

Control of Pollution (Oil Storage) (Wales) Regulations 2016

March 2016

Known as the Oil storage regulations or OSR Wales, these regulations require anyone in Wales who stores more than 200 litres of oil, to provide more secure containment facilities for tanks, drums, Intermediate Bulk Containers (IBCs) and mobile bowsers. This is to prevent oil escaping into the environment.

This document contains questions and answers on the **Control of Pollution (Oil Storage) (Wales) Regulations 2016**.

If you wish to read the regulations in full, you will find them at <http://www.legislation.gov.uk/wsi/2016/359/contents/made>

The Welsh Government has published Guidance on the Regulations:

<http://gov.wales/topics/environmentcountryside/epq/waterflooding/oil-storage-standards/?lang=en>

Good practice to help you comply is available in:

- [Above ground oil storage: GPP 2](http://www.netregs.org.uk/media/1299/gpp-2-pdf.pdf) (See Netregs at;<http://www.netregs.org.uk/media/1299/gpp-2-pdf.pdf>)
- [Drums and intermediate bulk containers: PPG 26](http://sepa.org.uk/media/60190/ppg-26-safe-storage-drums-and-intermediate-bulk-containers.pdf) (see Netregs at: <http://sepa.org.uk/media/60190/ppg-26-safe-storage-drums-and-intermediate-bulk-containers.pdf>)

Remember that other regulations and standards apply to the storage of oil and these aren't enforced by us. For example, [Building Regulations](#), OSR England(See: <https://www.gov.uk/oil-storage-regulations-and-safety/overview>), [OSR Northern Ireland](#), [OSR Scotland](#) and petroleum licensing legislation.

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These questions and answers were written in 2016.

Do the regulations apply to you?

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Find out if the Control of Pollution (Oil Storage) (Wales) Regulations 2016 apply to your home or business.

The Regulations require anyone who stores more than 200 litres of oil in Wales to provide more secure containment facilities for tanks, drums, Intermediate Bulk Containers (IBCs) and mobile bowsers, to prevent oil escaping into the environment.

Where do they apply?

The regulations only apply in Wales.

The Control of Pollution (Oil Storage) Regulations (England) 2001 apply in England. They have some different requirements to the OSR Wales. If you store oil in England you should check the GOV.UK website for details:

- [GOV.UK, Storing oil at your home or business](#)

The Water Environment (Oil Storage) (Scotland) Regulations 2006 apply in Scotland. These regulations are different to the OSR Wales and if you store oil in Scotland you should check the Scottish Environment Protection Agency (SEPA) website for details:

- [SEPA](#)

The Control of Pollution (Oil Storage) Regulations (Northern Ireland) 2010 apply in Northern Ireland. They have different requirements to the OSR Wales. If you store oil in Northern Ireland you should check the Northern Ireland Environment Agency (NIEA) website for details:

- [NIEA](#)

When do they apply?

The Regulations will come into force in 3 stages following their approval by the Welsh Assembly. These are:

- Tanks installed after the Regulations come in to force on 15 March 2016 will have to comply with the Regulations from the date they are installed.
- Existing tanks at significant risk (i.e. facilities that are located within 10 metres of any surface water or wetland, or 50 metres of a borehole or well), will have to comply within 2 years (i.e. by 15 March 2018).
- Existing tanks not at significant risk will have to comply within 4 years (i.e. by 15 March 2020).

Definitions of in-use, storage and oil

There is no legal definition of 'in-use' or 'storage' in OSR Wales.

For the purposes of the regulations we would:

- look at site-specific details
- consider the risk on site
- check what measures are being taken to help reduce potential incidents

Generally, if oil is being used but not stored, it's likely to be exempt from the OSR Wales, with the notable exception of oil in ancillary tanks associated with transformers which would require secondary containment. Note also that if a road tanker is clearly being used to store oil on site as opposed to transporting it, an exemption will cease to apply. See **Can I store oil in a road tanker without secondary containment?** below.

There is no specific definition of 'oil' in OSR Wales. This is because the regulations cover a wide variety of oils and their associated products and could, for example, include oil based cutting and machining fluids.

Which types of oil are covered?

The regulations cover all types of oil, except bitumen. This includes petrol, diesel, bio-fuels, vegetable oils, waste oil, synthetic and mineral oils and oils used as solvents. Biodegradable oils are also covered.

