



STATUTORY INSTRUMENTS.

**S.I. No. 631 of 2019**



DANGEROUS SUBSTANCES (FLAMMABLE LIQUIDS AND FUELS  
DISTRIBUTION AND COMMERCIAL SUPPLY STORES)  
REGULATIONS, 2019.

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I, PAT BREEN, Minister of State at the Department of Business, Enterprise and Innovation, in exercise of the powers conferred on me by sections 23, 26 and 36 of the Dangerous Substances Act 1972 (No. 10 of 1972), section 58 of the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005) (as adapted by the Jobs, Enterprise and Innovation (Alteration of Name of Department and Title of Minister) Order 2017 (S.I. No. 364 of 2017)) and the Business, Enterprise and Innovation (Delegation of Ministerial Functions) Order 2017 (S.I. No. 569 of 2017), and after consultation with the Health and Safety Authority, hereby make the following regulations:

PART 1

**Short title and commencement**

1. (1) These Regulations may be cited as the Dangerous Substances (Flammable Liquids and Fuels Distribution and Commercial Supply Stores) Regulations, 2019.

(2) These Regulations repeal and Replace the Dangerous Substances (Petroleum Bulk Stores) Regulations, 1979 (No. 313 of 1979).

(3) These Regulations shall come into operation on 1 April 2020.

**Definitions**

2. (1) In these Regulations—

“the Act” means the Dangerous Substances Act 1972 (No. 10 of 1972), as amended;

“Act of 2005” means the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005);

“alternative fuels” means fuels or power sources which serve, at least partly, as a substitute for fossil oil sources in the energy supply to transport and which have the potential to contribute to its decarbonisation and enhance the environmental performance of the transport sector, and include, *inter alia*—

- (a) electricity,
- (b) hydrogen,
- (c) biofuels,
- (d) synthetic and paraffinic fuels,
- (e) natural gas, including biomethane, in gaseous form (compressed natural gas (“CNG”)),
- (f) liquefied petroleum gas (“LPG”), and
- (g) liquefied natural gas (“LNG”);

“appeals authority” means the Health and Safety Authority;

“appropriate fire authority” means the fire authority, having the meaning assigned by the Fire Services Act 1981 (No. 30 of 1981) with functional responsibilities for the area in which the store concerned is located or the fire authority which gives the services of its fire brigade in relation to fire occurring in the sanitary district (or portion of the sanitary district) in which the store concerned is located;

“appropriate licensing authority” means the licensing authority with functional responsibilities for the area in which the store is located, or a licensing authority or group of licensing authorities designated as an appropriate licensing authority, or a body established to act on behalf of a licensing authority or group of licensing authorities and designated as an appropriate licensing authority. An appropriate licensing authority may also be an appropriate fire authority;

“commercial supply” means the sale of flammable liquids and fuels to commercial operations, or the supply of flammable liquids and fuels for commercial activities, whether the flammable liquids and fuels are supplied to another person or company or within the same company;

“competent person” means a person who, having regard to the task required to be performed and taking account of the inventory, size or hazards (or any combination of these) of the undertaking or establishment concerned, and taking account, as appropriate, of the framework of qualifications referred to in the Qualifications (Education and Training) Act 2012 (No. 28 of 2012), possesses sufficient training, experience and knowledge appropriate to the nature of the work to be undertaken;

“emergency works” refer to works which must be carried out as soon as possible due to the immediate potential for risk of injury, whether

required by wear and tear, extreme weather, accidents, negligence, or other causes;

“flammable liquid” (and the categories thereof) refer to flammable liquids as defined and classified by criteria set out in Table 2.6.1 in Regulation (EC) No 1272 of 2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1), which Table is set out below;

*Table 2.6.1*

**Criteria for flammable liquids**

<b>Category</b>	<b>Criteria</b>
1	Flash point < 23°C and initial boiling point ≤ 35°C
2	Flash point < 23°C and initial boiling point > 35°C
3	Flash point ≥ 23°C and ≤ 60°C (1)

(1) For the purpose of this Regulation gas oils, diesel and light heating oils having a flash point between ≥ 55°C and ≤ 75°C may be regarded as Category 3.

“fuel” means a flammable liquid or gas, or alternative fuel, for commercial supply and for use in engines and vehicles intended for use for transport by air, sea, road or rail;

“gas safety officer” means an authorised officer appointed under Section 11(4) of the Electricity Regulation Act 1999 (No. 23 of 1999);

“licence” means a licence under the Act in respect of a store for the storage of flammable liquids and fuels at the store for the purposes of distribution or commercial supply, and cognate words shall be construed accordingly;

“licensee” means a person, company, or other legal entity having a licence under the Act and is hereby deemed to include any person required to have a licence (whether or not that person in fact holds a

licence) in respect of any store for the storage of flammable liquids and fuels for the purposes of distribution or commercial supply;

“licensing authority” means (as may be appropriate) a local authority for the purposes of the Local Government Act 2001 (No. 37 of 2001) (as amended by the Local Government Reform Act 2014 (No. 1 of 2014)) or a harbour authority within the meaning of section 2 (2) of the Act;

