

# Health and Safety Executive OC 400/8

Field Operations Division

See OC 847/7

To

Agricultural Inspectors

FCG Specialist Inspectors (Fire and Explosion)

## **THE CONTROL OF POLLUTION (SILAGE, SLURRY AND AGRICULTURAL FUEL OIL) REGULATIONS 1991**

This OC gives information about the above Regulations enforced by the National Rivers Authority (in England and Wales) and by the River Purification Boards (in Scotland) and which could overlap advice given on HSW matters.

### INTRODUCTION

1 The above Regulations, made under the Water Act 1989 and intended to prevent water pollution, are enforced by the National Rivers Authority (NRA) in England and Wales, and by the River Purification Boards (RPB) in Scotland. However, inspectors are receiving enquiries on the application of the Regulations and information has therefore been issued so that inspectors may be aware of the implications of this new legislation.

### ADVICE BY INSPECTORS

2 Anyone requesting advice on the Regulations should be referred to the NRA or to the relevant Scottish RPB. However, inspectors will need to be mindful of the requirements of the Regulations when providing advice on health or safety aspects of facilities for the storage of silage, slurry, or fuel on farms, eg in relation to the requirement to bund diesel fuel tanks. The requirements may also impinge on specifications described in current relevant British standards.

### REQUIREMENTS

3 The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 (SI 1991 No 324) (file 400) took effect from 1 March 1991 and came fully into force on 1 September 1991. They are intended to minimise the risks of pollution from silage effluent, slurry and agricultural fuel oil by setting out standards that are required for the design and construction of storage facilities on farms in England and Wales. Slightly different arrangements apply in Scotland and the equivalent Regulations for Scotland are The Control of Pollution (Silage, Slurry and Agricultural Fuel oil) (Scotland) Regulations 1991 SI 1991 No 346 (file 400 Scottish Offices).

4 New, substantially reconstructed and subsequently enlarged facilities are included, with certain

exemptions where work was started before 1 March 1991. Existing facilities are exempt. However, the NRA or the relevant Scottish RPB can serve a notice requiring existing facilities to be improved where there is a significant risk of pollution. Farmers may appeal against such a notice. In England, appeals are addressed to the Secretary of State for the Environment; in Wales, to the Secretary of State for Wales; in Scotland to the Secretary of State for Scotland.

## MAIN PROVISIONS OF THE REGULATIONS

### Silage

5 (1) New silos must have an impermeable base, with perimeter effluent channels leading to an effluent tank. This tank must be capable of holding at least 20 litres of effluent for each cubic metre of silo capacity up to 1500 m<sup>3</sup>; 6.7 litres per m<sup>3</sup> is required for additional silo capacity above 1500 m<sup>3</sup>.

(2) The Regulations permit silage making in wrapped or sealed bales provided the bales are not stored or opened within 10 m of a watercourse. An impermeable base for the storage area is not required.

(3) The field heap method of silage making (where silage is stored with no impermeable base, perimeter effluent channels or effluent tank) will only be permitted on farms where the majority of silage has been made this way over the last 3 years. Farmers must have registered with the NRA by 1 September 1991 to continue using this method. This exemption will be reviewed in 5 years' time. The field heap method is not permitted in Scotland.

(4) Additionally, in Scotland, farmers making silage wrapped in an impermeable membrane are required to notify the RPB, 14 days before commencing work.

### Slurry

6 (1) Slurry includes dilute effluents (dirty water) and run-off from solid manure stored in yards.

(2) Four months' storage capacity (6 months in Scotland) will normally be required for new stores, although if safe year-round disposal can be achieved, less storage capacity may be needed. Reception pits and any channels must have capacity for 2 days' slurry production. Stores must be designed and constructed to be impermeable although the weeping wall system will be permitted, subject to certain additional requirements.

(3) Drainage pipes from slurry stores in most cases must have 2 shut-off valves, locked shut when not in use.

(4) Earth-banked slurry stores must be designed with 750 mm freeboard and other stores 300 mm. The freeboard on earth-banked slurry stores must be maintained during use.

### Fuel oil

7 (1) Where more than 1500 litres of fuel oil is stored on the farm, above ground tanks and drums must be surrounded by an impermeable bund wall. The bund must be able to contain a specified volume of oil, or oil and water, and this varies depending on whether fuel tanks or drums are used.

- (2) Fixed taps and valves on tanks must discharge downwards and valves must be locked shut when not in use.
- (3) Discharge pipes from tanks must be fitted with a nozzle which contains an automatic shut-off device. This pipe must be locked within the bunded area when not in use.
- (4) The Regulations do not apply to separately-stored domestic fuel oils.

## General provisions

- 8 (1) All new facilities must be at least 10 m from watercourses and inland or coastal waters. They are also required to have a 20-year durability life.
- (2) The NRA or the Scottish RPB must be notified of new, substantially enlarged or substantially reconstructed facilities, at least 14 days before they are used; it is entirely the farmer's responsibility to notify, and it is an offence not to do so. Notification forms are available from local NRA offices or Scottish RPBs.
- (3) The penalty for failing to comply with the Regulations is a fine of up to £2000 on summary conviction, or unlimited fine on indictment.

### FURTHER INFORMATION

9 The DoE have produced a booklet *Guidance Notes for Farmers*, describing the requirements of the Regulations more fully. Copies have been distributed to file 400. Further copies of the booklet can be obtained free of charge by writing to: Department of the Environment, Water Environment Division, Room A405, Romney House, 43 Marsh Street, London SW1P 3PY.

10 In Scotland, the Scottish Office Environment Department, Water Policy Division, has produced a booklet *The control of pollution silage, slurry and agricultural fuel oil (Scotland) Regulations 1991 Guidance Notes* (file 400 Scottish Offices) available, free of charge, from 27 Perth Street, Edinburgh EH3 5RB (telephone 031 244 2921).

11 The Ministry of Agriculture, Fisheries and Food have also produced guidance in the *Code of Good Agricultural Practice for the protection of water* (file 400). This was published in July 1991. Copies are available from MAFF Publications, London SE99 7TP (telephone 081 694 8862).

12 The Scottish Office Agriculture and Fisheries Department has produced guidance: *The prevention of environmental pollution from agricultural activities - code of practice* (to be issued to file 400 Scottish Offices), available from Pentland House, 47 Robbs Loan, Edinburgh EH14 1SL (telephone 031 556 8400).

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## ASI headings

Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991: farms: fuel: pollution: silage: slurry: storage: water.