

**Irish Petroleum Industry Association - 30th March 2009**

**Arup Report Recommendation**

Rec. 9. The requirement for operators of retail and private petroleum stores to hold a valid licence should be reconsidered.

Rec. 10. A national database of retail and private petroleum stores should be maintained

Rec. 1. Legislation should contain an obligation to have an up to date risk assessment [for retail and private petroleum stores] and to demonstrate to the competent authority that any measures required by the risk assessment have been taken.

Rec. 2. It should be possible to retain the operation of kerbside stores within the risk assessment approach subject to a risk assessment demonstrating that the facility achieves acceptable levels of safety.

Rec. 3. It is recommended that the operation of an unattended selfservice site should be preceded by a risk assessment of the site. Operation of such stores should be possible subject to appropriate control measures being implemented and acceptable levels of safety achieved.

Rec. 4. A site risk assessment should be considered as a basis for deciding whether or not a site should be obliged to close to the public during fuel delivery.

Rec. 21. Legislation should contain an obligation to have an up to date risk assessment [for bulk stores] and to demonstrate to the competent authority that any measures required by the risk assessment have been taken.

Rec. 11. A national support network should be put in place for local authorities and other bodies to help ensure consistent and high levels of enforcement of regulations with a suitable local authority or other network member assuming a lead role.

Rec. 12. Local authorities should be formally empowered and encouraged to pool their resources and coordinate enforcement activities.

Rec. 13. Consideration should be given to relieving harbour authorities of the authority to licence retail and private petroleum stores as currently granted under SI 311 of 1979.

Rec. 14. Any new regulatory regime should be clear as to enforcement powers and enforcement structures.

Rec. 20. Consideration should be given to relieving harbour authorities of the authority to licence bulk stores as currently granted under SI 313 of 1979.

Rec. 29. Consideration should be given to amending the existing Regulations to stipulate a competent authority for marina refuelling depots.

Rec. 5. A code of practice should be adopted for the safe filling of small containers with petrol.

Rec. 8. Most of the technical requirements for retail and private petroleum stores should be removed from the Regulations and included in approved codes of practice.

Rec. 17. Given that dispensing of petrol/ethanol blends proceeds unregulated at retail and private petroleum stores and petroleum bulk stores, it is recommended that the most expedient means to ensure unloading, storage and dispensing takes place in accordance with appropriate technical measures, is to adopt APEA/IP "Guidance on storage and dispensing of high blend ethanol fuels including E85 at filling stations".

Rec. 18. A Code of Practice for Compressed Natural Gas, approved by the Minister, should be implemented. This could be an existing Code of Practice or a new document. A new document could adapt as appropriate elements of relevant international standards.

Rec. 19. A Code of Practice for Hydrogen, approved by the Minister, should be implemented. This could be an existing Code of Practice or a new document. A new document could adapt as appropriate elements of relevant international standards.

Rec. 23. Consideration should be given to the implementation [for bulk stores] of an appropriate existing fire safety standard or Code of Practice approved by the Minister or development of a new standard/Code of Practice. A new document could adapt as appropriate elements of NFPA, Institute of Petroleum [IP] or BS documents.

Rec. 24. Development of any standard/Code of Practice [for bulk stores] should be compiled in consultation with the sectors it will directly impact and should include the chief fire officers, petroleum suppliers and equipment manufacturers.

Rec. 25. The recommendations provided in the Buncefield Standards Task Group Final Report could be taken into account (for application to upper tier Seveso sites) in any bulk stores standard/Code of Practice.

Rec. 27. Consideration should be given to the development and implementation of an appropriate fire safety standard or Code of Practice for jetties handling hazardous liquids that are approved by the Minister. This document could be based on appropriate elements of existing relevant standards.

Rec. 28. Each [oil jetty] standard should be compiled in consultation with the sectors on which it will directly impact. Those sectors should include the chief fire officers, harbour masters, petroleum product suppliers and equipment manufacturers.

Rec. 15. The definitions of the different classes of petroleum in the current Regulations should be replaced with the classification criteria for flammable substances in the Classification, Packaging and Labelling Regulations.

Rec. 16. Consideration should be given to incorporation of alternative fuels into the retail and private petroleum stores regulatory system. This could include allowing the competent authority to take cognisance of risk assessments carried out with respect to the introduction of alternative fuels to the site.

Rec. 22. Consideration should be given to removing Seveso bulk stores from the DSA licensing system.

Rec. 26. Consideration should be given to extending the written consent procedure [under the Oil Jetties Regs] to other dangerous substances in addition to petroleum products.

