and for the individual ions that make up the TDS, if they pose different risks to the environment.

### Liquid waste that can potentially deprive receiving waters of oxygen, and surfactants

Item 1 in Table 2 specifies 'liquid waste that can potentially deprive receiving waters of oxygen'. BOD<sup>8</sup>, COD<sup>9</sup> and TOC<sup>10</sup> are different analytical methods to quantify the oxygen demand (expressed as kilograms per day) in receiving waters.

Annual fees are payable for the discharge of liquid waste that has the potential to deprive receiving waters of oxygen. Only the parameter that is the most appropriate for the waste stream, as justified by the licence holder and agreed to by the Department attracts the fee.

Where a discharge with high oxygen demand also contains surfactants, the potential environmental effect of depriving waters of oxygen and of discharging surfactants into water are different.

In this case, annual fees are payable for the discharge of liquid waste that has the potential to deprive receiving waters of oxygen, and for the discharge of liquid waste containing surfactants.

### Maximum fee amounts

Regulation 5G sets out maximum annual licence fee amounts (fee caps). These caps vary depending upon whether:

- a) the calculated Part 3 discharge fee amount is predominantly attributable to discharges to air or onto land; or
- b) the calculated Part 3 discharge fee based predominantly on discharges to air or onto lands, is subject to a 50% increase due to an applicable standard (discussed further below); or
- c) the calculated Part 3 discharge fee amount is predominantly attributable to discharges into waters; or
- d) the calculated Part 3 discharge fee amount is equally attributable to discharges to air, onto land or into waters;

When initially calculating fee amounts, applicants/licence holders should disregard the maximum amounts listed under Regulation 5G. DWER will apply the relevant fee cap when validating the application.

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<sup>8</sup> BOD is the Biochemical (also known as Biological) Oxygen Demand of the waste

<sup>9</sup> COD is the Chemical Oxygen Demand of the waste

<sup>10</sup> TOC is the Total Organic Carbon in organic compounds found in the waste.





## Approved Policies

Regulation 5E(4) specifies that, where an applicable standard exists for the discharge of a