Waste mineral oil is also covered by exemption S1 in Section 2 of Chapter 5 of Schedule 3 to the Environmental Permitting Regulations 2010 (EPR). Waste oil storage above 3 cubic metres must have an Environmental Permit from us, see 'Sites regulated under the Environmental Permitting Regulations' below.

Mixed petrol and diesel from miss-fuelling of vehicles is considered to be waste oil because it can no longer be used as a vehicle fuel. This mixed fuel is regulated as for waste mineral oil above.

Previously used oil, for example oil that has been drained from vehicle engines, that is stored for use in space heaters is waste oil. If you are storing this where it is produced (emptied from the vehicles) it is covered by a non-registerable exemption under Paragraph 2 of Part 3 of Schedule 25 to the EPR 2010, however, you must store this in compliance with the OSR Wales.

What isn't covered by the regulations?

The regulations, and the [Welsh Government guidance](#), specifically exclude bitumen from the regulations because it is solid at ambient temperatures. There are some hydrocarbon based products we consider not to be included, for example:

- Liquid Petroleum Gas (LPG)
- non oil-based solvents, for example trichloroethylene
- aromatic hydrocarbons, for example benzene and toluene

We may use other regulatory powers to control the pollution risk from the storage of these products, for example Anti-Pollution Works Regulations, Groundwater Regulations or Civil Sanctions.

Oil stored at marinas, both on the bank or on pontoons

Oil storage at marinas must comply with the OSR Wales. We recommend that tanks in areas that are prone to high tides or floods are secured to prevent them lifting or floating away. Ask your tank installer for advice on how to do this safely.

Oil storage on barges at coastal marinas comes under the jurisdiction of the harbour master and is not covered by these regulations.

"The storage of petroleum spirit is controlled by the Petroleum (Consolidation) Regulations 2014 and the Dangerous Substance and Explosive Atmospheres Regulations.2002. Before you can store petroleum spirit you must have a storage certificate, available from the petroleum enforcement authority, (PEA) which may be the County Council trading standards department, the fire service or environmental health department.

'Service boats' whose use includes dispensing oil to refuel customers' boats, are covered by the requirements of the regulations. They aren't premises for the sole purpose of 'onwards distribution' because they provide oil to customers who will use it.

Houseboats and barges used as domestic premises

For the purposes of the OSR Wales we regard a houseboat or barge where someone lives as a private dwelling, and can constitute 'premises'. The term 'premises' is defined by Environment Act 1995 and includes vessels.

New oil storage tanks on houseboats installed after 15 March 2016 must therefore comply with the Regulations. Tanks in use before that date remain exempt until replaced.

Sites regulated under the Environmental Permitting Regulations - formerly Integrated Pollution Control or Pollution Prevention and Control regimes

If the permit for a site specifically includes oil storage standards, the installation is exempt from the OSR Wales. It is our policy to regulate only once. A standard condition will be included in permits stating that oil stores should comply with OSR Wales. Local Authorities who enforce EPR A(2) installations and Part B processes should do likewise.

Where the OSR Wales standards are not stringent enough to adequately reduce the risk of environmental damage from a site, the permit will specify the measures over and above OSR Wales standards. This will be enforced under the relevant regime.

Where the standards of the regulations are not appropriate for technical reasons, we will agree site-specific measures, to achieve the aims of OSR Wales using different means. We will take into account the risks to the environment and the costs to the operator.

Crown sites

Crown sites must comply with OSR Wales. Although we can't prosecute for non-compliance, we can ask the High Court for a declaration that the Crown has acted unlawfully.

Oil storage at airports

Oil stored above ground at airports may have to comply with the OSR Wales – depending on who owns the store.

Oil owned by an oil company (at its own depot on or near the airport) and sold to airline companies for use in their aircraft is oil storage for onward distribution. It is exempt from the regulations but likely to be subject to permitted activity conditions.

Oil owned by an airport, commercial airline or private owner which is used to fill their own planes, is oil storage for end use – not onward distribution. It is covered by the regulations and must be provided with secondary containment.

Please see the information on oil storage in road tankers on the oil containers page, for more information:

- [Oil containers](#)

Exemptions

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The regulations don't apply to all oil storage, so find out if your oil storage is exempt.