Rec. 30. Consideration should be given to removing LPG storage facilities that are subject to the Seveso Regulations from the DSA licensing system.

Rec. 6. A prohibition on advertising around petrol pumps should be considered. While no linkage has been established in this review between accidents at retail stores and advertising near petrol pumps, it is considered that there may be grounds for a prohibition.

Rec. 7. Imposition of a requirement on fuel suppliers to report unsafe conditions to a competent authority could be considered in light of the safety measures currently employed by petroleum suppliers, the current legislation in this area and perceived difficulties with such a system.

Consideration	Comment
Retail	All sites must have a valid licence and registration that requires an approved code of practice (ACOP) has been conducted and the recommendations implemented. This licence or registration should not become an additional taxation measure. It should have a validity of three years. Local authorities or other inspectorate or other issuing authority must be legally obliged to deal with these in a prompt manner.
Retail	Agreed. This should show the local authority that issued the licence along with expiration date.
Retail	Yes we agree with this approach however the obligation must on be local authority to either issue or refuse the licence/cert within a set period of time
Retail	No common agreement in place. Two members felt kerbsides should be removed however one member felt they should remain based on risk assessment and approved code of practice approach.
Retail	Agreed, however if would be difficult to monitor the age profile of youths who could easily obtain access. Risk assessment approach is practical but may still present issues
Retail	Yes we agree. Common operational procedures need to be issued by H.S.A similar to Uks HSG 146 to ensure common standards are adhered to nationwide
Bulk Stores	Agreed, but consideration needs to be given to physical limitations of existing licensed premises. Older terminals which are currently licensed under the DSA should be deemed to have met the minimum risk mitigation standards which will be developed under recommendation 24.
Authority	Documentation Approved Codes Of Practice and similar guidelines to those issued by the HSE (UK) should be used to ensure a common standard & external trainers should be used. The licencing authority should be the enforcing authority
Authority	We would seek a requirement to be placed on the local authority to respond to license applications and renewals within a stated time. Organised before new regime is in place
Retail / Authority	Agreed.
Authority	Clarity is also needed as to enforcement timescales.

Bulk Stores	Seveso sites are already covered by Major accident prevention plan requirements administered by the HSA, are then licensed by "Another". Licensing role should be taken over by HSA, or at least co-ordinated by one body.
Jetty	It should be treated as a retail private petroleum store
Retail	This is already in place under SI 311- however code of practice could pose problems. Rules should be changed to tighten up on the legislation to gain greater control around the type of fuel can, the amount that is been purchased and the age of the purchaser.
Retail	Agreed- however significant guidelines need to be put in place to deal with stations built prior to 1979 and stations built under SI 311 of 1979. These recommendations should include guidelines on wet stock/tank test/auditing and certification appropriate to the age and risk rating of the site
Biofuels	Reference to the Energy Institute code for the bulk storage of Ethanol.
CNG	Agreed
Hydrogen	Agreed
Bulk Stores	We should adopt one existing standard but before adopting a standard, and in consultation with all interested parties, a policy for the handling of emergency events needs to be agreed, so that an appropriate Fire Safety response can be applied.
Bulk Stores	We agree that the code of practice should be developed in advance of the DSA revocation. This code of practice should specifically deal with bulk stores built prior to 1979 and currently licensed under the DSA.
Bulk Stores	The Buncefield recommendations were designed to apply to high volume storage of gasoline and applying these criteria to an upper tier site that does not store significant quantities of gasoline would be counter productive.
Jetty	We should adopt an existing standard but before adopting a standard, and in consultation with all interested parties, a policy for the handling of emergency events needs to be agreed.

Jetty	We agree that the code of practice should be developed in advance of the DSA revocation. This code of practice should specifically deal with jetties built prior to 1979 and currently licensed under the DSA.
Alternative Fuels	Agreed. The differences in Irish flammability standards should be eliminated and aligned with European norms. Also current classification needs to be checked to ensure that any replacement of the current definitions used for different classes of petroleum products does not impact upon RPPSs in relation to storage
Retail / Alternative Fuels	Agreed
Bulk Stores	Agreed, but consideration needs to be given to physical limitations of existing licensed premises. Older terminals which are currently licensed under the DSA should be deemed to have met the minimum risk mitigation standards which will be developed under recommendation 24.
Jetty	Agreed.
LPG	Agreed
Retail	There is no link to relate accidents with advertising to date. Risk assessment should be used to determine if this is a significant hazard or not.
Retail	No not agreed. There is no legal requirement in place for any other industry's employees/suppliers to report unsafe conditions directly to the enforcement authorities. Such a requirement could potentially undermine the relationship between the customer and supplier. Already in place work contact unit with HSA