

PETROLEUM ENFORCEMENT LIAISON GROUP

ACTION NOTES OF 37TH PELG MEETING HELD ON 18TH JUNE 2008 HELD AT HSE HEADQUARTERS – LONDON

Roger Marris (Vice Chair)	North East Licensing Group
Phil Monger	Petrol Retailers Association
Neil Simms	North West Licensing Group
Ted Beckley	COSLA
Ray Blake	CFOA
B Humm (Observer)	LFEPA
Mike Harding	UKPIA
John Hazeldean	HSE
Michael Webber	SWLCOG
Brian Baker	SELCOG

1. Roger Marris welcomed members to the 37th PELG meeting. The draft notes of the 36th PELG Meeting were agreed as an accurate record of the meeting.

Apologies were received from:

Ahmed Mulla	AUKOI	(Belated apologies)
Jim King	DETINI	
Rob Tunnicliff	Midlands Licensing Group	

2. **Action Points arising from last meeting**, which are not included on the main agenda.

Flatcan Emergency Fuel Containers

Vice Chair has sent a response to Mr Cornwell informing that him that PELG could not endorse the use of the emergency fuel container by recommending changes to the current Model Conditions of Licence. The group were informed that Mr Cornwell is still pursuing a variety of options to market the product.

AA Fuel Assist

An article on the appropriate use of the Fuel Assist Service on petrol filling stations has been published in 'Forecourt' and Ray Blake has brought the issues to SELCOG. Brian Baker has still to discuss the liaison issues between site operators and Fuel assist Service with D McSporan from Fuel Assist.

Action B Baker

Incident Returns

Brian Baker informed the Group that he has withdrawn from collating incident statistics because of the time burden and the lack of cooperation from other Licensing Authorities.

Control Measures at Unattended Self-Service Sites

Ray Blake is having discussions with ASDA on appropriate control measures for unattended self-service sites operating with more than four dispensing stations. Further to previous assertions, number plate recognition systems are only used for security and are not linked to dispensing operations. They, therefore, cannot be used as a way of restricting underage-sales as previously claimed. It was agreed that the PETEL Circular 65/69a will need to be revised to cover high throughput USS sites. At the moment, there are no obvious control measures that can be taken into account for such sites although various CCTV systems may offer some advantages.

To investigate issues and appropriate standards at USS sites, R Blake is preparing a CFOA checklist that will aid the detailed inspection of these sites. He proposed to invite PELG and other Licensing Authorities to comment on the checklist and then to take part in the inspection project. All sites would be notified before any visits and information gathered would include operational and emergency response issues. The information gathered will be pooled and used in the revision of 65/69a.

Neil Simms informed the Group that NW Authorities always liaise with the police to determine if there are any local disorder issues before issuing a licence for an USS site.

Actions

R Blake - to circulate CFOA Checklist
All – Comments on Checklist to RB

Carriage and Storage of Petrol

Phil Monger has drafted a letter for the Boat Safety Scheme but they are also requesting a letter that can be sent out to Licensing Authorities with guidance on the numbers of containers that may be filled at any one time. Brian Baker informed the group that there was SELCOG guidance available but it was agreed that there was a need for further national guidance on the filling of containers at petrol stations. Other issues on portable containers included the 250 litre 'Petrol Caddy' which is used for transporting petrol from filling stations to golf courses for subsequent dispensing into petrol driven vehicles and grass cutting equipment. Michael Webber agreed to draft guidance on the dispensing, transport and storage of petrol in containers for both domestic and work situations to replace PETEL 65/9.

Action: **M Webber to draft revision of PETEL 65/9**

MAIN AGENDA

3. DSEAR ACoP [L133] Unloading Petrol from Road Tankers

The chair explained that he had made some minor changes to the draft PETEL [65/64] subsequent to it being circulated to members for comment.

The alterations included changing the titles of 'ACoP material' to 'guidance' and the following statement in the heading of the PETEL.