Is grease exempt from the Oil Storage Regulations 2016?

Not necessarily. We may ask for grease to be stored on a drip tray, but we expect that containers are either below 200 litres or stored indoors.

Do heat transfer fluids come under the regulations?

No, oil in the transformer is being **used** rather than **stored**.

But bulk storage tanks are regarded as **oil in storage** and are covered by the OSR Wales, unless the exemptions apply.

Some transformer header tanks may also come under this category, if they are greater than 200 litres and connected directly to the transformer by a one-way feed pipe, tank to transformer.

If the transformer has an expansion tank, the container is regarded as being part of the transformer with oil in use and is exempt from OSR Wales.

Transformers in storage awaiting installation or disposal are not normally regarded as oil storage containers.

Are bitumen and bitumen products exempt?

Yes, there is a specific exemption for bitumen. This is because for products that are solid or near solid at ambient temperatures, it is impractical to provide secondary containment.

Bitumen-based products that are liquid at ambient temperatures should be stored in line with the regulations.

What is a building?

The term 'building' is not defined in OSR Wales, but is defined in the Building Regulations 2000 as being a permanent or temporary building, or part of a building. The definition excludes other kind of structure.

We interpret this definition to mean a construction with both walls and a roof, rather than a framed tent or supported roof.

Oil storage within a building must comply with the OSR Wales. In some cases, the building may provide the necessary secondary containment to prevent oil escaping into the environment. A simple risk assessment would show whether oil could escape. For example, consider the risk of leaks via the presence of air bricks, installing sleeping policemen as barriers at entrances and the need to ensure the floor and walls are impermeable to any spilled oil.

Secondary containment for tanks within buildings may be a requirement of the building regulations, for example, fire safety. We recommend you check with your local authority to see if this applies to you.

Is oil stored in a generator covered by OSR Wales?

Oil storage rules only apply to generators and associated oil containers where the oil is being **stored**, rather than **used**, and where no other exemptions apply. If possible use commercially available generators with built-in secondary containment for the storage or day tank.

Oil storage rules **don't** apply to 'day job' generators where all the following apply, the generator:

- is taken to and from a job on a daily basis
- has a day tank capacity of 200 litres or less
- oil is all used during an operating day
- is stored with an empty day tank when not in use

Oil storage rules **do** apply to:

Generators that:

- are either taken to and from a job on a daily basis or are in constant use, and
- have a day tank with a capacity of more than 200 litres, and
- where the oil isn't all used in the operating day.

Stand-by generators not in continual use that:

- have a day tank of greater than 200 litres capacity, and
- are storing oil for later use.

Day tanks for both the above require 110 per cent secondary containment.

Oil storage tanks that:

- supply a generator (in full time or standby use), or
- are used to fill up other mobile generator day tanks, and
- hold more than 200 litres.

It's good practice to provide secondary containment for **all** generators, tanks and their associated pipework to catch any spills or leaks – whether or not you must comply with the OSR Wales. If they don't have secondary containment the potential for harm to the environment from an oil spill is high.

Generator housings will not normally be regarded as buildings under the regulations.

Is oil held at a distribution site exempt from OSR Wales?

Yes, a distribution site is exempt if onward distribution is the primary business of the site. The exemption applies to the whole site and all above ground oil storage is exempt.

Nevertheless, you should follow the requirements in 'Environmental guidelines for petroleum distribution installations' published by the Energy Institute. And meet the OSR Wales standards, where practicable, to minimise risks to the environment.

Is oil used in domestic premises exempt?

No, any new or replacement tank installed after 15 March 2016 must comply with OSR Wales. If the oil storage container was in use before that date it remains exempt until replaced.

- We recommend you read the "Get to know your oil tank" information on the Oil Care Campaign web site: [Get to know your oil tank](#)

Building regulations also apply to all new, or replacement, oil storage tanks used for heating and cooking, regardless of their capacity.

Under OSR Wales:

- Holiday homes, bed and breakfast and rented accommodation are viewed as being domestic premises.
- Oil storage for a house with an office within it would be treated as domestic if the building is used wholly, or mainly, as a private dwelling.
- Residential care homes aren't exempt as they're not used wholly, or mainly, as a private dwelling.

