

35/1979 Coll.  
ORDER OF THE GOVERNMENT  
of the Czechoslovak socialist Republic  
from the 27th February 1979  
on the Compensations in the Water Management

Amendment: 91/1988 Coll.  
Amendment: 235/1996 Coll.

The Government of the Czechoslovak socialist Republic orders, according to the Art. 43 par. 1 and 2, the Art. 44 and 45 of the Act No. 138/1973 Coll. on the Water (the Water Act):

PART ONE  
The compensations for the withdrawals of the water from water flows

Article 1

The organisations, which withdraw the water from the water flows in the quantity exceeding 15 000 m<sup>3</sup> per one year, or 1250 m<sup>3</sup> per one month, pay the compensations at the amount, established by the price provisions 1), to the administrator of the water flow, respectively to the administrator of that his part, from which they withdraw the water.

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1) The pricelist of wholesale prices, department 795 1 - surface water, evid. number VC-17-1, approved by the assessment of the Federal Price Office No. 1011/S/FCÚ-07/KPC/2/75 from the 20th January, 1975 (Price Journal, part 18/1975).

Article 2

(1) The obligation to pay the compensations does not apply to the withdrawals of the water from the water flows, listed in the Art. 43 par. 2 of the Water Act and to the withdrawals

- a) of the water for filling the fish ponds, blind shoulders of the water flows and other ponds, creating preserved biological area of the plants and animals,
  - b) of turbidity water for the forest production,
  - c) of the water for the needs of armed forces of the Czechoslovak socialist Republic and of armed allied forces at the area of military districts.
- 2)

(2) The turbidity water, for agricultural and forest production, are the water withdrawn from the water flow, during increased flows (water statements) for moisturising by flooding. The water management body will determine, for parts of the water flows, low level of increased flow (water statement), enabling the withdrawal of the turbidity water, taking into consideration watergauge, or other height mark, according to local conditions.

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2) The Act No. 169/1949 Coll. on military districts.

PART TWO  
The compensations for the ground water withdrawals

Article 3

The organisations, of which withdrawals exceed the quantity of 15 000 m<sup>3</sup> per one year, or 1250 m<sup>3</sup> per one month (hereafter "withdrawing organisations"), are obliged to pay compensations for the withdrawals of the ground water 3) (hereafter "the withdrawals"), to locally relevant administrator of the

water flows, 4) important from the water management point of view (hereafter “the administrator of the flow”).

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3) the Art. 2 of the Water Act.

4) The administrators of the water flows, important from water management point of view, are the state organisations Labe Waterhed, Vltava Waterhed, Ohře Waterhed, Morava Waterhed, Odra Waterhed, Danube Waterhed, Váh Waterhed, Hron Waterhed, Bodrog and Hornád Waterhed.

#### Article 4

The obligation to pay does not apply to the withdrawals:

- a) for the purposes, on which the usage of the drinking water is established by special provisions, 5) if these withdrawals are being measured individually; if there are the withdrawals, used for several purposes, and these can not be measured individually, then the total quantity of withdrawn water is being measured, and the water, for which the obligation to pay compensation does not apply, is being determined, according to annual directive numbers of the usage of the water, 5a)
- b) for the purposes of armed forces of the Czechoslovak socialist Republic, and of armed allied forces, at the area of the military districts,
- c) during catching ground water, which will not be used for the operational purposes of the organisation,
- d) from the artificial infiltration of surface water, as long as the withdrawal of surface water itself, apply for the compensation,
- e) of geothermal ground water for their energetic usage,
- f) in the cases, when, from the water management point of view, according to the determination of the central water management body of the Republic, it is not reasonable to use ground water as a drinking water; individual cases will be determined by this body, according to proved usage, and for the time limited period.

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5) the Art. 7 and 8 of the Ordinance of the Ministry of Health No. 45/1966 Coll. on Creating and Protection of Healthy Living Conditions.

5a) The Ordinance of the Ministry of Forest and Water Management of the Czech socialist Republic No. 144/1978 Coll. on Public Waterpiping and Public Sewerage.  
The Ordinance of the Ministry of Forest and Water Management of the Slovak socialist Republic No. 154/1978 Coll. on Public Waterpiping and Public Sewerage.