'The additional advice given in this circular is intended to supplement the guidance published in the Approved Code of Practice and Guidance (L133) for the purpose of assisting the relevant dutyholders in complying with their statutory obligations under the Dangerous Substances & Explosive Atmospheres Regulations 2002.

This circular also gives advice to Petroleum Enforcement Inspectors'

The meeting cleared the PETEL for publication.

4. PETEL 65/56 [revised] LAPS

The meeting cleared the revised PETEL, listing all the current 'retail petroleum sector' LAPS, for publication.

5. PETEL 65/63 – Amendment to Appendix 1 'Overview of Control Measures

The chair explained that he had made a minor change to the draft subsequent to being circulated to members for comment/clearance. The alteration was the insertion of the following sentence to paragraph 7: -

'Where it is necessary to install the fuelling unit in a vault, the recommendations given in paragraph 8.4.3.3 of the Blue Guide should be followed.'

The meeting cleared the PETEL for publication.

6. CFOA Representation on PELG

The chair informed the meeting that the Chief Fire Officers Association [CFOA] had set-up a PetEx working group. The purpose of the WG being 'the focal point for professional advice on petroleum/explosives issues'

Details of the WG's 'terms of reference' and 'areas of involvement' are given on the CFOA website.

<http://www.business-streams.cfoa.org.uk/347>

As there is no fixed allocation for a CFOA representative [or for that matter a FRS representative] on PELG, the chair proposed that the London FEP representation should be changed to the CFOA representation. The meeting agreed to this proposal.

7. Tanks outside the scope of BS EN 12285-1:2003

Ray Blake reported that at least twenty tanks that had a capacity great enough to take them outside the scope of the standard BS EN 12285 had been installed on UK petrol filling stations. These were predominately on sites owned by Tesco but he was aware of installations on sites owned by Shell in the UK, some Motorway services and BP in Europe. As well as raising concerns on the suitability of the

tank itself, the size and the long length to diameter ratio of these tanks raises concerns as to the installation standards for effectively supporting the tank, flotation problems, effectiveness of interstitial leak monitoring systems and excessive dead-end travel distances during tank cleaning, repairs and maintenance. In London, LFEPA had sought additional 3rd party certification of the tank design for the installation, a thicker concrete base to support the tank, additional tank holding down straps and restrictions on the positioning of the tank access lids. It was agreed that whilst there is no legal requirement to follow the standard there is a duty on site operators to demonstrate that they are providing a suitable and safe storage facility. Compliance with the standard is one way of making this demonstration and operators can choose alternative but effective methods.

Ray Blake advised that he had written to BSI on this matter and they have replied to say that this standard will be subject to review to take account of larger tank. This is seen as a long-term solution. In the meantime it was agreed that the big tanks installed so far cannot be considered as blanket justification for further tanks and that each future installation of a tank outside the scope of BS EN 12285 would need to be supported by its own site specific assessment and justification.

PLAs could not object outright to the installation of larger tanks but should require additional information prior to installation such as an engineer's report on ground conditions, third party accreditation on the stability and integrity of the tanks and arrangements for interstitial space monitoring. PLAs could also consider regulations on working in confined spaces that require a safe way out from a confined space which allows quick escape in an emergency. Current guidance in the standard is that the maximum distance within a compartment to a manhole should be 10m. Generally, PLAs should be alert to proposals for any tank holding over 60,000 litres or more than six times its own diameter in length.

8. National Guidance on Licence Conditions relating to 'Suitable Containers'

This item was covered under matters arising above, item 2.5.

9. Test Purchases for Underage Sales

Brian Humm stated that this exercise had been undertaken in collaboration with the London Borough of Southwark who had identified a problem with sales for mini motorbikes and LFB's Arson Task Force who had recorded an increase in incidents of arson in the borough. The whole process had been risk assessed and a definition of 'supply' (to under 16s) obtained from LFB's legal team. 18 test purchases had been made, 6 failed; one of the failures was a repeat case involving the same cashier and a prosecution was being processed under the licence condition. All those who failed were sent letters explaining the

contravention and those who acted correctly were informed verbally at the time with a follow-up letter sent later.

