



### OWNERS & OCCUPIERS – WATER CONSERVATION DUTIES

On 15<sup>th</sup> December 2008, section 56 to the Water Services Act, dealing with water conservation, came into effect. It provides that the Water Services Authority (i.e. local authorities) can direct that owners or occupiers of premises take corrective action for the purposes of conserving water. Corrective action can include for instance, the replacement of pipes, meters or a change in water management practices. The Water Services Authority can also issue notices to limit consumption. It is an offence to fail to comply with the authority's direction. The Water Conservation Regulations 2008 detail the format and procedures for issuing notices.

### NEW ENVIRONMENTAL LIABILITY REGULATIONS

The EC (Environmental Liability) Regulations were signed into law on 16 December 2008 and will come into operation on 1 April 2009. They transpose the EC Environmental Liability Directive and will affect anyone carrying out industrial and other commercial activities with the potential to cause environmental damage to water, protected species/habitat or land. The competent authority for implementing these Regulations is the EPA.

### NEW OBLIGATIONS ON LOCAL AUTHORITIES – HISTORIC UNLICENCED LANDFILLS

The Waste Management (Certificate of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations came into force on 6 December 2008. It provides that local authorities must:-

1. Identify all closed landfills by the 30 June 2009
2. Maintain a register of all closed landfills and revise each year.
3. Carry out a risk assessment of the identified landfill
4. Apply to the EPA for a certificate of compliance/authorisation with the Regulations.

The certificate of authorisation:-

- a. will comment on the adequacy of a risk assessment,
- b. can specify more measures for the protection of human health and the environment (this can include suitable remediation measures),
- c. will require the compiling of a validation report.

It is an offence not to make all reasonable efforts to comply with the certificate of authorisation.

## MEANING OF LANDFILL

The Regulations also clarify the meaning of landfill under the waste management regime. A landfill is a waste disposal site for the deposit of waste onto or into land and includes:

- (1) Internal waste disposal sites
- (2) A permanent site (more than 1 year) used for temporary storage of waste but excluding
  - Facilities where waste is unloaded to permit preparation for further transport
  - Storage of waste prior to recovery or treatment for less than 3 years
  - Storage of waste prior to disposal for less than 1 year.

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