#### Article 5

The compensation is SK 2.- per 1 m<sup>3</sup> of withdrawn ground water. The compensation for 1 m<sup>3</sup> of withdrawn ground water for public waterpiping is 1 SK.

#### Article 6

If withdrawing organisation does not have the obligation to measure the withdrawals by water meters, 6) then it is obliged to keep the records on the withdrawals, and to have the documentation on these quantities and time division available. If the withdrawing organisation does not prove the quantity of the withdrawal by this documentation, then the compensation will be determined, according to the quantity of the withdrawal, mentioned in the admittance from the water management body for this withdrawal.

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6) The Ordinance of the Ministry of Forest and Water Management of the Czech Socialist Republic No. 63/1975 Coll. on the Obligations of the

Organisations to Submit the Reports on Discovering the Ground Water and to Report the Data on its Withdrawals.  
The Ordinance of the Ministry of Forest and Water Management of the Slovak Socialist Republic No. 170/1975 Coll. on the Obligations of the Organisations to Submit the Reports on Discovering the Ground Water and to Report the Data on its Withdrawals.

#### Article 7

(1) The withdrawing organisation is obliged to report to the administrator of the flows, annually, by the 31st October, total quantity of the withdrawals for following year, mentioning individual withdrawals (hereafter “the report”). In the report, it will be also mentioned the withdrawals, on which the obligation to pay compensation, according to the Art. 4, does not apply.

(2) If the withdrawal is admitted after the expiration of the term for the report, then the withdrawing organisations is obliged to submit the report within the two months from the day of the first withdrawal.

(3) The administrator of the flows calculates the advanced payment for the compensation for the following year, and notify the withdrawing organisation on its amount by the 30th of November. The advanced payment for the compensation is due, by the 30th of September of the current year.

(4) The withdrawing organisation is obliged to report, to the administrator of the flows, the data on actual quantity of the withdrawals for the previous year, by the 15th of February. 6)

(5) The administrator of the flows calculates annual compensation, according to actual quantity of withdrawals, and accounts for the arrears or overpayments for previous year, by the 31st of March. Arrears and overpayments are due, within 15 days from the day of account delivery.

(6) If the withdrawing organisation does not realise the payment, according to the par. 3 and 5, then it is obliged to pay the fee for the delay, at the amount of 0,1 % from the amount, not paid in time, for each day of the delay. The same provision apply for the flow administrators, returning the overpayment.

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6) The Ordinance of the Ministry of Forest and Water Management of the Czech Socialist Republic No. 63/1975 Coll. on the Obligations of the Organisations to Submit the Reports on Discovering the Ground Water and to Report the Dates on its Withdrawals.  
The Ordinance of the Ministry of Forest and Water Management of the Slovak Socialist Republic No. 170/1975 Coll. on the Obligations of the Organisations to Submit the Reports on Discovering the Ground Water and to Report the Dates on its Withdrawals.

#### PART THREE

#### The compensations for discharging waste water into surface water

#### Article 8

(1) The organisations, which discharge waste water, which contain the pollution in the ratios, listed in the part A of the annex, into surface water (hereafter “the discharging organisations”), are obliged to pay the compensations, according to the quantity of polluting materials in the waste water, and according to the rate of caused impairment of the quality of the water in the water flow, to the administrators of the flows, for discharging these water.

(2) The obligation to pay the compensations is not being touched by the fact, that the discharging organisation was, according to the Art. 8 par. 1 c) and to the Art. 23 par. 3 of the Water Act, allowed to discharge waste water into surface water.

(3) Paying of the compensations, does not free the discharging organisation, from taking the responsibilities for caused losses, according to generally binding legal provisions.

#### Article 9

(1) The compensation for discharging waste water into surface water is created by the basic compensation and addition to this basic compensation (hereafter "addition").