10. The implications of the Regulatory Enforcement and Sanctions Bill

Ray Blake informed the group about the new Regulatory Enforcement and Sanctions Bill which is due to come in to force in October this year. This Bill implements proposals from the Hampton review in 2005 and aims to improve and simplify the way legislation is made and enforced. Key areas from the Bill include:

- Principle that enforcement should focus on where the risks are greatest;
- Converts the Local Better Regulation Office into a statutory non-departmental public body with various functions such as issuing guidance and supporting best practice by local authorities;
- Provides a power to require regulators not to impose or maintain unnecessary regulatory burdens on businesses or individuals.

The Bill allows for the establishment of Prime Authority Partnerships (PAP). The implications are that if a major operator wants to enter into a PAP they can approach the Local Better Regulation Office (LBRO) who can appoint a PLA to act as a partner and that PLA has to accept (unless they can demonstrate a good reason why they should not). A grant will be available to the PLA for each partnership they enter into. The partnership will involve an audit of management safety as per LAPS and will mean that other PLAs will not be able to take action against the operator without prime authority agreement. LAPS, and existing LAPS partnerships, can remain in place but London will be encouraging all existing LAPS partners to become PAPs.

11. Challenging DSEAR Risk Assessments

Brian Humm reported that he had undertaken an exercise to look in detail at a number of DSEAR risk assessments from London's LAPS partners the result being that none were considered to be totally satisfactory. Most had not taken into account storage of petrol as fuel or the existence of below ground voids such as underground railway tunnels, basements etc. In view of this he is asking the companies concerned to review their risk assessments with their consultants and to consider the following:

- Identify the activity of keeping petrol;
- Reference to dispensing;
- Include summary on front sheet;
- Control measures taken;
- Actions taken in respect of risks identified;
- Not to be too complicated;
- Must be site specific.

12. The Round Britain Power Boat Race

Ray Blake advised that he and Roger Marris had been approached by a consultant on a method of supplying petrol to the power boats at a number of locations (usually marinas) around the coast of Britain. The consultant had proposed a small above ground tank which is constructed to a very high standard and will incorporate over fill prevention, a gauging system and be connected to an electric dispenser powered by a generator. The tank will be refilled frequently from a tanker which will be standing beside the tank for the duration of time that the facility is required at the particular location, the delivery hose must be disconnected between deliveries. The installation has a Electrical Certificate which is not site specific, but has to be earthed and a record kept of the earth impedance at each location. The arrangements for spill containment are site specific and to be agreed with the local water authority and the Environment Agency. PLA's should issue a short term licence for the facility. Ray and Roger had both written letters confirming that the proposed arrangements would be acceptable within their respective areas.

13. Petrol Cans (Recall)

Phil Monger informed the group of a product recall that Tetrosyl had made on batches of their 'Tetracan' 5litre plastic fuel can. The problem related a manufacturing defect in the neck that prevented the cap or spout from sealing properly. Michael Webber agreed to follow up the issue and provide further details to the group.

Action: M Webber to follow up

14. Any Other Business

14.1 Future of PELG

The chair explained to the meeting that the meeting arranged for 28 May 2008 with Steve Coldrick and Mark Lawton [HSE Policy Unit B2] to seek a reassurance for their continued support of PELG, was cancelled due to a clash of appointments in Steve Coldrick's diary.

The meeting is now to go ahead [probably on 20 August 2008]. The chair, John Hazeldean and Phil Monger will be representing PELG and putting a strong and persuasive case together for the continued support of the HSE.

14.2 Incident during site refurbishment

The chair informed the meeting of the outcome of an investigation into the ignition of petrol vapours at a Shell site in Leeds on 22 January 2008. Ignition occurred when a technician was reconnecting pipework in the storage tank access chamber in preparation for the leak testing of the tank and pipework. It was known that the prior removal of the acv housing cap had released petrol into the access chamber. The technician [working in the chamber when the vapours ignited] was wearing a pair of antistatic boots [provided by his employer]; albeit

the conditions of the boots was thought to be poor. The investigation concluded that the probable source of ignition was: -

- an electrostatic discharge from the technician [90% possibility]; or
- a friction spark from the tool or tools being used by the technician [10% possibility].

