

ADVISORY COMMITTEE ON DANGEROUS SUBSTANCES

FLAMMABLE SUBSTANCES SUBCOMMITTEE

PETROLEUM WORKING GROUP

ACTION NOTES OF 4 NOVEMBER 2003 MEETING

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| Chair: | Stewart McEwen (HSE) |
| Industry: | Philip Monger Chris Hunt Rory Hennessy Rex Wheeler Peter Wortley Tony Jenner |
| LGA: | Andy Berry Steve Rowe |
| North LA: | Roger Marris |
| LACORS: | Alison Edwards |
| Environment Agency: | Jon Naylor |
| DEFRA: | Ian Oldfield |
| HSE: | John Hazeldean (HID) Peter Roberts (Working Group Secretary) |

Introductions and apologies

1 Stewart McEwen welcomed members to the ninth meeting of the working group. Apologies had been received from Ted Beckley, Andy Morgan (MOD) and Jeff Watson. Two items were to be considered under 'any other business':

- Take-up of DEFRA's Groundwater Protection Code.
- Details of the proposed tanker unloading regulations.

Action note from last meeting

2 There was one action created at the last meeting, namely that members should submit to HSE information and arguments concerning the two options, including examples of what would be relevant matters for 'notification' under option 4.

3 Most members had submitted information and proposals, which HSE used in drafting the paper to be considered under Agenda item 5.

Revised project plan

4 The revised project plan was contained in paper ACDS/PWG/03/04, which had been circulated to members before the meeting. Since the last meeting, HSE's Solicitors had been in touch with the project team in order to revise their availability. Owing to other commitments and a tightening of resources, they would be unable to commence work until 1 April 2004. This meant that the project timescale would need to be changed as detailed in the paper, which also took a more realistic view of some of the other timings presented in the original plan.

5 Some members were very disappointed that the revised plan meant that the project would not be completed for another two years. It was pointed out that the project originally started seven years ago, being put to one side while DSEAR was being developed. Members asked if it was possible to contract out the legal work to private sector solicitors. There were a number of reasons why this suggestion could not be taken forward, ie legal expertise in HSWA work is not a common skill and was likely to be very expensive, the work would need to be tendered which would be a time-consuming process and it was highly unlikely that the financial resources would be available.

6 Nevertheless, members wished to put on record their discontent. HSE agreed to raise the issues with their senior management.

Action: HSE

LACORS revised Standard Licence Conditions

7 Alison Edwards explained that the latest draft of the revised licence conditions would be issued for comment on 5 November, with a view to making them available for use by 31 December. The number of standard conditions has been considerably reduced and, generally speaking, those which duplicated the requirements of other legislation, eg DSEAR, MHSWR etc had been removed.

Development of preferred options

7 A copy of the relevant paper had been sent to members before the meeting (ACDS/PWG/03/03). Members thought the paper was reasonably well balanced, but some further arguments for licensing could be mentioned, eg:

- Some members thought it was easier to keep track of sites and operators.
- Some members believed licensing led to a more diligent attitude from site operators.

- Given that HSC/E had recently decided to continue with a licensing scheme for explosives and fireworks, it might seem perverse to abandon the petrol licensing regime.

8 Other members preferred the notification proposals, which would be less onerous for existing site operators and would save administrative costs for both industry and petroleum enforcement authorities. Perhaps most importantly, it would remove any conflict between licence conditions and the requirements of DSEAR.

9 HSE had considered in the original paper that any change to enforcing authorities should be avoided for the time being, as there were likely to be developments in fire authority and local authority structures in the near future.

10 However, some members were still of the opinion that the enforcing role should pass to the normal local authority HSWA enforcer ie, environmental health officers. While this stance had some logic, it was pointed out that it would lead to a threefold increase in enforcing authorities from 150 to over 450. Thus any gain in consistency from the role being performed by one group of enforcers could be cancelled out by the varying priorities of the much larger number of individual enforcing authorities.

11 Members were asked to consider if the list of possible notification requirements in Annex 1 was suitable. The following comments were made:

- There was no need to include changes to the grade of petrol (mentioned in item 7 of the list).
- It would be advisable to include a requirement to notify if there were any off-site changes likely to affect the storage or dispensing of petrol.

12 Members thought it would be useful to expand the content of the Annex to make clear the legal status of the proposals. HSE agreed to do this, aiming to forward the revised version to members before the end of November.

Action: HSE

13 Members agreed to discuss the contents of the various papers within their constituencies and to report back their views a week or so prior to the next meeting of the working group on 28 January 2004. .

Action: Members

Any other business

14 Two items were raised:

- Take-up of DEFRA's groundwater protection code.
- Details of the proposed tanker unloading regulations.

15 Members agreed that much of the industry seemed to be aware of the existence and contents of the DEFRA code, including all the major oil companies and many PRA members. It was also included in the UKPIA Risk Manager CD self-training aid.

16 Peter Roberts mentioned that work was progressing on developing a new set of regulations to replace the petrol unloading and approved tank requirements, currently contained in the Carriage of Dangerous Goods by Road Regulations 1996. Further details would be sent to members in due course. The new regulations would not create any new requirements – they are, in effect, a ‘tidying-up’ measure.

Date of next meeting

17 The next meeting will be on 28 January 2004 at 10.30am in Rose Court’s Rose Room.