

5TH OCTOBER, 2012

LEGAL NOTICE NO. 105

THE WATER ACT
(No. 8 of 2002)

IN EXERCISE of the powers conferred by section 110 of the Water Act, 2002, the Minister for Water and Irrigation makes the following Rules:—

THE WATER RESOURCES MANAGEMENT (AMENDMENT) RULES, 2012.

1. These Rules may be cited as the Water Resources Management (Amendment) Rules, 2012.

2. The Water Resources Management Rules, 2007 (in these Rules referred to as “the principal Rules”) are amended by deleting the First Schedule and substituting therefor the new schedule set out in the First Schedule to these Rules.

3. The principal Rules are amended in the Twelfth Schedule by deleting Form WRMA 001F and substituting therefor the new Form WRMA 001F set out in the Second Schedule to these Rules.

FIRST SCHEDULE

(Rules 13,26,37,39,45,70,80,82,83,87,90,104,135,144)

FEES AND CHARGES

PART A FEES

1. Fees for assessment and issuance of water use permits

<i>Relevant Form (if applicable)</i>	<i>Description of Activity</i>	<i>Relevant *Rule(s)</i>	<i>Fees KSh.</i>
WRMA 001	Application for Water Permit	23,24,71,72	See first schedule. Part A item 2
WRMA 002	Application for Easement	96	2000
WRMA 003	Comments by WRUA on Application for Water Permit	28	Nil
WRMA 004	Authorisation to Construct Works	33	Nil
WRMA 005	Application for Extension of Time of Authorisation	36	2000
WRMA 006	Issuance of Extension of Authorisation to Construct Works	36	Nil
WRMA 007	Inspection Report	38	None
WRMA 008	Completion Certificate	38	None
WRMA 009	Borehole Completion Record	76,77	None
WRMA 010	Water Permit	38	See first schedule. Part A item 2
WRMA 011	Renewal of Permit	44	See second schedule, section 2
WRMA 012	Variation of Permit	42	2000
WRMA 013	Transfer of Permit	41	2000
WRMA 014	Search of Water permit	47	1000
WRMA 015	Assessment of Water Use and Charges	106	None
WRMA 016	WRMA Order	8	None
WRMA 017	Authority to Enter Land	11	2000
WRMA 018	WRUA Registration	10	None
WRMA 019	Certificate of Registration of WRUA	10	None

<i>Relevant Form (if applicable)</i>	<i>Description of Activity</i>	<i>Relevant *Rule(s)</i>	<i>Fees KSh.</i>
WRMA 020	Supplement to Water Permit/Authorisation	21	3000
WRP 001	Application for Qualified Water Resource Professional	133	3000
WRP 002	Issuance of License as Qualified Water Resource Professional	134	3000
WRC 001	Application for registration as Qualified Contractor	143	5000
WRC 002	Issuance of License as Qualified Contractor	144	5000
	Annual License Fee for Qualified Water Resource Professional	135	2000
	Annual License Fee for Qualified Contractor	145	2000
	For re-issue of or alteration to Authorizations, Permits, and Licences		2000

2. Fees for assessment and issuance of water use permits

<i>Applications</i>	<i>Assessment of Application (KSh.)</i>	<i>Issue and Renewal of Permit (KSh.) (for 5 years)</i>
Water Use Category A	1,000	Nil
Water Use Category B	5,000	7,500
Water Use Category C	20,000	25,000
Water Use Category D	40,000	50,000
EFFLUENT DISCHARGE		
Effluent Discharge category A		1,000

Note:

a) For permits issued for less than 5 years, the cost of the permit will be charged on a prorata basis.