“major works” means works which lead to material changes, additions or modifications to the structure, operation, machinery, equipment, buildings or any other aspect of the store, which alter how flammable liquids and fuels are stored, dispensed, or accessed. This includes, *inter alia*, additional pumps, the stocking of new fuels, the addition of new or differently sized tanks, whether underground or other, transfer or relocation of pumps, tanks or other equipment, the expansion of any structures on the site, the addition of structures/equipment such as car washes and tyre pumps, and changes to the entrance and exit which alter the path of vehicles through the store;

“the Minister” means the Minister for Business, Enterprise and Innovation;

“minor works” means works which do not lead to material changes, additions or modifications to the structure, operation, machinery, equipment, buildings or any other aspect of the store, which do not alter how flammable liquids and fuels are stored, dispensed, or accessed. This includes, *inter alia*, minor repairs to the premises, painting, hanging or replacing of signs, replacing pumps or tanks (provided that the location and size of the equipment and type of fuel is not altered), changes to the interior layout of any associated shop (where applicable), and changes to the interior layout of private staff areas;

“new store” means a purpose built establishment for which the licensee applies for the first licence after the date of commencement of these Regulations;

“owner” except where the context otherwise requires, means the legal owner of a premises or place at which a store operates, which is used or intended to be used in part or in full for the keeping of flammable liquids and fuels for the purposes of distribution or commercial supply; the owner may operate the premises themselves, designate a manager to operate the premises, or lease the premises to a person or company who carries out operations;

“public road” means a road as defined by the Roads Act 1993 (No. 14 of 1993) and includes public footpaths adjoining or adjacent to a public road;

“risk assessment” means a written assessment identifying the hazards, frequency of occurrence, and actions necessary to mitigate the risk of injury posed by the operation of a store storing flammable liquids and fuels for the purposes of distribution and commercial supply;

“risk of injury” means risk of injury either to people, property or damage to the environment where environmental pollution is an associated hazard from flammable liquids and fuels (or vapours of flammable liquids and fuels) because of ignition, fire, explosion, spillage, escape or leakage, while keeping, dispensing, selling, supplying or conveying such flammable liquids and fuels;

“store” means a location where flammable liquids or fuels are stored for the purpose of either distribution or commercial supply, not exceeding storage capacity of 2,500 tonnes.

### **Application**

3. (1) These Regulations apply to stores which hold flammable liquids and fuels for the following purposes:

- (a) For supply or sale to commercial enterprises;
- (b) For supply to the licensee’s own vehicles; or
- (c) for use in any engine under the licensee’s control;

(2) These Regulations shall not apply to any store to which the Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015 (SI No. 209 of 2015) apply.

(3) These Regulations do not apply to the keeping or storing of flammable liquids and fuels for use exclusively for the purposes of domestic heating systems or use in private agricultural vehicles or premises.

(4) These Regulations do not apply to the storage of flammable liquids and fuels (after their withdrawal from a storage tank or container) in any manufacturing process, or in the making of any article or substance, or to stores of less than 2,000 litres of Category 1 flammable liquids and/or 5,000 litres of Category 2 and Category 3 flammable liquids.

(5) These Regulations do not apply to any separation, refining or processing of flammable liquids and fuels at a refinery or to any auxiliary tank or vessel used for the temporary keeping of flammable liquids and fuels in respect of such separation, refining or processing, other than any storage tank connected by pipeline to a loading or unloading location or an oil jetty, and

used for the immediate keeping of flammable liquids and fuels unloaded from or to be loaded on to a tank, ship or other vehicle.

(6) Every licence issued under the Petroleum Bulk Storage Regulations, 1979 (SI No. 313 of 1979) and valid immediately before the commencement of these Regulations, shall, subject to any other provision of the Regulations, continue in force until the date of expiry of the licence, as though issued under the corresponding provision of these Regulations.

(7) Unless otherwise specified, any reference to a Regulation refers to these Regulations, and any reference to a Schedule refers to a Schedule of these Regulations.

### **Standards, Codes of Practice and Guidance Documents**

4. (1) Part 1 of Schedule 1 lists Standards, Codes of Practice and Guidance Documents which must be adhered to by all stores, insofar as is reasonably practicable and insofar as they do not conflict with relevant existing Irish or EU legislation.

(2) Part 2 of Schedule 1 lists Standards, Codes of Practice and Guidance Documents which must be adhered to when applicable, insofar as is reasonably practicable.

(3) Any reference in these Regulations to a Standard, Code of Practice or Guidance Document is a reference to that Standard, Code of Practice or Guidance Document as amended or extended, whether before or after the commencement of these Regulations.

### **Existing stores**

5. (1) Notwithstanding the provisions of Regulation 3, stores which did not require a licence pursuant to the provisions of the Dangerous Substances (Petroleum Bulk Stores) Regulations, 1979 (S.I. No. 313 of 1979), but which require a licence under these Regulations must submit a licence application to the appropriate licensing authority within a period of one year of the coming into force of these Regulations.

