



## Green Achiever Technical Newsletter January 2013

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Dear Deb,

Welcome to the January edition of the Green Achiever Technical Newsletter.

This month's newsletter brings you information about the new Energy Performance Certificate display requirements for buildings frequented by the public; information about the lack of awareness of the REACH legislation; environmental legislation updates as well as our usual round up of environmental prosecutions.

Mandy Stoker



### ***New Energy Performance Certificate Display Requirements***

A change in the Energy Performance of Buildings Regulations has brought into force a requirement for all commercial premises which currently have an Energy Performance Certificate (EPC) to display it publicly.

All non-dwellings over 500 square metres in size which are frequently visited by the public are required to display their certificate, as from 9 January 2013. However, if the business does not already have a certificate they will not be obliged to obtain one.

The obligation is also extended to public authority buildings that are frequently visited by the public. They are required to display an energy certificate that reflects their actual operational energy use. The previous requirement was for buildings greater than 1000 square metres to display a Display Energy Certificate (DEC). This has now been extended to all buildings greater than 500 square metres and to all buildings over 250 square metres by 9 July 2015.

For more information please refer to [The Energy Performance of Buildings Regulations](#)



### ***Many manufacturers unaware of REACH chemical legislation***

A recent survey has shown that many manufacturers are unaware as to how they are affected by new EU laws governing hazardous chemicals. The lack of recognition of the full scope and significance of the REACH (Registration, Evaluation and Authorisation of Chemicals) regulations on

the use of certain substances could lead to heavy fines or even prison sentences.

The survey suggested that as many as 20% of companies think that REACH is not applicable to their company and 30% say it is not important to their business.

The REACH regulations aim to gradually restrict or ban the use of certain hazardous chemicals. The regulations currently only apply to the chemical industry but will soon be extended to other industries. Twenty one chemicals will be outlawed by February 2015 with more restrictions expected. The substances to be banned are commonly used in manufacturing processes and companies will need to find safer alternatives or risk breaking the law.

The Health and Safety Executive (HSE) have published a series of guidance documents, which are available on their [website](#).

## Legislation Updates



### Air

#### [The Climate Change Levy \(General\) \(Amendment\) \(No.2\) Regulations 2012 SI 3049](#)

These Regulations make amendments to the Climate Change Levy (General) Regulations 2001 SI 838 and are effective from 1 April 2013. They take into account the removal of the exemption for indirect

supplies of electricity that has been produced in a combined heat and power (CHP) station.

#### [The Climate Change Agreements \(Eligible Facilities\) Regulations 2012 SI 2999](#)

These Regulations provide a consolidated and amended version of SI 662/2001, SI 60/2006, SI 1931/2006 and SI 2458/2009.

#### [The Greenhouse Gas Emissions Trading Scheme Regulations 2005 SI 925](#)

Following revocation through the 2012 Regulations some parts of the savings and transitional provisions still have effect.

#### [EU Revision of F-Gas Regulation](#)

The current 2006 F-gas regulation is currently being revised to reduce emissions and ban their use in favour of climate friendly alternatives. The phased reduction approach will begin from 2015.

### Waste

#### [Transposition of Directive setting criteria for storage of metallic mercury waste](#)

Defra are seeking views on the transposition of Directive (2011/97/EU) which sets specific criteria for the storage of metallic mercury considered to be waste. The consultation proposes amendments through the Environmental Permitting (England and Wales) Regulations 2010 and will be of interest to those who may in the future wish to operate a facility for the storage of metallic mercury waste, those that produce metallic mercury waste and those who are interested in how these activities are regulated.

#### [The Producer Responsibility Obligations \(Packaging Waste\) \(Amendment\) Regulations 2012 SI 3082](#)

These Regulations amend the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 SI 871 which implement Article 6(1) of Council Directive 94/62/EC on packaging and packaging waste as amended by Directive 2004/12/EC.

### Water

#### [Tackling water pollution from the urban environment](#)

Defra will be developing a strategy to manage diffuse urban pollution in England and are seeking views on the proposed principles, the priority of the sources, the difficulties and the range of current

initiatives. The closing date is 8 February 2013. Defra are issuing a report on improving the Habitats Directive in spring 2013. By the end of 2014 they'll have reviewed and streamlined air quality legislation to ensure local authorities duties are aligned with EU targets.

## Pesticides

### [The Plant Health \(England\) \(Amendment\) \(No.2\) Order 2012 SI 2012/3033](#)

This order amends the Plant Health (England) Order 2005 (S.I. 2005/2530).

## Chemicals

### [The Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment Regulations 2012 SI 3032](#)

These Regulations implement Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment. Defra aims to have simplified the enforcement of the REACH (Registration, Evaluation, Authorisation and restriction of Chemicals) rules by April 2014.

## Energy

### [The Ecodesign for Energy-Related Products and Energy Information \(Amendment\) Regulations 2012 SI 3005](#)

These Regulations make amendments to the Ecodesign for Energy-Related Products Regulations SI 2617 2010 and the Energy Information Regulations SI 1524 2011.



## *Prosecutions*

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### **Malt Producer Fined £20,000 for Oil Leaks**

Paul's Malts, a malt producer based in Suffolk, has been fined £20,000 and ordered to pay costs of £6,475 for allowing oil to leak into the River Lark.

The oil leaked from a tank at the company's premises on Eastern Way, Bury St Edmunds and entered the River Lark via a surface water outfall polluting the river and killing fish. The flow of oil into the tank was only controlled by a float valve, which malfunctioned, allowing oil to fill the tank and discharge via the overflow pipe. The oil polluted 3.7km of river killing 47 fish and affecting surface dwelling and air breathing invertebrates. In addition, over 100 fish were observed showing signs of distress.

Paul's Malts did not have measures in place to check and maintain the tanks and were aware that the float valve was not a fail safe system.

Environment Agency officer, Ross McIntyre, said: "This pollution and these fish deaths could have been avoided if adequate preventative measures had been in place for the oil tank."

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