This incident highlighted the importance of contractors working in the hazardous areas of filling stations wearing antistatic boots [and in some instances antistatic outer garments] that are in good condition.

[Paragraphs 262 to 268 of L138 refers]

14.3 Energy Institute Publications

Brian Baker informed the meeting of two recent publications; namely: - 'Guidance on the Storage and Dispensing of E5 Petrol' and B5 Diesel at Filling Stations'; and

'Guidance for the Storage and Handling of Fuel Grade Ethanol at Petroleum Distribution Installations'.

Both publications give useful information but it is noted that the HSE were very late consultees and the PLA's or the APEA were not consulted.

14.4 Environment Agency's New 'Groundwater Protection Policy'.

Brian Baker raised a matter of concern regarding the Environment Agency in respect of a new policy. A consultative document was issued in March 2007 entitled 'Groundwater Protection: Policy and Practice Part 4; Legislation and Policies'. Within the document, reference is made to underground storage under paragraph P1-8 "We will object to the underground storage of hazardous Substances in SPZ1 (Special Protection Zone). On principle and Secondary aquifers outside SPZ1 we also object, unless there are genuine and overriding reasons why;

- (a) The activity cannot take place on unproductive strata; and
- (b) The Storage must be underground (for example public safety), in which case we expect the risks to be appropriately mitigated. Where such storage already exists we will work with operators to mitigate the risks, with an aim to meet this policy.

Coteba, the contractual arm of Shell and Esso have a situation in Hertfordshire where having gained local authority planning permission for a 'raise and re-build site' without any condition attached, the EA have since raised objection. The issue here is that none of the Representative on PELG had seen the document which apparently is causing major problems. It is suggested that PELG raise this matter with the Environment Agency's Representative soon as possible for discussion at the next PELG meeting.

Action: Chair to contact EA Representative.

14.5 APEA Conference

Brian Baker reminded the meeting of this year's APEA Conference & Exhibition on 23 October 2008 at the Telford International Conference Centre. It was agreed that details of the event to encourage Regulators to attend may be circulated direct to the Regions.

Action: Brian Baker to circulation the information.

14.6 SELCOG Tank Failure Survey

Brian Baker informed the meeting that the SELCOG Region are to introduce a detailed Tank Survey for about a year to establish any trends in failures and intend sharing this data with PELG for future reference. The draft form is attached to these notes for circulation.

14.7 SELCOG Representation

Brian Baker notified the meeting that, after 4 years service on PELG, he had decided to stand down. His replacement from SELCOG is Ray Nicholson of Surrey CC Trading Standards and it was agreed for Ray to attend the next PELG meeting in October.

14.8 Tank Relining

Phil Monger raised an issue where Dealers were having problems gaining agreement from PLAs on the use a single skin GRP lining to prolong the life of an old but sound underground petrol tanks. Some PLAS were insisting on double skin systems with the consequence that where Dealers were unable to afford the work they were doing nothing and so were making no improvements to the integrity of their tanks. The meeting agreed that single skin linings can be applied to prolong the life of sound tanks provided they are fitted with effective leak detection systems.

14.9 Pressurisation during Stage II vapour recovery

Ray Blake reminded the group of the DEFRA guidance on Stage II Vapour Recovery that now includes the option of installing an orifice plate in the vapour line. This should provide a benefit in minimising excess pressures and preventing vapour releases into the tank access chamber.

14.10 Drive-off prevention

Neil Simms informed the group that with the increase in petrol prices there had been an increase in drive-offs from the forecourt. To combat this there has been a greater use of the stinger system. To-date there have been no adverse comments with respect to fires or explosions from the system which has been effective in reducing drive-offs at forecourts where it has been installed.

15. Date of Next Meeting: Wednesday 15th October 2008