(2) Where an appropriate licensing authority is satisfied, taking into account the advice and recommendations of the appropriate fire authority and approval of a risk assessment prepared according to Regulation 12, in relation to any store used for the keeping of flammable liquids and fuels for the purposes of distribution or commercial supply, which did not require a licence under S.I. No. 313 of 1979 immediately before the commencement of these Regulations, that:

- (a) such store cannot at reasonable expense be made to comply with the requirements of Regulation 12;
- (b) all reasonably practicable steps have been taken in relation to that store to ensure a standard of protection approximating to that required under the Regulations specified in sub-paragraph (a) of this paragraph against risk of injury caused by flammable

liquids and fuels and that risks have been made as low as is reasonably practicable; and

- (c) works, alterations or additions which would enable such store to comply with the Regulations specified in sub-paragraph (a) of this paragraph will be carried out within a specified period and a written undertaking to that effect has been given by the applicant for a licence to the appropriate licensing authority;

the appropriate licensing authority shall issue a licence subject to such conditions (including conditions relating to those works, alterations or additions) as it considers necessary to attach to the licence and specify in the licence.

(3) Where an appropriate licensing authority considers that the risk of injury is so significant that the continued use of a store or part thereof should be restricted or should be prohibited until specific measures have been taken to reduce the risk to as low as reasonably practicable the provisions of paragraph (2) of this Regulation shall not apply.

(4) A licence issued under paragraph (2) of this Regulation shall be in the form set out in Schedule 3.

### **New stores**

6. New stores will be expected to be fully compliant with the appropriate requirements, Standards, Codes of Practice or Guidance Documents contained in Part 1 of Schedule 1, and where applicable, in Part 2 of Schedule 1.

## **Part 2**

### **General requirements**

7. (1) Stores within the scope of these Regulations must have a licence granted by the appropriate licensing authority.

(2) Any decision to grant a licence (with or without conditions) to a store will be at the discretion of the appropriate licensing authority, taking into account the advice and recommendations of the appropriate fire authority.

(3) To be eligible for the grant or renewal of a licence, a risk assessment shall be submitted in relation to the store, prepared in accordance with Regulation 12 and which is acceptable to the licensing authority.

### **Licences (general provisions)**

- 8. (1) Every application for:
  - (a) a first licence;
  - (b) an amended licence; or
  - (c) the renewal of a licence;

shall be submitted to the appropriate licensing authority and shall include such information and be in such format as may be specified by said licensing authority, which may include electronic submission and shall be accompanied by the fee for the time being prescribed under section 38 of the Act, or proof of payment where applicable. The licence application should be in the form of Schedule 2.

(2) All licence applications must be accompanied by a risk assessment in the form outlined in Regulation 12.

(3) The licensee shall implement all recommendations made in the risk assessment and shall demonstrate to the reasonable satisfaction of the appropriate licensing authority and appropriate fire authority that the recommendations contained therein have been implemented, as per Regulation 12(5).

(4) Where an applicant for a licence proposes to store Compressed Natural Gas on any property to which the licence relates any such application shall be accompanied by a written declaration that the applicant is in full compliance with the requirements of the Gas (Interim) (Regulation) Act 2002 (No. 10 of 2002) and the Electricity Regulation Act 1999 (No. 23 of 1999).

(5) The appropriate licensing authority, as far as is reasonably practicable, shall assess the application within a period of 60 days from the date of receipt of the licence application and may:

- (a) approve the application;
- (b) seek further information, to be provided by the applicant within 30 days;
- (c) require works to be undertaken within a specified time;
- (d) approve the application subject to conditions; or
- (e) refuse the application.

(6) Where the appropriate licensing authority is unable to assess the application within a period of 60 days, the applicant shall be notified and provided with an explanation for the delay and a proposed deadline for completion of the assessment process.

(7) Where a licence has been refused, the appropriate licensing authority shall set out in writing the reasons for the refusal of the licence, including all areas of non-compliance.

(8) Where a licence application has been refused, or the store has been the subject of an adjudication on any matter by the appropriate licensing authority, the applicant may appeal the decision within a period of 30 days, commencing from the date of issue of the decision by the licensing authority, to the appeals authority.

(9) The appeals authority shall determine an appeal and shall inform the applicant and the licensing authority within a period of 60 days from the date of receipt of the application. The appeals authority may direct the licensing authority to issue the licence with specified conditions. Where an applicant is unsuccessful in an appeal, the applicant is required to take all necessary steps

to conform with these Regulations and to re-apply through the appropriate licensing authority.

(10) It will be at the discretion of the licensing authority, taking into account the advice and recommendations of the appropriate fire authority, to decide if a store may continue to operate pending the outcome of an appeal.

(11) Every licence shall be valid for such period not exceeding 3 years from the date of issue, as may be specified in the licence, and any application for the renewal of a licence shall be made not less than 90 days prior to the date on which the licence is due to expire.

