



**AN BILLE UM SHEIRBHÍ Sí UISCE (LEASÚ), 2011
WATER SERVICES (AMENDMENT) BILL 2011**

EXPLANATORY AND FINANCIAL MEMORANDUM

The purpose of the Water Services (Amendment) Bill 2011 is to insert a new Part 4A (after Part 4) of the Water Services Act 2007 (the Principal Act). This is in order to ensure Ireland's compliance with a European Court of Justice ruling against Ireland on 29 October 2009 in Case C188-08. The Court found that Ireland had failed to fulfil its obligations under the Waste Directive (75/442/EEC) regarding domestic waste waters disposed of through septic tanks and other individual waste water treatment systems.

Section 1

Definition

This section provides that the Water Services Act 2007 will be referred to as the Principal Act in the Bill.

Section 2

Amendment of Section 5 of the Principal Act

Section 5 of the Principal Act is a technical provision to confirm that the purposes of the Act include giving effect to specified EU Directives, which generally relate to, or have implications for, the provision of water supplies or the collection and treatment of waste water.

Section 2 of the Bill is a standard provision to establish clearly which EU Directives, relating to the provision of water supplies or treatment of waste water discharges, will be transposed (wholly or partially) into Irish law via the Water Services (Amendment) Bill 2011 when enacted, and any regulations made under it. Any amendments to such Directives will also be transposed into Irish law by regulations under the Bill.

Reference to the Waste Directive 2008/98/EC of 19 November 2008 has now been included. In its ruling against Ireland on 29 October 2009, the European Court of Justice confirmed that domestic waste waters disposed of in the countryside through septic tanks and other individual waste water treatment systems is a

category of waste that falls within the scope of the Waste Directive. The Bill therefore is the vehicle to ensure compliance with the Court's ruling and the provisions of the Waste Directive as they relate to those domestic waste waters. Directive 2008/98/EC sets the basic concepts and definitions related to waste management. This revised directive updates the waste legislation to recent developments, as well as to merge, streamline and clarify legislation.

Section 3

Amendment of Section 22 of Principal Act

Section 22 of the Water Services Act 2007 concerns the appointment of authorised persons for the purposes of the Act and sets out their powers. Subsection (8)(b) provides that the District Court, on being satisfied on the sworn information of the authorised person that he or she is being prevented from entering a premises, may issue a warrant authorising that person, accompanied by another authorised person or a member of An Garda Síochána, as specified in the warrant to enter the premises. The section is being amended to allow that an authorised person may also be accompanied by an inspector appointed by the EPA for the purposes of the Bill.

Section 4

Domestic Waste Water Treatment Systems

Section 4 of the Bill inserts a new Part 4A into the Principal Act. Part 4A provides as follows:

Section 70A

Definitions

This section is the interpretation section for terms used in the new Part 4A.

“advisory notice” means a notice issued by a water services authority under Section 70H of the Bill.

“certificate of registration” means the confirmation of registration issued by a water services authority under Section 70B.

“domestic waste water treatment system” is defined to ensure that the provisions of Part 4A will apply to the fullest extent and that the wide variety of septic tanks and other on-site waste water treatment systems which exist in Ireland, and situations where waste water is discharged from premises with no tank or treatment system, will be covered by the legislation. “Domestic waste water treatment system” includes all septic tanks, waste water tanks and treatment systems receiving, storing, treating or disposing of domestic waste water, and all fittings and percolation areas associated with such tanks and systems. It also includes drains used to discharge waste water from a premises to the environment whether or not a receiving or storage tank or treatment system exists.

“inspector” means a person who is approved by the Environmental Protection Agency (EPA) to carry out inspections under this Part.

“national inspection plan” means the plan drawn up by the EPA and to be used as the basis for risk-based inspections of domestic waste water treatment systems.

“prescribed date” means the effective date for registration which will be specified in Regulations to be made by the Minister.

“register of domestic waste water treatment systems” is a register established and maintained by each water services authority in accordance with Section 70B of the Bill.

Section 70B

Register of domestic waste water treatment systems

Section 70B sets out the provisions relating to the establishment and maintenance of, the details to be contained in, and regulations to be made relating to, a water services authority’s register of the domestic waste water treatment systems located in its functional area.