Building Regulations

New and replacement above ground oil storage tanks for home heating and cooking are covered by the Building Regulations 2010, Approved Document J.

- [Approved Document J 2010](#)

Even if oil storage at your home is currently exempt, you should follow the good practice guidance in the following Pollution Prevention Guidance document:

- [Above ground oil storage GPP2 \(PDF, 451KB\)](#)
- [\(See also: http://www.netregs.org.uk/media/1299/gpp-2-pdf.pdf\)](#)

Oil storage compliance on farms

The oil storage provisions of the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010 (SSAFO) have been repealed and replaced by the OSR Wales.

The Oil Storage Regulations therefore apply to the storage of any oil on farms including the storage of oil used for heating and/or power on premises as defined by the Agriculture Act 1947, which includes horticulture, fruit growing, seed growing, market gardens and nursery grounds – formerly covered by the SSAFO Regulations.

The OSR Wales require a greater level of environment protection and operators or owners of oil storage on farms must bring facilities up to the new minimum requirements:

- for new tanks from 15 March 2016
- for existing tanks in significant risk locations from 15 March 2018
- for all other tanks from 15 March 2020

Main Differences from SSAFO

Although the requirements are broadly similar to those in SSAFO, there are some important differences e.g. apply to containers/volumes of oil above 200 litres, mobile bowlers and waste oil are now covered and were exempt under SSAFO. Oil in use within construction or farm machinery is exempt. A premises largely used for domestic purposes, e.g. a farmhouse with occasional office usage is exempt unless a new or replacement tank is installed, whereas, buildings converted into holiday letting units are defined as business use and are covered by the Regulations.

Do the regulations cover waste oils?

Yes. All waste oil storage must comply with the standards in the OSR Wales. This includes mineral, vegetable or synthetic oils and fuel arising as a result of the miss-fuelling of a vehicle. In addition, waste mineral oils are regulated under the EPR by either a permit or an exemption.

Where a permit is issued, we will include comparable storage standards as a condition of your permit.

Previously used oil, for example oil that has been drained from vehicle engines, that is stored for use in space heaters is waste oil and must comply with the OSR. If you are storing this where it is produced (emptied from the vehicles) it is covered by a non registerable exemption under

Paragraph 2 of Part 3 of Schedule 25 to the EPR 2010. You must store this in a secure place so that it can't escape.

Do the regulations cover mobile bowzers used at permitted waste sites?

Mobile bowzers, or storage trailers, used at all permitted waste sites, must comply with OSR Wales.

Clarification on underground and part buried tanks

The OSR Wales exempt any containers which are 'wholly underground', see our definition below. These oil containers don't have to meet the minimum requirements of the OSR, but should follow the guidance in the '[Groundwater Protection: Principles and Practice \(GP3\)](#)' guidance. Especially; Part 2, Section D storage of Pollutants.

We don't consider a part buried tank to be wholly underground and these tanks must meet the requirements of the OSR Wales in full.

Underground storage constitutes storage whereby the tank is not wholly visible on a permanent basis and/or isn't accessible from ground level. Wholly underground does not mean below ground level within a building, e.g. in a cellar, where any stored oil should comply with OSR Wales.

Any tank that is partially set in the ground (part buried) in a secondary containment system and is totally accessible and wholly visible will be considered to be an above ground tank and will need to comply with the Oil Storage Regulations.

How do the OSR Wales work with other European tank manufacturing standards?

There are European tank manufacturing standards that don't require tanks to have a minimum of 110% secondary containment capacity.

The requirements of the OSR Wales would take precedence for oil storage in Wales, unless the European standards are contained in legislation. Legislation (Acts, Regulations, Orders) take precedence over standards published in non-legislative documents. So the 110% containment provision is a legal requirement that has to be met, but a tank without 110% secondary containment capacity can be placed within a containment system that meets the requirement.

Oil containers

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Find out how the regulations apply to different kinds of oil containers.

What types of oil container are covered by the OSR Wales?

The regulations apply to:

- tanks (can be permanent or temporary)
- drums greater than 200 litres capacity
- intermediate bulk containers (IBCs)
- mobile bowers

Oil storage containers can be made from a variety of materials, for example polyethylene or metal, but all should be designed and manufactured to hold oil and must be 'fit for purpose' while they are being used.