(12) It will be at the discretion of the appropriate licensing authority whether to accept a risk assessment which was undertaken and previously accepted by said licensing authority if the licensee, when making a subsequent licence renewal application can verify that no major works or emergency works classed as major works have been carried out at the site of the store in the intervening period and no new information related to accident causation and flammable liquids and fuels has become available in the interim period.

(13) Flammable liquids and fuels shall only be dispensed at a store into the fuel tanks of vehicles owned by the public if the store has a licence under the Dangerous Substances (Flammable Liquids and Fuels Retail Stores) Regulations, 2019.

(14) No flammable liquids and fuels shall be dispensed into the fuel tanks of vehicles owned by persons employed at a store except in accordance with and subject to any conditions attached to the licence for said store.

(15) Where a Local or Harbour Authority directly controls or owns a store under these Regulations, they may not act as the appropriate licensing authority. In such cases, the appropriate licensing authority will be another licensing authority, group of licensing authorities, or body established to act on behalf of a licensing authority or group of licensing authorities, which does not share any control or ownership of the store.

(16) Every licensee of a store shall acquaint themselves with latest industry good practice relevant to the flammable liquids or fuels stored and those publications set out in Part 1 of Schedule 1, and where applicable, in Part 2 of Schedule 1 and shall implement said good practice as far as is reasonably practicable. Every employee at a retail store must fulfil the definition of a competent person for the task they are required to perform.

### **Death or incapacity of licensee**

9. Where a licensee becomes incapable (whether through death, bankruptcy, mental or physical disability or otherwise) of carrying on business, any other person may, notwithstanding any other provision of these Regulations, carry on the business for a period not exceeding 180 days, if, as soon as practicable after the commencement of that period, an application for a licence is made to the appropriate licensing authority.

### **Transfer of operation, ownership or discontinuation of store**

10. (1) A licensee or owner of a store shall, not less than 21 days prior to the transfer of operation of a store to any other person or company, give notice in writing to the appropriate licensing authority of their intention to do so, together with the proposed date of transfer and the name and address of the person or company to whom they propose to transfer operation.

(2) Subject to paragraph (1), where the ownership of a store is transferred by act of the parties or by operation of law, the licensee or owner shall forthwith inform the appropriate licensing authority in writing of the transfer and comply with any reasonable requests for information or subsequent applications for licences that may be required by said licensing authority.

(3) The new licensee shall apply for a new licence or for the transfer of an existing licence within a period of 30 days following the date of transfer of operation.

(4) Where a licensee decides to discontinue usage of the store, the licensee shall inform the appropriate licensing authority in writing not less than 90 days prior to the cessation of operations and shall comply with all necessary Standards, Codes of Practice or Guidance Documents as set out in Part 1 of Schedule 1, and where applicable, in Part 2 of Schedule 1 regarding the closure, decommissioning and any other relevant matters governing the cessation of activities at that store, as well as any other existing relevant Irish or EU legislation.

### **Modification, alterations or changes in usage at stores**

11. (1) All stores shall be operated and maintained in accordance with the risk assessment associated with the licence that has been granted by the appropriate licensing authority and any associated conditions.

(2) Any licensee of a store intending to carry out major works will be required to submit an updated risk assessment, and an application for an amended licence to the appropriate licensing authority in accordance with Regulations 8 and 12, no later than 60 days prior to the commencement of the intended works.

(3) All applications by a licensee for an amended licence due to the intention to carry out major works at a store must be accompanied by a new or revised risk assessment, detailing the additional or modified hazards, risks and mitigating actions required to minimise the risk of injury arising from the proposed major works, or from carrying out the proposed major works.

(4) Any decision to grant or refuse the application for an amended licence (with or without conditions) for the purpose of carrying out major works at a store will be at the discretion of the appropriate licensing authority, taking into account the advice and recommendations of the appropriate fire authority.

(5) Any licensee seeking to carry out minor works shall inform the appropriate licensing authority not less than 30 days prior to the commencement of the minor works. Minor works do not require an amended licence. If the appropriate licensing authority does not agree that the works fall

into the category of minor works, they may seek further information from the licensee.

(6) Emergency works should be carried out as soon as possible to ensure the safety of persons, property or the environment. If emergency works may also be classed as major works, the licensee may apply for an amended licence retroactively, but in any event no later than 90 days after the emergency works have been completed.

### **Risk assessment**

12. (1) Every licensee of a store shall engage a competent person to prepare a risk assessment of the risk of injury on site. A risk assessment of a store shall:

- (a) identify the hazards in the store related to the presence of flammable liquids and fuels as set out in Schedule 4 and assess the risks presented by those hazards;
- (b) identify and describe any measures necessary to reduce the risk of injury to as low a level as is reasonably practicable;
- (c) evaluate whether the risks identified have been reduced to as low a level as is reasonably practicable;
- (d) describe the procedure for the transfer of flammable liquids and fuels into and out of the storage tanks and the measures taken to minimise the risk of injury to as low a level as is reasonably practicable; and
- (e) where the risks have not been reduced to as low a level as is reasonably practicable, propose an implementation plan which will reduce the risks to a level that will be as low as reasonably practicable.