(2) The compensation is not being paid for discharging waste water,

- a) in which, the quantity of polluting materials does not exceed, for biochemical usage of the oxygen (hereafter "BOD 5") .....3 t/year,
- b) for insoluble materials .....10 t/year,
- c) in which, the quantity of polluting materials in tons per year is lower than ten times charged quantity of BOD 5 in tons per year; paying the compensation for the quantity of BOD 5 over the amount, mentioned in a), is not touched by this,
- d) of which the concentration of the pollution, and the quantity of polluting elements, does not exceed

	the concentration of the pollution	the quantity of polluting elements
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for petroleum materials with clear acidity or alkalinity for soluble inorganic salts	5 mg/l 0,5 mmol/l 1000 mmol/l	and 1 t/year, and 500 kmol/year, and 20 t/year,
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- e) formatted, during usage of the sources of geothermal water in the agriculture plant production,
- f) in which, the pollution is the same or less, than the pollution of surface water, into which, the waste water are being discharged.

(3) The addition is not being paid by

- a) the budget organisations,
- b) the organisations, which operate Treatment plant for the waste water, and do not exceed the values of the ratios of acceptable degree of the water pollution (6a), established by the water management body,
- c) the organisations, discharging waste water into other than surface water.

(4) In the cases, when the withdrawal, as well as discharging, relate to the same water flow, the administrator of the flows, after the application from discharging organisation, takes into account the quality of withdrawn surface water, when calculating the basic compensation, in the ratio of the pollution of dissolved inorganic salt, and when calculating the addition, in all ratios of the pollution.

(5) In the cases, when the discharging organisation pays basic compensation, at the same time for pollution in the ratios BOD 5 and petroleum material, the administrator of flows, after its application, subtracts the portion of BOD 5, related to petroleum materials, from the total quantity of BOD 5.

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- 6a) The Order of the Government of the Czech socialist Republic No. 25/1975 Coll., which establishes the ratios of acceptable degree of the water pollution.  
The Order of the Government of the Slovak socialist Republic No. 30/1975 Coll., which establishes the ratios of acceptable degree of the water pollution.

## Article 10

(1) The basic compensation is being calculated according to the costs for concrete or generally usable method of cleaning waste water, discharging of which is tight up with the obligation to pay the compensations. The basic compensation for previous year is being calculated, according to the costs for concrete method of cleaning, if discharging organisation provided preparation or project documentation 7) of the facility for the elimination of the pollution of waste water, which are being discharged into the surface water, to the administrator of flows, in the period, established in the Art. 12 par. 1; this calculation method is being used primarily. Otherwise, the basic compensation for mentioned period, is being calculated according to the costs for generally usable method of cleaning.

(2) The documentation, mentioned in the par. 1, may be used for the calculation of the basic compensation, as long as it contains necessary data, arrange elimination of discharged materials in the waste water, by the method, reflecting present statement of the technical development 7a), and is not older than 2 years, only, if according to it, the construction of the cleaning facility already started; the documentation of the facility for elimination of pollution of the waste water, polluted by petroleum materials, is being used only in the case, if it would be possible, to reduce the concentration of the waste water pollution under the level of 5 mg/l, by using it.

(3) The method of basic compensation calculation is established in the part B of the Annex.

(4) If the waste water, containing BOD 5 or insoluble elements, are being discharged through several outflows, than the quantities of the pollution are being added together, when calculating the rate and basic compensation. Independently they are being considered only, if there are no technical possibilities of connecting the outflows, or if the outflows flow into various surface water.

(5) If the discharging organisation discharges waste water into the facility at the water flow, which is, according to the decision of the water management body, determined for cleaning (final cleaning) of these waste water, then the basic compensation is being calculated, according to the quantity of the pollution, which is being discharged only from this facility.

(6) If the discharging organisation has the facility for accumulation and regulated discharging of the waste water, then the basic compensation is being determined according to the discharged quantity of the annual pollution, reduced by the quantity of the pollution, contained in the accumulation facility. This reduction can not exceed the quantity of the pollution, which recalculated to annual outflow of the water in the water flow, could cause the impairment of the quality for 2,5 mg/l BOD 5 or 0,5 mmol/l of the acidity or the alkalinity or for 500 g/l of dissolved inorganic salts.

The provision of this paragraph does not apply to waste water with other ratios of the pollution, and to the discharging of waste water into other surface water than the water flows.

(7) The yield, which will the discharging organisation gain by the operation of the screening (using valuable materials from the waste water) is not being taken into consideration, when calculating the basic compensation.