3. Fees for Data, investigations, laboratory analysis and related service

	<i>Type</i>	<i>Unit</i>	<i>Rate (KSh.)</i>
GroundwaterData	Basic data (WSL, WRL, Yield, Depth) up to a maximum of 10 boreholes	Per request	2,000
	Borehole or Well Completion Record (Form 009A or 009B) including test pumping and water quality data	Per borehole	2,000
Hydro-meteorological Data	Rainfall (daily, monthly, or annual)	Per station record	2,000
	Climatic parameter	Per station record	2,000
	Water level and rating equations	Per station record	2,000
	discharge	Per station record	2,000
	lake/ reservoir level	Per station record	2,000
	sediment load	Per station record	2,000
Water Apportionment	Copy of Authorisation or	Per copy	250

	<i>Type</i>	<i>Unit</i>	<i>Rate (KSh.)</i>
	Permit		
Water Quality Data	All parameters (up to a maximum of 20 data sets)	Per request	2,000
Investigations			
Groundwater	Hydrogeological Assessment or surveys including borehole siting	Per site	20,000/- plus staff days based on contracted consultancy day rate and AA rates for mileage exclusive of lab analysis costs
Surface water	Hydrological Assessment or surveys	Per request	Ditto
WQ & pollution Control	Water Quality Assessment or surveys	Per request	Ditto
Surface water	Flow measurement	Per site	10,000/- plus staff days based on contracted consultancy day rate and AA rates for mileage
Thematic maps & reports	blue prints	Per copy	1,000
	coloured prints	Per A1 copy Per A0 copy	2,500 5,000
	coloured prints	Per A4 copy Per A3 copy	250 500
	Digital Maps	Per Theme	10,000
	Reports	Per page	5
Equipment Hire		Per day	As per prevailing schedule of rates issued by WRMA from time to time
Copy of Register of WRUAs		Per region	500
Copy of Register of Water Bodies		Per region	500
Copy of Register of Authorisations or Permits		Per 100 or part thereof	500
Copy of Register of Qualified Water Resources Professionals or Qualified Contractors		Per copy	500

PART B WATER USE CHARGES

Rates for water use charges for Permit Categories B, C and D.

<i>Type of Water Use</i>	<i>Criteria</i>	<i>Rate</i>
DOMESTIC, PUBLIC, LIVESTOCK	Domestic, public, and livestock purposes	50 cents/m3

<i>Type of Water Use</i>	<i>Criteria</i>	<i>Rate</i>
HYDROPOWER GENERATION	Amount of energy generated First 1 MW	No charge
	Over 1 MW	5 cents per kWh
IRRIGATION	First 300 m3/day	50 cents/m3
	Over 300 m3/day	75 cents/m3
FISH FARMING	Amount supplied	5 cents/m3
COMMERCIAL / INDUSTRIAL	First 300 m3/day	50 cents/ m3
	Over 300 m3/day	75cents/ m3
EFFLUENT DISCHARGE		
Effluent Discharge Class A	Pollution Loading Points- 0-200 Potential Impact- Low impact	5 cents/m3
Effluent Discharge Class B	Pollution Loading Points- 201- 1600 Potential Impact- Moderate impact	10 cents/m3
Effluent Discharge Class C	Pollution Loading Points- 1601- 4000 Potential Impact- High impact	20 cents/m3
Effluent Discharge Class D	Pollution Loading Points- 4001- 10,000 Potential Impact- Very high impact	30 cents/m3

NOTE:

- A) All water use under category A does not attract any water use charges except for effluent discharge.
- B) Water use charges apply to water abstracted, diverted, stored, and or used for hydropower generation and effluent discharged into a water body.
- C) The impacts on water resources reflect both quality and quantity of the effluent and the amount of the receiving water resource and is specific to an effluent discharging facility.