(2) The risk assessment described in paragraph (1) shall be carried out by a competent person, shall be in writing (whether electronically or in hard copy) and be signed and dated by the competent person. It is the responsibility of the licensee to ensure that the person engaged to carry out a risk assessment meets the criteria of a competent person as defined in Regulation 2.

(3) For the first application for a licence, a risk assessment shall include a map following the guidelines laid out in Schedule 5. The inclusion of a map is not required for a subsequent application for a renewed or amended licence unless major works or emergency works classed as major works have been carried out at the store.

(4) All risk assessments must be consistent with the documents listed in Part 1 of Schedule 1. If a risk assessment is also based on any documents listed in Part 2 of Schedule 1, or other current good practice, these must be indicated in the risk assessment.

(5) A licence for a store shall not be granted by the appropriate licensing authority unless a satisfactory risk assessment has been carried out and all the

recommendations made in the risk assessment have been implemented or will be implemented within a period acceptable to the licensing authority.

(6) Prior to the grant of a first licence under these Regulations, the licensing authority or fire authority shall carry out a physical inspection to confirm that all recommendations have been satisfactorily implemented. For subsequent renewals of a licence, the licensing authority or fire authority may choose to either accept documentation as proof of works, or carry out an inspection.

(7) A risk assessment shall cease to be valid for the purposes of these Regulations on expiry of the licence granted for the store, subject to Regulation 8(12).

(8) The licensee of a store shall be responsible for the cost of carrying out a risk assessment and implementing any recommendations.

### **Inspections**

13. (1) An inspection of a store may be carried out without notice at any time by any or all of the following, referred to in these Regulations as an authorised person appointed by the Minister in accordance with section 62 of the Act of 2005.

- (a) an authorised person, authorised by the appropriate fire authority in accordance with section 22 of the Fire Services Act 1981;
- (b) an inspector authorised by the appeals authority, in the case of appeals against licensing or operating decisions made by a licensing authority, in accordance with section 62 of the Act of 2005; or
- (c) a person authorised by the appropriate licensing authority or by the appeals authority, in the case of appeals against licensing or operating decisions made by the licensing authority.

(2) A gas safety officer may also carry out inspections under Section 11(4) of the Electricity Regulation Act 1999 (No. 23 of 1999).

### **Non-compliance**

14. (1) Sections 64, 65, 66, 67 and 68 of the Act of 2005 shall apply and an authorised person, as specified in Regulation 13, may exercise any of the powers specified in those sections for the purposes of ensuring compliance by a licensee with the risk assessment, conditions of a licence, or the applicable Standards, Codes of Practice or Guidance Documents as set out in Part 1 of Schedule 1, and, where applicable, Part 2 of Schedule 1.

(2) The provisions of sections 20 and 20A of the Fire Services Act 1981 shall apply in respect of a fire safety notice or closure notice.

(3) For the purposes of paragraphs (1) and (2) and subject to any necessary modifications, section 3 of the Act of 2005 shall apply to the service of a notice or other document required or authorised to be served under sections 64, 65, 66, 67 and 68 of that Act.

**Posting of licence**

15. The owner or licensee shall keep displayed a copy of the licence, in such manner as to be easily seen and read.

DANGEROUS SUBSTANCES (FLAMMABLE LIQUIDS AND FUELS  
DISTRIBUTION AND COMMERCIAL SUPPLY STORES)  
REGULATIONS, 2019

SCHEDULE 1

*Publications for good practice for distribution and commercial supply  
flammable liquids and fuels stores*

As per Regulation 4(3), updated or revised versions of these guidance documents will be published periodically on the relevant websites of Local Authorities, the Appeals Authority, and the Minister.

**Part 1 – Publications which all stores must adhere to as far as is  
reasonably practicable**

- Energy Institute Design, construction, modification, maintenance and decommissioning of filling stations (known as the Blue Book)
- PELG Petrol filling stations – Guidance on managing the risks of fire and explosion (The Red Guide)

**Part 2 – Publications which must be adhered to as far as is reasonably  
practicable if they apply to the store**

- Explosive Atmospheres at Places of Work (HSA, 2007)
- IS EN 60079-32-1 Explosive atmospheres: electrostatic hazards guidance
- IS EN 1127: 2011 Explosive atmospheres – Explosion prevention and protection – Part 1: Basic concepts and methodology
- IS EN 60079 Part 10.1 (Classification of areas – Explosive Atmospheres)
- IS EN 62305 2011 Protection against lightning. IS CEN/TR 15281:2006 Guidance on inerting for the prevention of explosions
- A Guide to Risk Assessments and Safety Statements (HSA, 2016)
- IEC 31010:2009 Risk management — Risk assessment techniques
- IS EN 14015: specification for the design and manufacture of site built, vertical, cylindrical, flat-bottomed, above ground, welded, steel tanks for the storage of liquids at ambient temperature and above
- Code of Practice for Working in Confined Spaces (HSA, 2017)
- Safety Signs at Places of Work (HSA, 2016)
- EN 61511 2017: Functional safety - Safety instrumented systems for the process industry sector
- Guidance Note to Industry on Fire Water Retention Facilities (EPA 2019)