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7) The Ordinance of the Federal Ministry for Technical and Investment Development No. 163/1973 Coll. on the Documentation of the Buildings, in the wording of the Ordinance No. 31/1976 Coll., the Ordinance No. 76/1977 Coll. and the Ordinance No. 68/1978 Coll.

7a) the Art. 23 par. 1 and 2 of the Act No. 138/1973 Coll. on the Water (the Water Act).

## Article 11

(1) The amount of the addition depends on the rate of impairment of the water quality in the water flow, caused by the waste water. The method of the calculation of the addition is determined in the part C of the Annex.

(2) Administrator of the flows may, after the application from discharging organisation, modify calculated addition for discharging waste water, containing pollution, in all, or only in some ratios of the pollution, at most though, reducing by one tenth per each of these reasons:

- a) if it is discharging of remaining pollution, after cleaning waste water,
- b) if water management relations of usage of water flow improve, after discharging waste water,
- c) if short term balancing or equal outflow of the waste water are arranged by special equipment or action, elaborated for this aim,
- d) if immediate mixing of discharged waste water with the water from water flow is arranged by the technical equipment.

(3) 200 % of the addition to the basic compensation, may be added at most, for discharging waste water into water management flow, or into the water flow, in its watershed 8). The addition for discharging the waste water into other water flows may be at most 100 % of the basic compensation.

(4) Addition of 20 % of the amount, calculated according to the paragraph 1, and modified, according to paragraphs 2 and 3, is being determined for discharging the waste water from the public sewerage.

(5) Administrator of the flow, after requirement from discharging organisation, will reduce the addition, calculated and modified, according to previous paragraphs, to the half of its amount in the cases, when discharging organisation is building the screening for waste water, or any other similar facility of investment characteristics, for reducing the pollution of waste water to the values, admitted by the water management body; such reduced addition is being paid from the day, established by the administrator of the flows, to the planned term of finishing the construction.

(6) Discharging organisations do not incorporate the addition into the calculation of the prices.

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8) The Ordinance of the Ministry of Forest and Water Management of the Czech socialist Republic No. 28/1975 Coll., which determines water management flows and their watersheds and determines the list of the water flows, important from the water management point of view. The Ordinance of the Ministry of Forest and Water Management of the Slovak socialist Republic No. 10/1977 Coll., which determines water management flows and their watersheds and determines the list of the water flows, important from the water management point of view.

## Article 12

(1) Discharging organisation is obliged to report annually, no later than by the 31st of October, following data, to the administrator of the flows for next calendar year:

- a) the volume of discharged water in litters per second, in m<sup>3</sup> per day and per year,
- b) the value of BOD 5 in mg/l of the waste water, in KGs per day, and in tons per year,
- c) the quantity of insoluble elements in mg/l of the waste water, in KGs per day, and in tons per year,
- d) the quantity of petroleum materials in mg/l, in KGs per day, and in tons per year,
- e) the figure value of clear acidity or clear alkalinity in the waste water in mmol/l and kmol per day and per year,
- f) the quantity of dissolved inorganic salts in mg/l of the waste water, in KGs per day, and in tons per year.

(2) Discharging organisation is obliged to report the data, listed in the paragraph 1 per each outflow of waste water individually; if these are the data per day or per second, then it is obliged to show maximum, as well as average values. It will also report the time schedule of discharging the waste water. If it is available, it will enclose the preparation or project documentation, from which the basic compensation can be calculated, with the report.

(3) For checking the concentration of the pollution, the analysis of flowed eight-hour sample of the waste water, taken regularly during main shift is decisive, unless discharging organisation negotiate more precise method of its checking, with the administrator of the flows. Establishing of all ratios of the pollution, is being conducted from flowed sample, after its perfect mixing (homogenised sample).

#### Article 13

(1) The calculation of the compensations and their modifications are done by the flow administrators.

(2) Flow administrator is authorised to examine data, listed in the report, according to the Art. 12, and according to the results of examination, he may calculate the amount of compensation or modify its calculation; he is obliged to enable discharging organisation to participate on examination. If discharging organisation does not submit the basis for calculation of compensation (the Art. 10 par. 2, the Art. 12), then administrator of the flows will take into account other, for him accessible, data for calculation of the compensations.