We regard an Intermediate Bulk Container (IBC) as being permanent oil storage and the requirements for fixed tanks apply.

Please read our Pollution Prevention Guidance document below, for details of how the OSR Wales apply to these storage containers:

- See: <http://sepa.org.uk/media/60190/ppg-26-safe-storage-drums-and-intermediate-bulk-containers.pdf>

How do I know if a tank will comply with the regulations?

There are British Standards and OFTEC standards that mean many of the minimum requirements of the OSR Wales are met, when a tank is manufactured to the specification. These include:

- For polyethylene tanks: OFTEC OFS T100
- For steel tanks: BS 799-5
OFTEC OFS T200

But, however well a tank is manufactured there are other aspects you need to consider to make sure your tank complies with the OSR Wales. These include location, use of fixed coupling points and drip trays during delivery, maintenance and security.

Does the OSR Wales apply to the size of the container or the amount of oil stored in it?

The OSR Wales applies to the **size** of the container rather than the contents. An oil storage tank with a capacity of 1,000 litres, with only 199 litres of stored oil, is within the regulations.

What is the definition of a mobile bowser?

For the purpose of the regulations, a mobile bowser is defined as being:

- an oil storage container that can't move under its own power (we don't consider a rigid or articulated road tanker to be a mobile bowser)
- designed for storing and dispensing oil
- able to move between locations

A mobile bowser's design should prevent oil from being lost from the container in the event of a collision, drop, roll over or similar incident.

Mobile bowsers may have wheels or be transported on or by another vehicle.

The regulations state that trailer-tankers towed by road-tankers of a similar size are not mobile bowsers.

There are many types of self-bunded bowsers now available. Bowsers that aren't bunded must be kept in a bunded area than can hold 110 per cent capacity when in use. A drip tray with a capacity of 25 per cent is acceptable for single drums.

Note that the Carriage of Dangerous Goods (ADR) legislation may apply if you use a mobile bower on the public highway.

Can I store oil in a road tanker without secondary containment?

Road tankers are designed to transport oil – **not** for storage. You shouldn't store oil in a road tanker, unless you provide secondary containment for the tanker.

We may use our powers under the Anti-Pollution Works Notices Regulations 1999, to require suitable pollution prevention measures based on the risks on site and the costs/benefits to the environment and the owner, or to stop your activities.

Is an empty tank covered by the regulations?

The regulations are designed to stop oil escaping into the environment.

Many abandoned tanks will have an oily residue at the bottom that could cause pollution.

We advise that redundant tanks are properly decommissioned and removed in line with the waste duty of care.

Where removal is not possible an abandoned tank should be filled with a material that will ensure it can't be used again.

Secondary containment

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Find out how the regulations apply to secondary containment

How big does my secondary containment for a single oil container need to be?

For one tank, mobile bowser or Intermediate Bulk Container (IBC), the secondary containment must be able to hold 110 per cent of the volume that the container can hold.

For one storage drum you can store it on a drip tray. The drip tray must be able to hold 25 per cent of the drum's total volume – not 25 per cent of the amount of oil the drum has in it.

How big does my secondary containment need to be if I have more than one container in a storage area?

More than one tank in the same secondary containment system

If the tanks aren't hydraulically linked but are in the same secondary containment system, the containment capacity must be a minimum of 25 per cent of the total capacity or 110 per cent of the largest tank, whichever is greatest.

If the tanks are hydraulically linked but situated in the same containment system, they should be treated as one tank. The containment capacity should be a minimum of 110 per cent of the total capacity of the tanks.

Tanks in different secondary containment systems

If the tanks are hydraulically linked, but in separate containment systems, containment of at least 110 per cent of the total volume stored is required at each location.

There may be benefits in hydraulically linking the secondary containment systems.

Storage of multiple oil drums

If you are storing more than one drum on a drip tray the drip tray must be able to hold 25 per cent of the total volume for the number of drums that can be stored on it.

How do I know if my double-skinned tank complies with the regulations?

A double-skinned tank, otherwise known as a twin-walled tank, is unlikely to provide adequate secondary containment on its own.