- IS EN 13565: 2009 Fixed Firefighting Systems – Foam Systems – Part 2: Design, Construction and Maintenance
- Energy Institute – Fire precautions at petroleum refineries and bulk storage installations
- Energy Institute – Guidelines on environmental risk assessment for major installations handling hazardous substances
- Energy Institute – Model code of safe practice Part 1: The selection, installation, inspection, and maintenance of electrical and non-electrical apparatus in hazardous areas
- Energy Institute – Model code of safe practice Part 12: Pressure vessel examination
- Energy Institute – Model code of safe practice Part 13: Pressure piping systems examination
- Energy Institute – Model code of safe practice Part 14: Inspection and testing of protective instrumentation systems
- Energy Institute – Model code of safe practice Part 15: Area classification code for installations handling flammable fluids
- Energy Institute – Model code of safe practice Part 16: Tank cleaning safety code
- Energy Institute – Model code of safe practice Part 18: Occupational health
- Energy Institute – Model code of safe practice Part 19: Fire precautions at petroleum refineries and bulk storage installations
- Energy Institute – Model code of safe practice Part 2: Design, construction and operation of petroleum distribution installations
- Energy Institute – Model code of safe practice Part 20: Code of practice for the design and operation of on-board truck computer systems for road tankers
- Energy Institute – Model code of safe practice Part 21: Guidelines for the control of hazards arising from static electricity
- Energy Institute – Model code of safe practice Part 3: Refining safety code
- Energy Institute – Model code of safe practice Part 9: Liquefied petroleum gas, Volume 1: Large Bulk Pressure Storage & Refrigerated LPG
- Energy Institute – A risk-based approach to hazardous area classification
- Health and Safety Executive (HSE) (UK) - HSG 51 – Storage of flammable liquids in containers
- HSE (UK) - HSG 140 – Safe use and handling of flammable liquids
- HSE (UK) - HSG 176 – Storage of flammable liquids in tanks
- HSE (UK) – L133 – Unloading petrol from road tankers
- Department for Environment, Food & Rural Affairs (UK) Process Guidance Note 1/13(13) Statutory guidance for storage, unloading and loading petrol at terminals
- Department for Environment, Food & Rural Affairs (UK) Process Guidance Note 1/14(13) Statutory guidance for unloading of petrol into storage, and motor vehicle refuelling, at service stations

DANGEROUS SUBSTANCES (FLAMMABLE LIQUIDS AND FUELS  
DISTRIBUTION AND COMMERCIAL SUPPLY STORES)  
REGULATIONS, 2019

SCHEDULE 2

Form of Application for a first/amended/renewal of or transfer of a licence for  
a Distribution and Commercial Supply Store.

1. Applicant/Licensee:

Name and address/registered office of the company, firm or person: .....

.....  
.....

2. Location of the proposed distribution and commercial supply store:

Address

.....

County.....

Place or

townland.....

Ordnance Survey Map reference

.....

3. Name of licensee (if application is for transfer of a licence):

.....  
.....

4. Particulars of plans accompanying this application:

.....  
.....

5. Maximum quantity of category or categories of flammable liquids and fuels stored or to be stored at the store:

Category 1: ..... litres in container stores  
..... litres in underground tanks  
..... litres in above-ground tanks

Category 2: ..... litres in container stores  
..... litres in underground tanks  
..... litres in above-ground tanks

Category 3: ..... litres in container stores  
..... litres in underground tanks  
..... litres in above-ground tanks

**Other Fuels  
(State units of  
measurement):**

Name: ..... quantity in container stores  
..... quantity in underground tanks  
..... quantity in above-ground tanks

Name: ..... quantity in container stores  
..... quantity in underground tanks  
..... quantity in above-ground tanks

Name: ..... quantity in container stores

..... quantity in underground tanks

..... quantity in above-ground tanks

This licence application must be accompanied by a risk assessment and drawings as laid out in Regulation 12 and Schedule 5 of the Dangerous Substances (Flammable Liquids and Fuels Distribution and Commercial Supply Stores) Regulations, 2019.

8. Remarks:

I hereby certify that the information supplied above is true to the best of my knowledge and belief.

Signature of applicant

.....

Postal address of applicant

.....

.....

Date of application

.....

DANGEROUS SUBSTANCES (FLAMMABLE LIQUIDS AND FUELS  
DISTRIBUTION AND COMMERCIAL SUPPLY STORES)  
REGULATIONS, 2019

SCHEDULE 3

Form of Licence

Register No. ....

Total quantity authorised .....

Fee paid .....

Risk Assessment and Drawings provided                      Y                      N

Licence to Keep Flammable Liquids and Fuels at a Distribution and  
Commercial Supply Store

Name of Licensing Authority

.....

Address of Licensing Authority

.....