(3) Administrator of the flows will notify the discharging organisation on the amount of the compensation for the next year by the 30th of November of the current year; he will notify it, also if the amount of the compensation for the previous calendar year stayed the same, without any changes.

(4) If flows administrator discovers, that during the calendar year, there have been significant changes in discharging the water, in compare with the data, reported according to the provisions of the Art. 12, then he will modify, without any delay, the amount of the compensation, respectively also the amount of monthly instalments, and will notify the discharging organisation.

(5) Discharging organisation is obliged, by the 15th of February of the next year, to submit to the administrator of the flows the documents, proving, that they discharged waste water into surface water, during previous year, in other quantity or in other quality, than those, used for the calculation, according to which, they have been paying the compensations. Based on these documents, the flows administrator will do new calculation of the compensation, and new accounting.

#### Article 14

(1) The compensations are due always on the 25th day of the month, in the amount of one twelfth of annual compensation (hereafter "monthly instalments"). The administrator may agree, with the discharging organisation, upon other amount of monthly instalment.

(2) If discharging organisation does not realise the payment of the instalments on time, and at correct amount, they it is obliged to pay penalty of 0,1 % of the amount, not paid in time, for each day of the delay.

### PART FOUR Preliminary and final provisions

#### Article 15

In the matters, related to the protection of the state, the flows administrators follow the instruction of the Central water management body of the republic, issued after the agreement with the Federal Ministry of National Defence.

#### Article 16

Following are being revoked:

1. the Ordinance of the Ministry of Energy and Water Management No. 73/1960 Coll. on Compensations for surface Water Withdrawal, in the wording of the Ordinance of the Ministry of Agriculture, Forest and Water Management No. 20/1963 Coll. and the Governmental Order No. 99/1966 Coll.;
2. the Governmental Order No. 16/1966 Coll. on Compensations for Discharging Polluted or not Sufficiently Cleaned Waste Water into the Water Flows.

#### Article 17

This Order enters into force on the 1st January, 1980, with the exemption of the provisions of the Art. 12 and the Art. 13 par. 1 to 3, which enter into force on the day of announcement.

The Governmental Order No. 91/1988 Coll. entered into force on the 1st January, 1989.

The Governmental Order No. 235/1996 Coll. entered into force on the 1st August, 1996.

#### DR Štrougal sign manual

#### ANNEX

##### A. The ratios of the pollution

- a) Organic elements characterised by biochemical usage of the oxygen (BOD 5); i.e. by the quantity of the oxygen, used for aerobic biochemical decomposition of organic elements, contained in the water, during the period of 5 days, while standard conditions.
- b) Insoluble materials are the materials, which are being determined by the filtration of the water and by the drying of the rest on the filter, with 105 Celsius degrees, into constant weight.
- c) Petroleum materials are the materials, extractable from the water without any polar materials, which can be separated from the extract, by standardised method.
- d) Clear alkalinity and clear acidity are specific cases of neutralisation capacity of the water. The alkalinity is the ability of some parts, contained in the water, to tight strong acids. Clear alkalinity is the portion of the alkalinity, which reflects the quantity of the acid, necessary for reducing pH value to 8,3. The acidity is the ability of some parts, contained in the water, to tight strong bases. Clear acidity is the portion of the acidity, which reflects the quantity of the base, necessary for increasing the pH value to 4,5.
- e) Soluble inorganic salts are the materials, which stay in filtrate of the sample of water after vaporisation, drying and igniting at 600 Celsius degrees to the constant weight. Determining the ratios is being performed according to the ČSN 83 0540 Chemical and Physical decomposition of waste water, part 9 (BOD 5), part 3 (insoluble materials and soluble salts), part 4 (petroleum materials), and part 7 (clear acidity, or clear alkalinity).