Subsection 1 provides that each water services authority will be responsible for establishing and maintaining a register of treatment systems within its functional area.

Subsection 2 provides that the owner of a premises connected to a domestic waste water treatment system (as defined in Section 70A) must, on or before a specified date, apply to the water services authority in whose functional area the system is located, to have the domestic waste water treatment system included in the register of such systems established by the water services authority. The date by which the treatment system must be registered will be specified in regulations to be made by the Minister.

Subsection 3 provides that an application for registration must:

- (a) be made in writing or electronically. Facilities to register using either a paper application form or on-line will be provided,
- (b) include the applicant’s name and residential address,
- (c) include the address at which the domestic waste water treatment system is located,
- (d) contain any further information that may be specified by the Minister, and
- (e) include the registration fee — this will also be specified in regulations to be made by the Minister.

Subsection 4 provides that on receipt of an application for registration, a water services authority will:

- (a) enter details of the domestic waste water treatment system in the register established by it, and
- (b) issue a certificate to confirm registration.

Subsection 5 provides that a certificate of registration will be valid for a period of five years from date of registration.

Subsection 6 provides that owners must apply to the relevant water services authority to renew their registration on or before the date on which the previous registration expires.

Subsection 7 provides that on receipt of an application to renew a registration, a water services authority will:

- (a) update the relevant entry in the register of domestic waste water treatment systems, and
- (b) issue a certificate of registration to the applicant.

Subsection 8 provides that, from time to time, each water services authority will review the entries in the register of domestic waste water treatment systems maintained by it and make any amendments required in respect of entries found to be incorrect and notify any person affected by those amendments.

Subsection 9 provides that the EPA may direct the water services authorities regarding the format (including electronic format) of the registers of domestic waste water treatment systems and that the registers will contain:

- (a) details of the systems registered and the dates of registration and expiry of registration,
- (b) details of domestic waste water treatment systems which have been subjected to inspection under Section 70H of this Part,
- (c) details of any advisory notices issued under Section 70H,
- (d) details of any applications for re-inspection under Section 70H(7),
- (e) details of any appeals against advisory notices made under Section 70H(9),
- (f) details of compliance notices issued under Section 70H(17),
- (g) details of any prosecutions brought by a water services authority for non-compliance with the provisions of this Part, and
- (h) any other information that may be specified by the EPA.

Subsection 10 provides that a water services authority will publish in an appropriate format (including electronic format), and make available to the public, the register of domestic waste water treatment systems maintained by it.

Subsection 11 provides that an authorised person appointed by a water services authority may request production of a valid certificate of registration of a domestic waste water treatment system by the owner of the system. Authorised persons are appointed under Section 22 of the Principal Act.

Subsection 12 provides that it will be an offence for an owner of a domestic waste water treatment system to fail to produce a valid certificate of registration within 10 days of a request under Subsection 11.

Subsection 13 provides that the Minister may, following consultation with the EPA, make regulations for the purpose of Section 70B and that such regulations may concern:

- (a) the form and manner (including by electronic means) in which application for registration under Subsections 2 or 6 will be made,
- (b) the amount of the registration fee to accompany an application for registration under Subsection 2. The fee may not exceed €50. The revenue from the fee will be used to defray the costs of the water services authority and there are no Exchequer or staffing implications arising
- (c) the date by which registration under Subsection 2 must take place, and
- (d) any other matters considered relevant by the Minister.

Section 70C

Duties of owners of premises connected to domestic waste water treatment systems

Section 70C places responsibility on the owner of a premises to ensure that the on-site waste water treatment system serving the premises is maintained and operated in a manner that does not cause risk to human health or the environment. It also provides that owners register their systems with the relevant water services authority by the prescribed date. Failure by an owner of a premises served by a treatment system to carry out any of the requirements of this section will be an offence.