.....

Licensee's Name

.....

Licensee's Trade or Business

.....

Licensee's Address

.....

Location of proposed flammable liquids and fuels distribution and commercial  
supply store

.....

Risk Assessment carried out

by.....

The \_\_\_\_\_, being the licensing authority under the provisions of the  
Dangerous Substances Act, 1972 (No. 10 of 1972), hereby grants this licence  
authorising flammable liquids and fuels to be kept for the period not exceeding  
\_\_\_ years from the \_\_\_ day of \_\_\_, 20\_\_\_, at the flammable liquids and fuels

distribution and commercial supply store at the above-named location, subject to the provisions of the said Act and of any orders, regulations and bye-laws made thereunder or continued thereby and in force for the time being, and subject also to the Conditions hereto annexed.

Signed —

Date —

Conditions to be Observed

- 1.
- 2.
- 3.
- 4.
- 5.

DANGEROUS SUBSTANCES (FLAMMABLE LIQUIDS AND FUELS  
DISTRIBUTION AND COMMERCIAL SUPPLY STORES)  
REGULATIONS, 2019

SCHEDULE 4

*Matters to be included in Risk Assessment of a Flammable Liquids and Fuels  
Store*

The following list is not exhaustive but sets out the minimum aspects, all of which must be addressed in any risk assessment to be undertaken by a competent person and submitted to the appropriate licensing authority relating to an application for a first, amended, renewal or transfer of a licence or Certificate of Operation under the Dangerous Substances (Flammable Liquids and Fuels Distribution and Commercial Supply Stores) Regulations, 2019.

1. General operation of site:
  - a. Boundary security
  - b. Fuel delivery frequency and time
  - c. Delivery area assessment
  - d. Loading Rack construction
  - e. Loading and unloading areas
  - f. Separation distances from boundaries and stationary ignition sources
  - g. Paved area/drainage run-off/spill receptor and interceptor provisions
  - h. Truck turning movement
  - i. Truck parking stands (overnight)
  - j. Sensitive receptors in the vicinity of the store
  - k. Wet-stock control
  - l. Management and staff/authorised person training
  - m. Historical incidents at this site
  
2. Fuels/Tanks/Pipes:
  - a. Nature and volumes of fuels to be stored
  - b. Storage tanks assessment (this is not an exhaustive list):
    - i. Age and condition of the underground fuel tanks
    - ii. Gantry
    - iii. Overfill prevention
    - iv. Prevention of spills when filling underground tanks
    - v. Tank construction and installation specifications
    - vi. Tank in-take fill rates/out-loading withdrawal rates/vent-in breathing and out-breathing rates

- vii. Separation distance between tanks
    - viii. Size of bund(s) provided and maintenance of bund(s)
    - ix. Bund integrity
    - x. Extent of over-topping
    - xi. Details of tertiary containment, if any
  - c. Pipework assessment
- 3. Emergency response:
  - a. Firefighting plan
  - b. Evacuation plan
- 4. Certificates and other mandatory documents:
  - a. Petrol Vapour Recovery Certificate
  - b. Explosion Protection Document
  - c. Electrical Safety Certificate
  - d. Fire Safety Certificate

A risk assessment is also expected to include gap analysis with current good practice and a programme to close the gap.

DANGEROUS SUBSTANCES (FLAMMABLE LIQUIDS AND FUELS  
DISTRIBUTION AND COMMERCIAL SUPPLY STORES)  
REGULATIONS, 2019

SCHEDULE 5

*Matters to be Included in the Maps and Drawings Accompanying the Risk  
Assessment of a Flammable Liquids and Fuels Store*

- (1) Subject to Regulation 12(3), every risk assessment for a first licence (or for the renewal of a licence where major works have taken place) shall:
  - a. be accompanied by a plan (either in electronic format or hard copy), drawn to a scale in metric units of measurement of not less than 1:2500, consisting of an extract from the Ordnance Survey map,
  - b. marked and coloured so as to identify clearly
    - i. the site or proposed site (including the boundaries which shall be marked in red) of the store,
    - ii. the surrounding district or area for not less than a distance of 1 kilometre in all directions, and
    - iii. the north point on the plan.
- (2) Every plan submitted in accordance with paragraph (1) of this Schedule shall be accompanied by—
  - a. one ground plan (in paper or electronic format) drawn to a scale in metric units of measurement of not less than 1:500 or 1:100 (whichever is acceptable to the appropriate authority) and so marked as to identify clearly the existing location or proposed location of each—
    - i. above-ground or underground storage tank,
    - ii. retaining enclosure,
    - iii. opening store or opening compound,
    - iv. loading or unloading location,
    - v. filling or fuelling location, ventilating pipe opening,
    - vi. pipeline, surface water drainage system including piped water and open drain,
    - vii. building or similar structure (including cellars or basements) within 16 metres of any hazardous area,
    - viii. road or railway line,
    - ix. fire main (if any),
    - x. security fence, entrance or exit gate,
    - xi. the distances from each other and from any protected work;
  - b. one plan and specification or appropriate particulars (either in electronic format or hard copy), including suitable drawings or plans, elevations and sections to a scale in metric units of measurement of not less than 1:50 and so marked as to give

adequate details of the construction or proposed construction and dimensions and the manner of installation or proposed installation of each—