##### B. The method of the calculation of basic compensation for discharging waste water into surface water

a) The calculation of the basic compensation, according to the costs for concrete method of cleaning (according to the documentation)

1. Basic compensation is the composition of the rate and the quantity of annual pollution.
2. From preparation or project documentation, respectively from other technical-economical basis, which completes this documentation, as long as they can be used for the base for determining annual compensations (the Art. 10 par. 2 of the Governmental Order), the rate is being determined as a portion of annual total own costs of the facility, determined for elimination of the pollution of waste water, and of the quantity of the pollution, eliminated by the operation of the screening facility.
3. If one screening facility serves the cleaning of waste water, containing the pollution in several ratios, then the documentation must contain technically explained division of total own costs, according to individual ratios of the pollution; if such division is not possible, then the rate will be determined only for decisive ratio of the pollution, which will be determined by the flows administrator.
4. The rates are being determined for discharging waste water, with the ratios of the pollution BOD 5, insoluble materials, petroleum materials, and soluble inorganic salts in SK for 1 ton, and with the ratio of the pollution clear acidity or clear alkalinity in SK per 1 kmol.
5. The rates are being rounded to three decimal places.

b) The calculation of the basic compensation, according to the costs for generally usable method of cleaning (general method)

1. The amount of the basic compensation for discharging waste water, with the ratios of the pollution BOD 5 and insoluble materials is being determined by the calculation from these relations:
  - with the ratio of the pollution BOD 5  
 $U = 21,5 \times Z$  on 0,8265
  - with the ratio of the pollution insoluble materials  
 $U = 2,34 \times Z$  on 0,7514,where U is the amount of the basic compensation in thousands SK per year, and Z is the quantity of the pollution, applied to paying the compensations in tons per year.
2. The amount of the basic compensation for waste water with the ratios of the pollution petroleum materials, soluble inorganic salts and clear acidity or alkalinity is being calculated as a composition of the rate, mentioned in the points 3-5 and the quantity of annual pollution or the quantity of discharged waste water.
3. The rate for the calculation of the basic compensation for discharging waste water with the ratio of pollution petroleum materials is:

over 5 to 10 mg/l - 1,00 SK/m<sup>3</sup>  
over 10 to 20 mg/l - 1,50 SK/m<sup>3</sup>  
over 20 to 35 mg/l - 2,00 SK/m<sup>3</sup>

over 35 to 50 mg/l - 2,50 SK/m<sup>3</sup>  
over 50 mg/l - 3,00 SK/m<sup>3</sup>.

4. The rate for calculation of the basic compensation for discharging waste water with the ratio of the pollution soluble inorganic salts is:

600.- SK/t with the flow to 0,01 m<sup>3</sup>/sec  
300.- SK/t with the flow over 0,01 m<sup>3</sup>/sec to 0,1 m<sup>3</sup>/sec  
150.- SK/t with the flow over 1,0 m<sup>3</sup>/sec to 10,0 m<sup>3</sup>/sec  
120.- SK/t with the flow over 10,0 m<sup>3</sup>/sec.

The flow means threehundred and fifty-five days availability of the water in the water flow, in the place of discharging waste water (hereafter "Q355"). If assured flow of the water flow is higher than the flow, representing Q355, then this higher flow is being taken into consideration, for the purpose of the calculation.

5. The rate for calculation of the basic compensation for discharging waste water with the ratio of the pollution clear acidity or clear alkalinity is 135.- SK/kmol of clear acidity or of clear alkalinity.

C. The method of the calculation of the addition to the basic compensation.

The amount of the addition to the basic compensation is proportional to the impairment of the quality of the water in the water flow, which will arise after discharging waste water, for which the basic compensation is being paid. The balance of the pollution and Q355 are decisive, when calculating the addition. If assured flow of the water flow is higher or lower than the flow, representing Q355, then this higher or lower flow is being taken into consideration, when calculating the addition.

Units of impairment of the quality of the water in the water flow are, for the waste water with the ratios of the pollution:

- a) BOD 5 0,25 mg/l
- b) insoluble materials 0,50 mg/l
- c) petroleum materials 0,05 mg/l
- d) petroleum materials, discharged into water management flows and into water flows in their waterheds 0,01 mg/l
- e) soluble inorganic salts 5,00 mg/l
- f) clear acidity or clear alkalinity 0,025 mmol/l

The addition is that much percent of the basic compensation, how many times the unit of impairment is contained in calculated impairment of the quality of the water in the water flow, at the place of discharging waste water. Calculated addition is being rounded to whole percent.

D. The amount of the basic compensation of 1 addition is being rounded to whole SK.