Subsection 1:

- (a) provides that the owner of a premises served by an on-site waste water treatment system must comply with regulations made under Section 70L. The regulations will deal with issues such as the manner in which particular systems should be emptied or serviced.
- (b) provides that owners must maintain their treatment systems so that they do not pose a risk to human health or the environment and in particular not to:
 - (i) create a risk to water, air, soil, plants or animals,
 - (ii) cause a nuisance through odours, or
 - (iii) cause pollution to the countryside or places of special interest — these include Special Areas of Conservation, Special Protection Areas and Natural Heritage Areas.

- (c) provides that owners must ensure that their treatment systems are included on the register of such systems in accordance with Section 70B.

Subsection 2 provides that it will be an offence for the owners of premises served by treatment systems to fail to comply with requirements under this section.

Section 70D

Sale of premises connected to domestic waste water treatment systems

This section concerns the actions necessary where a premises served by a treatment system is sold.

Subsection 1 provides that, after the registration date to be prescribed by the Minister, any person who sells a premises served by a treatment system, must, at closure of sale, provide evidence of the treatment system's registration to the purchaser.

Subsection 2 provides that the purchaser of a premises served by a domestic waste water treatment system must notify the relevant water services authority of the change in ownership and the authority will make the required amendment to its register of such systems.

Section 70E

Appointment of inspectors

This section deals with the appointment, by the Environmental Protection Agency (EPA), of persons to act as inspectors of treatment systems for the purposes of this Part.

The section includes a provision for the making of regulations by the Minister concerning the appointment of inspectors, criteria to be met by those seeking appointment, circumstances leading to the revocation of their appointment and procedural matters in relation to appeals.

Subsection 1 provides that the EPA will appoint inspectors for the purposes of this Part.

Subsection 2 provides that the EPA will not appoint a person as an inspector unless certain conditions are fulfilled. Those conditions are listed in subsections (2)(a) to (2)(e) inclusive and are as follows:

- (a) application for appointment must be made in the prescribed form and be accompanied by a prescribed fee,
- (b) prescribed professional or technical qualifications must be held,
- (c) a prescribed training course must be completed,
- (d) prescribed professional indemnity insurance must be held, and

- (e) any other requirements (which may be prescribed by regulations made by the Minister) must also be complied with.

Subsection 3:

- (a) provides that an inspector's appointment is terminated if it is revoked by the EPA, and
- (b) provides that an inspector's appointment is terminated when the period of that appointment expires.

Subsection 4 provides that the EPA must provide written notification to the person concerned if it—

- (a) refuses to appoint that person as an inspector or renew an appointment, or
- (b) revokes the appointment of an inspector.

The reason(s) for the refusal to appoint or renew an appointment or for the revocation of an appointment must be provided and the person concerned may appeal the notification.

Subsection 5 provides that the EPA, with the approval of the Minister, may appoint one or more suitably qualified persons to act as appeals officers for the purposes of this section. For the purposes of this Part, an appeals officer will be required to have knowledge of domestic waste water treatment systems and inspection procedures.

Subsection 6 provides that an appeals officer appointed under this section will be independent in the performance of his/her functions as an appeals officer.

Subsection 7 provides that an appeals officer will consider appeals under this section in accordance with prescribed procedures and will either allow or refuse the appeal.

Subsection 8 provides that an inspector will be issued with a certificate of appointment by the EPA.

Subsection 9 provides that, when carrying out inspections for the purposes of this Part, an inspector must produce his/her certificate of appointment, and a form of personal identification, if requested to do so by any person affected by the inspection.

Subsection 10 provides that it will be an offence for any person to act as an inspector for the purposes of this Part if—

- (a) he/she has not been appointed as an inspector by the EPA in accordance with Subsection 1, or
- (b) the EPA has revoked the appointment, or
- (c) the term of the appointment has expired.

