

NATIONAL UNIVERSITY OF IRELAND, GALWAY
FACULTY OF LAW

SEMESTER 2 EXAMINATIONS - SUMMER 1999/2000

LL.B. - SECOND, THIRD & FOURTH YEAR
BACHELOR OF CORPORATE LAW - THIRD YEAR
OCCASIONAL STUDENTS

ENVIRONMENTAL LAW II (LW358)

Mr. R. Friel
Mr. E. McKeown

Time Allowed: **TWO** Hours. ERASMUS students have 2½ Hours
Answer **THREE** Questions.

1. Compare and contrast the decisions in Hanrahan v. Merck Sharpe and Dohme and Cambridge Water Company v. Eastern Counties Leather plc with particular regard to the Common Law position on historical pollution.
2. Bertie was recently invited to the official opening of a large industrial plant in his neighbourhood and was shocked to find that it did not appear to be very environmentally aware. He believes that the plant may require an Integrated Pollution Control Licence and wishes to explain the operation of such a licencing system and the likely impact of obtaining one to the plant management. He has asked your help in drafting an explanatory memo to them.
3. Celia Cosmetics Ltd. have opened a new cosmetic factory adjacent to the largest girls school in Galway. There is no obligation on Celia Cosmetics Ltd. to obtain a licence for the factory under the Air Pollution Act despite a slight odour from the facility which all the girls find attractive. Mother Mary has recently launched a campaign against cosmetic use and is concerned that the pleasant odour could constitute an attraction to the girls and encourage their use of cosmetics. She seeks your advice as to whether Celia Cosmetics Ltd. is in breach of their obligations under the Air Pollution Act and if she has any remedies under this legislation, particularly as the operators have made no attempt (in spite of her protests) to control this emission.
4. Discuss the range of Irish legislation dealing with Water Quality and Pollution Control, comparing the effectiveness of each of the provisions.
5. Miley has taken a part-time job at the local medical centre to support his low income farm. Yellow plastic bags of waste are stored in the yard and it costs £20 per bag for disposal. Miley is filling in a small lake on his farm by way of land reclamation and sees an opportunity to make some "easy" money. He has agreed to dispose of the bags for £5 each. After several months the lake is completely filled in using a large quantity of yellow plastic bags. Another employee has reported the scheme to the EPA. You have been asked to assess the position of the medical centre under the Waste Management Act.