SECOND SCHEDULE

The Chief Executive Officer,
Water Resources Management Authority,
P.O. Box 45250 – 00100
NAIROBI

Form: WRMA 001F (Revised)
Catchment: _____
WRMA ID: _____
File: _____

EFFLUENT DISCHARGE

PERMIT CLASS-----

FACILITY AND EFFLUENT DISCHARGE DESCRIPTION

<i>Name and Location of Facility</i>	
Activity of Facility	
WRMA's Facility Classification (FC1or FC2,,,...)	
Effluent Discharge Receiving Water Resource (River, Lake, Dam, etc)	
Effluent Discharge Receiving Water Resource's Quantity Threshold-WRMA	
Effluent Discharge Receiving Water Resource's Quantity Threshold-WRMA	

<i>Name and Location of Facility</i>	
WRMA's Effluent Discharge Points (EDPs)	
Grid Reference for Effluent Discharge Point	
Easting	
Northing	
Altitude (m above sea level)	
Map Sheet	
Mode of discharge (pipe, canal,)	
Daily Effluent discharge (m ³ /day)	
Basis :description of how the average waste water flow has been determined	
Hours of discharge : Number of days per week & hours per day's	
List of process raw materials utilised and wastes generated on site	
Details of Treatment System	
Chemical	
Settling	
Anaerobic digesters	
Oxidation or aerated ponds	
Natural or constructed Wetland	
Other (specify)	
Retention time (days)	
Nature of Pollutants (Chemical, Biological, Physical)	
A list of the potential impacts on the environment and the proposed mitigation methods to be used	
Details of any emergency / spillage control arrangements	
State if there any seasonal, or other variations (including any arising from plant malfunction) in volumes of effluent to be discharged	

Attach a sketch plan showing fencing and drainage, storage area for liquid, sludge, solid waste awaiting treatment and residue awaiting removal for disposal elsewhere

EFFLUENT DISCHARGE QUALITY

<i>Compulsory Parameter</i>	<i>Units</i>	<i>Value</i>
BOD (5 days at 20°C)	mg/l	
COD	mg/l	
Electrical Conductivity (EC)	µS/cm	
Total Dissolved Solids (TDS)	mg/l	
pH	pH scale	
Temperature	°C	
Feecal coliforms	Counts/100ml	
Total Coliforms	Counts/100ml	
Flow rate	m ³ /day	
Colour	Hazen Units	
Total Suspended Solids (TSS)	mg/l	
Chemical Parameters		
Sulphate (SO ₄)	mg/l	
Sulphides, (S ²⁻)	mg/l	
Phenols	mg/l	
Fluorides (F)	mg/l	
Chlorides (Cl)	mg/l	
Free CO ₂	mg/l	
Ammonium-NH ₄	mg/l	
Nitrite – NO ₂	mg/l	
Nitrate-NO ₃	mg/l	
Total Phosphorous (P)	mg/l	
Total Nitrogen (N)	mg/l	
Potassium (K)	mg/l	
PCBs	mg/l	
Total Petroleum Hydrocarbons (TPH)	mg/l	
Oils and grease	mg/l	
Surfactants	mg/l	

<i>Compulsory Parameter</i>	<i>Units</i>	<i>Value</i>
Heavy Metals (Cd, Cu, Pb, Zn, Al, Se, As, Sn, Mn, Co, Fe,)	mg/l	
Pesticide residues	µg/l	
WRMA's Accruing Quality Points (AQPs)		

EFFLUENT DISCHARGE CLASSIFICATION AND CHARGES

WRMA's Pollution Loading Points (EDP × AQP=PLP)	
WRMA's Class of Permit	
Effluent Discharge Charge (cents/m ³)	

SWAMP DRAINAGE

<i>Name of swamp</i>	
Size of swamp to be drained (ha)	
Purpose of swamp drainage (agricultural, residential, recreational, public health, industrial, abstraction)	
Means of swamp drainage (tick as appropriate)	
Channelling or canalisation of flows	
Diversion of inflow	
Expected % of inflow waters to be diverted	
Construction of drainage canals or drainage pipes	
Expected reduction in water level in swamp (m)	

Note: Form WRMA 001B is required to be filled if swamp drainage is planned in conjunction with water abstraction or diversion

Dated the 4th September, 2012.

CHARITY NGILU,
Minister for Water and Irrigation.