Subsection 11 provides that the Minister, having consulted with the EPA, may make regulations for the purposes of this section. Such regulations may provide for:

- (a) the procedures for applying for appointment as an inspector and for renewal of appointments,
- (b) criteria to be met by those seeking appointment as inspectors including:
 - (i) professional or technical qualifications required,
 - (ii) the training course(s) which must be completed by inspectors, and
 - (iii) professional indemnity insurance requirements to be held by inspectors,
- (c) the type of form to be used by those applying for appointment or renewal of appointment as an inspector,
- (d) the fee payable to the EPA when applying for appointment or re-appointment as inspector. The maximum fee will be €1,000. The revenue from the fee will be used to defray the costs of the Agency and there are no Exchequer or staffing implications arising.
- (e) the period of time for which an appointment as an inspector will be valid,
- (f) the circumstances which will give rise to revocation of an appointment as an inspector,
- (g) the appeals procedures which will apply in cases where applications for appointment or renewal of appointment are refused or where an appointment is revoked, and
- (h) any other matters relevant to this section.

Section 70F

Register of inspectors

Section 70F contains provisions concerning the EPA's responsibility to establish and maintain a register of persons appointed as inspectors for the purposes of this Part.

Subsection 1 provides that the EPA will have responsibility for establishing and maintaining a register of inspectors for the purposes of this Part.

Subsection 2 provides that the register will be maintained in a format (including electronic format) to be decided by the EPA.

Subsection 3 provides that the register will contain the name and contact details of each inspector appointed, along with any other information which may be specified by the EPA.

Subsection 4 provides that the register will be kept at the EPA's offices and will be made available to each water services authority.

Section 70G

Powers of inspectors

Section 70G sets out the powers granted to inspectors appointed under Section 70E of the Bill. These powers include the examination of a treatment system, taking samples, taking photographs of any element of the treatment system, examination of the subsoil, obtaining information and inspecting records pertaining to the maintenance, servicing or operation of the treatment system.

This section also provides that an inspector cannot enter a private dwelling without the permission of the occupier.

Once notification of an inspection has been provided by a water services authority, it will be an offence for a person to prevent an inspector from entering a premises, to obstruct or impede an inspector when carrying out their duties, or to provide false or misleading information regarding a treatment system to an inspector, or to the EPA or a water services authority.

The EPA or a water services authority has the power to have authorised and appropriate persons accompany inspectors in the course of their duties.

Subsections (1)(a) to (1)(i) inclusive provide that inspectors may—

- (a)** enter and inspect any premises served by a domestic waste water treatment system,
- (b)** examine and test a treatment system and all related parts, fixtures and fittings,
- (c)** monitor any domestic waste water stored in or discharged from a premises or treatment system,
- (d)** take samples of substances discharged to or from, or associated with, a treatment system,
- (e)** take photographs,
- (f)** carry out surveys, take levels and carry out excavations and examinations of subsoil,
- (g)** request information from owners, occupiers and anyone employed on a premises regarding the maintenance, servicing or operation of the treatment system,
- (h)** request the production of any records or documents regarding the maintenance, servicing or operation of a treatment system, and remove or take copies of those records or documents, and
- (i)** request that any part of the premises is left undisturbed during the course of an inspection.

Subsection 2 provides that an inspector may not enter a private dwelling without the permission of the occupier.

Subsection 3 provides that the EPA or a water services authority may authorise appropriate persons to accompany inspectors in the course of their duties under Part 4A.

Subsection 4 provides that, to facilitate due procedure, certificates or other evidence provided by an inspector in respect of tests or analyses will be taken as evidence of the results of those tests or analyses unless the contrary is proven. This puts the onus on defendants to disprove the validity of the certificate or evidence rather than on the prosecuting authority to prove it.

Subsection 5 provides that, following a water services authority's notification regarding an inspection, it will be an offence for a person to—

- (a) refuse access to inspectors (or any person in their company) to a premises or to prevent them from entering with necessary equipment,
- (b) obstruct or impede an inspector from carrying out an inspection,
- (c) provide false or misleading information to an inspector or to a water services authority or the EPA, or
- (d) fail or refuse to comply with any reasonable request made by an inspector.

Section 70H

Inspection of domestic waste water treatment systems

Section 70H provides that inspectors will carry out inspections of treatment systems as requested by the EPA or a water services authority. Inspections will be based on the national inspection plan, which is provided for under Section 70K.

Under Section 70H, inspectors are required to inform the owner of a treatment system and the relevant water services authority of the results of the inspection.