- i. above-ground storage tank and its foundation,
  - ii. underground storage tank and its surround and foundation,
  - iii. container store or container compound,
  - iv. loading or unloading location,
  - v. filling or fuelling location,
  - vi. security fence, entrance or exit gate,
  - vii. pipeline, surface water piped drainage system, open drain, line of rails or rail track,
  - viii. retaining enclosure and retaining walls,
  - ix. building or similar structure.
- c. one plan and specification or appropriate particulars (in paper or electronic format) so marked as to show all electrical apparatus installed or to be installed or used.
- (3) Every risk assessment under paragraph (1) of this Schedule shall be accompanied by particulars of—
- a. each building or place at a store in or at which any articles, materials or substances (other than flammable liquids and other fuels), liable to spontaneous combustion or ignition or otherwise flammable or dangerous, are kept or are to be kept and their amounts or quantities,
  - b. the amount or quantity of flammable liquids and other fuels kept or to be kept in each above-ground or underground storage tank, container store or container compound, filling location or (where appropriate) auxiliary tank at a loading location,
  - c. the fire-fighting installation, appliances or substances to extinguish or combat the spread of fire,
  - d. the lighting arrangements,
  - e. the total maximum aggregate quantity of flammable liquids and other fuels to be kept in the fuel tanks of vehicles located in the parking facilities at the store,
  - f. the total maximum number of road tank-vehicles or, where applicable, rail tank wagons to be accommodated at any one time within the boundary of a store,
  - g. the nature of the processes or operations carried on or to be carried on at the store and in each building or part thereof,
  - h. the hours of operation of the store,
  - i. the approximate maximum number of persons employed or likely to be employed at the store and, where applicable, in each building thereat, and
  - j. any further particulars, plans, maps or drawings which the proper authority requires by a notice in writing.
- (4) Every risk assessment for an amended licence under Regulation 12 (2) shall be accompanied by—
- a. one plan in metric units of measurement, and specification or appropriate particulars (either in electronic format or hard copy)

- giving details of the proposed installation, alteration, enlargement, addition or reconstruction, and
- b. any further appropriate particulars, plans, maps or drawings which the proper authority requires by notice in writing or electronically.

For the purpose of paragraph (2)(a) of this Schedule,

"protected work" means:

- (a) any public road or footpath, promenade or open place of resort for the public or for persons engaged in any trade or business and any canal, navigable water, dock, river-wall, sea-wall, pier, oil jetty or reservoir;
- (b) any premises or building or any part thereof used by any person for any purpose whatsoever (whether temporarily or otherwise), any railway or store licensed under the Act for the storage of petroleum or other dangerous substance;
- (c) any premises or building (or a part thereof)—
  - a. in the occupation of a Minister of the Government,
  - b. in the occupation of a proper local or harbour authority,
  - c. in the care of the Commissioners of Public Works in Ireland,
  - d. in which persons assemble for public worship or educational purposes,
  - e. used as a hospital or like institution,
  - f. used or occupied for the purposes of a factory, office, theatre or cinema, covered market, warehouse or store, other than a store licensed under the Act for the storage of petroleum or other dangerous substance, or
  - g. in which persons are accustomed to assemble for any purpose whatsoever,
- (d) and not located within the boundaries of a store.

"pipeline" means a pipeline connected or intended to be connected to:

- (a) a storage tank,
- (b) an oil jetty, or
- (c) an oil refinery,

and used or intended to be used for the conveying of petroleum to or from a storage tank.

GIVEN under my hand,  
11 December 2019

PAT BREEN,  
Minister of State at the Department of Business, Enterprise and  
Innovation

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

The purpose of these Regulations is to repeal and replace the Dangerous Substances (Petroleum Bulk Stores) Regulations, 1979 (S.I. No. 313 of 1979).

The Regulations replace with effect from 1 April 2020 the Dangerous Substances (Petroleum Bulk Stores) Regulations, 1979.

These Regulations do not apply to the storage of flammable liquids kept in conformity with the Dangerous Substances (Flammable Liquids and Fuels Retail Stores) Regulations, 2019 (S.I. No. 630 of 2019).

The purpose of the Regulations is to prevent risk of injury arising from the keeping, conveying, loading and unloading of flammable liquids or fuels at fuel stores. The fuel stores to which these Regulations apply are those stores for supply or sale to commercial enterprises, for supply to the licensee's own vehicles, or for use in any engine under the licensee's control.

These Regulations lay down rules which provide for the licensing, operation and inspection of such fuel stores, for the purpose of prevention of risk arising from the storage of flammable liquids and fuels, and to seek to limit as far as possible the consequences for human health and the environment arising from the operation of such stores, with the overall objective of providing a high level of protection in a fair, consistent and effective manner.

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