Where a water services authority receives notification that a treatment system is causing or is likely to cause a risk to human health or the environment, the water services authority must issue an advisory notice to the owner within 21 days. An advisory notice will state that the water services authority considers that the particular treatment system is, or has potential to be, for stated reasons, a threat to human health or the environment. The notice will direct the owner to take the necessary remediation measures and will specify a timeframe for completion of those measures. Failure to comply with the provisions of an advisory notice within the specified timeframe will be an offence.

This section also provides for an appeals mechanism for persons who do not agree with the provisions of an advisory notice. On payment of a fee to be prescribed, a re-inspection may be requested. The water services authority will arrange for the re-inspection to be carried out by an authorised person appointed by the water services authority. The re-inspection

findings will either confirm the provisions of the advisory notice, revise those provisions or set aside the advisory notice. If necessary, a revised advisory notice will be issued.

Section 70H also provides for an appeal to the District Court by a person aggrieved by an advisory notice issued after a re-inspection has been carried out.

The section also sets out actions necessary when remediation works are carried out.

Subsection 1 provides that inspectors will carry out inspections of domestic waste water treatment systems as directed by the EPA or a water services authority.

Subsection 2 provides that when directing an inspector to carry out an inspection, the EPA or the water services authority must have regard to the national inspection plan. Section 70K of the Bill deals with the drawing up of that plan by the EPA.

Subsection 3 provides that where, following an inspection, an inspector is of the opinion that—

- (a) the owner of a domestic waste water treatment system is in compliance with regulations made under Section 70L, and
- (b) the treatment system does not pose a risk to human health or the environment,

the inspector will, within 21 days, inform the owner of the treatment system and the relevant water services authority of the results of the inspection.

Subsection 4 provides that where, following an inspection, an inspector is of the opinion that—

- (a) the owner of the domestic waste water treatment system is not in compliance with regulations made under Section 70L, or
- (b) the treatment system poses, or is likely to pose, a risk to human health or the environment,

the inspector will immediately inform the owner of the treatment system and will also, within 21 days, notify the relevant water services authority of his/her opinion and the reasons for that opinion.

Subsection 5 provides that a water services authority notified by an inspector under Subsection (4) will, within 21 days of the notification, issue an advisory notice to the owner of the treatment system concerned.

Subsection 6 provides that an advisory notice must include—

- (a) a statement to the effect that the water services authority considers that:
 - (i) the owner of the treatment system has not complied with regulations made under Section 70L, or

- (ii) the treatment system is, or is likely to be, a risk to human health or the environment,
- (b) reason(s) to support the statement made under Subsection 6(a),
- (c) a direction to the owner to carry out necessary remediation works within a specified timeframe,
- (d) information regarding the re-inspection procedure available under Subsection 7,
- (e) the signature of a water services authority officer and the date of issue of the notice, and
- (f) any other directions or conditions that the water services authority considers appropriate,

Subsection 7:

- (a) provides that the owner of a treatment system which is the subject of an advisory notice may, within 21 days of the issue of the notice, apply to the water services authority concerned to have a re-inspection carried out by an authorised officer of the water services authority.
- (b) provides that on receipt of an application under Subsection 7(a), which must be made in the prescribed form and be accompanied by a prescribed fee, the water services authority will arrange for a re-inspection of the treatment system. The prescribed fee will not exceed €200.
- (c) provides that the authorised officer of the water services authority who carries out the re-inspection will, within 10 days of that re-inspection, notify the owner in writing that:
 - (i) the original advisory notice is confirmed, or
 - (ii) the original advisory notice is subject to certain amendments which are considered appropriate by the authorised person, or
 - (iii) the original advisory notice is cancelled.
- (d) provides that where, following a re-inspection, an original advisory notice is confirmed, the notice issued to the owner under Subsection 7(c) will include information regarding the appeal procedure provided for under Subsection 9.
- (e) provides that where an advisory notice is cancelled as a result of a re-inspection, the water services authority will refund the fee paid by the person who applied for the re-inspection.

Subsection 8 provides that where there is no application for a re-inspection, the advisory notice will take effect on the later of:

(a) the end of the period for requesting a re-inspection (21 days), or

(b) the date specified in the advisory notice.

Subsection 9 provides that a person aggrieved by an advisory notice arising from a re-inspection may, within 14 days, appeal against the notice to the District Court. An appeal under this subsection may be made on the grounds that:

(a) the person making the appeal is not the person on whom the notice should be served, or

(b) a substantive or procedural illegality exists.

Subsection 10 provides that the District Court judge hearing the appeal may confirm, vary or cancel the advisory notice.

Subsection 11 provides that a person making an appeal to the District Court under Subsection 9 must notify the relevant water services authority of the appeal being made and the basis for the appeal. The water services authority will be entitled to appear at the court hearing and to provide evidence at the hearing.

Subsection 12 provides that where an appeal under Subsection 9 is taken and the advisory notice is not cancelled, the notice will take effect on the later of:

(a) 21 days after the date on which the notice is confirmed or revised, or the appeal is withdrawn, or

(b) the date specified in the advisory notice.

Subsection 13 provides that where an application for re-inspection is made under Subsection 7 and the advisory notice is not cancelled and no appeal is made under Subsection 9, the advisory notice will take effect on the later of:

(a) the end of the period for making an appeal, or

(b) the date specified in the notice.

Subsection 14 provides that where no application for re-inspection or appeal is made, a water services authority can extend the timeframe specified for carrying out remediation works.

Subsection 15 provides that where a person on whom an advisory notice has been served considers that the matters specified in the notice have been rectified, he/she will notify the relevant water services authority of this, in writing, within 10 days of the completion of any necessary remediation works.

Subsection 16 provides that a water services authority will carry out any further inspections of the treatment system it considers necessary to confirm that the matters specified in an advisory notice have been rectified.

Subsection 17 provides that the water services authority will notify the owner when it is satisfied that matters specified in an advisory notice have been rectified.

Subsection 18 provides that it will be an offence to fail to rectify matters specified in an advisory notice within the specified timeframe.

Section 70I

Supervision of water services authorities

Section 70I provides for the EPA's supervision of water services authority functions for the purposes of this Part. The EPA may issue directions to the water services authorities to ensure that they are carrying out functions assigned to them under the Bill in an effective manner.

The section provides that the EPA may direct the water services authorities to maintain records regarding registrations, inspections carried out, advisory notices issued and prosecutions initiated, and to submit those records to the EPA. The EPA itself is required to keep records regarding its supervisory role and of directions issued to water services authorities.

Water services authorities must comply with directions issued under this section — failure to do so will be an offence.

Subsection 1 provides that the EPA will be the supervisory authority for the purposes of the implementation of this Part by the water services authorities.

Subsection 2 provides that the EPA will issue a direction to a water services authority where it considers that the authority has failed to perform any of its functions.

Subsection 3 provides that the EPA may direct a water services authority to keep records, and to submit to it, in formats and at times it may specify, records and information concerning—

- (a) the registration of treatment systems in the functional area of the water services authority,
- (b) inspections of domestic waste water treatment systems carried out,
- (c) advisory notices issued as a result of those inspections,
- (d) notices confirming that remediation works have been completed,
- (e) appeals to the District Court regarding advisory notices,
- (f) prosecutions taken in respect of cases of non-compliance with requirements under this Part, and
- (g) any other matters considered appropriate by the EPA.

Subsection 4 requires the EPA to keep and maintain records of supervisory activities carried out by it and of directions issued under this section.

Subsection 5 provides that water services authorities must comply with directions issued by the EPA under this section.

Subsection 6 provides that it will be an offence for a water services authority to fail to comply with a direction issued by the EPA under this section.

Subsection 7 confirms that where the term “functions” is used in this section, it means the functions of the water services authority under Part 4A.

Section 70J

Directions to inspectors

Section 70J provides for the issue of directions by the EPA to inspectors and that inspectors must comply with those directions.

Subsection 1 provides that the EPA can issue directions to inspectors regarding—

- (a) how inspections under section 70H are to be carried out,
- (b) the timeframes to be specified for the carrying out of necessary remedial works — these will be determined by the degree of risk to human health and the environment found as a result of an inspection,
- (c) how water services authorities are to be notified (by inspectors) of inspections,
- (d) the information regarding inspections that inspectors must provide to water services authorities, and
- (e) any other matters that the EPA deems appropriate.

Subsection 2 provides that inspectors must comply with directions issued under this section.

Section 70K

National inspection plan

Section 70K deals with the preparation, by the EPA, of a national inspection plan regarding the inspection of domestic waste water treatment systems. It sets out the issues to be considered by the EPA when drawing up the plan. The section also makes provision for the revision of the plan.

Water services authorities will be required to give effect to the plan and failure to do so will be an offence.

Subsection 1 provides that the EPA will prepare a national inspection plan for domestic waste water treatment systems as soon as possible after the commencement of this section, or by a date to be prescribed.

Subsections 2(a) to 2(d) inclusive provide that the EPA will have regard to the following when making the plan:

- (a) the risks posed by domestic waste water treatment systems to human health and the environment, and in particular:
 - (i) risks to water, air, soil, or to plants and animals,
 - (ii) nuisances through noise or odours, and
 - (iii) risks to the countryside or places of special interest,
- (b) information available regarding different types of on-site waste water treatment systems and their locations. This would include whether septic tanks, secondary or tertiary packaged treatment systems are in use and issues such as soil type, proximity to water bodies, particularly drinking water sources etc.,
- (c) the setting of appropriate quality and quantity of inspections to be carried out so as to ensure effective implementation of the inspection plan. This will involve specifying numbers of inspections to be carried out in high-risk and low-risk areas, inspections of both registered and un-registered treatment systems etc., and
- (d) any other relevant matters or matters that may be prescribed by the Minister.

Subsection 3 provides that the EPA will review the plan and make any amendments required as and when it sees fit, but at least once every five years. Any reference to a plan in Part 4A should be read as also referring to a revised plan.

Subsection 4 provides that the EPA will provide a copy of the national inspection plan to the Minister, each water services authority and any other persons prescribed.

Subsection 5 provides that water services authorities must take all actions necessary to ensure that the plan is implemented effectively.

Section 70L

Regulations

Section 70L provides that the Minister may make regulations for the purposes of Part 4A and sets out some of the issues which may be dealt with in those regulations.

Subsection 1 provides that the Minister, following consultation with the EPA, may make regulations for the purposes of this Part and that the regulations may make provision for:

- (a) maintenance plans for treatment systems,
- (b) performance standards for treatment systems,
- (c) standards and procedures to apply where domestic waste water treatment systems are being emptied

(de-sludged) and the contents are being disposed of, and

(d) any other matters which the Minister may prescribe.

Subsection 2 provides that it will be an offence not to comply with a regulation made under this section.

Section 70M

Offences and penalties

Section 70M sets out the penalties for offences under the various sections in Part 4A of the Bill.

Subsection 1 provides that persons found guilty of an offence under Sections 70(B), 70(C), 70(E), 70(G) 70(H) or 70(L) will be liable to a Class A fine.

Section 70(B)(12) concerns the production of a valid certificate of registration.

Section 70(C)(2) concerns the duties of owners of domestic waste water treatment systems.

Section 70(E)(10) concerns offences by inspectors.

Section 70(G)(5) concerns the obstruction of inspectors.

Section 70(H)(18) concerns failure to comply with an advisory notice.

Section 70(L)(2) concerns failure to comply with regulations.

Class A fines may not exceed €5,000.

Subsection 2 provides that a water services authority found guilty of an offence under Section 70(I) will be liable to a fine not exceeding €50,000. Section 70(I)(6) concerns failure by a water services authority to comply with a direction issued by the EPA.

Section 5 — Short title, collective citation and commencement

Section 5 of the Bill provides as follows:

Subsection 1 — when enacted, the legislation will be cited as the Water Services (Amendment) Act 2011.

Subsection 2 — The Water Services Act 2007 and this Act will be cited together as the Water Services Acts 2007 and 2011.

Subsection 3 — This Act will become effective on the day(s) ordered by the Minister for the Environment, Community and Local Government. Different effective dates may be ordered for different provisions of the Bill.

*Department of the Environment, Community and Local Government,
November, 2011.*