Double-skinned tanks have an inner tank surrounded by an outer skin for extra strength. Don't confuse double-skinned tanks with integrally-banded tanks; they don't give the same protection against oil loss from overfilling, or damage to tank or pipework, and require extra secondary containment, to OSR Wales standard, when installed above ground.

Effective secondary containment will include ancillary equipment as well as the storage tank. This means that sight gauges and valves should also be inside the secondary containment facility. Vent pipes should discharge vertically into the secondary containment facility.

Where can I find information on building a bund?

You need to make sure your bund is built properly. It must be able to withstand total failure of a full tank. See:

<http://www.ciria.org/ItemDetail?iProductCode=C736D&Category=DOWNLOAD&WebsiteKey=3f18c87a-d62b-4eca-8ef4-9b09309c1c91> for how to construct **Containment systems for the prevention of pollution (C736D)**

What is an acceptable impermeability level for a constructed bund?

The regulations state that a container's base and walls are both 'impermeable to water and oil'. The regulations don't specify any particular construction materials for a secondary container.

A constructed bund, for example made from bricks and mortar, is unlikely to be impermeable without internal rendering or a specialist coating to achieve a permeability coefficient of not less than 10⁻⁹ metres per second.

Can I take the volume of the primary tank into account when calculating secondary containment capacity?

Yes, the regulations don't specify otherwise. They simply state that the secondary container 'must have a capacity of not less 110 per cent of the container's storage capacity'.

The primary container volume can be taken into account where applicable.

Most proprietary tank systems are designed so that the oil finds its own level in both containers if the primary container leaks. In this instance, the primary container contributes to the total containment capacity. You should take into account that these systems may only provide a 10 per cent containment capacity in the event of overfilling.

Oil will also find its own level in a conventional bund when the tank is situated low down.

For example, a maximum volume delivery made to a tank more than 10 per cent full will result in a loss of oil from the secondary containment.

The use of an overfill prevention device is good practice and you should consider these or other additional pollution prevention safeguards, such as additional containment capacity in sensitive locations.

Other secondary containment options

An oil separator isn't a form of secondary containment. We consider this to be tertiary containment and will not be accepted as containment under the OSR Wales.

What should I do if my secondary containment doesn't have enough capacity for my tank/tanks?

If your oil storage isn't exempt from the regulations and your secondary containment doesn't meet the minimum legal size your oil storage system will become illegal depending on when the system needs to comply, either in March 2018 or at the latest by 15 March 2020.. You should do work to make your tank is compliant as soon as possible. If, after reading this, you aren't sure how you may be able to do this, please ask your tank manufacturer or us for advice.

We do not consider management practices that maintain low oil volumes in a tank as a permanent way of complying with OSR. But you could use these as temporary solution until you do work to make your tank compliant with the regulations.

The best permanent solution is either:

- To increase the size of your secondary containment by:
 - having a new larger bund built; or
 - raising the height of the walls of your existing bund.
- or replace your oil tank and secondary containment with a new, legally compliant, system.

If you can't follow these options it may be possible to reduce the maximum capacity of the tank so that your current secondary containment becomes legal. Options **may** include:

- Adding an inert substance into your tank to permanently reduce the volume of oil the tank can hold.

- Changing where the vent pipe leaves the tank to reduce the tank capacity. There are risks with this approach. If you consider this option you must make sure the vent outlet is still within the secondary containment and that it's arranged so any oil is discharged vertically downwards into the secondary containment. An overfill prevention device and alarm should be fitted.

You should check with the tank manufacturer or a tank engineer to find out what's possible for your tank. It may not be possible to alter some tanks or the tank may not be able to support additional weight. Any work must not affect the structural integrity or performance (environmental protection, storage and dispensing) of your tank.

You should only allow a qualified professional to work on your tank or bund. There are professional competent schemes run by different organisations – see the [Competent Persons Register](#). Any changes to built secondary containment, bunds, should follow the guidance for concrete or masonry constructed bunds. See: <http://www.ciria.org/ItemDetail?iProductCode=C736D&Category=DOWNLOAD&WebsiteKey=3f18c87a-d62b-4eca-8ef4-9b09309c1c91> for how to construct **Containment systems for the prevention of pollution (C736D)**

If you reduce the capacity of your tank/s it's important that you change the labelling on your tank and at remote fill points, to show the new tank capacity.

Ancillary equipment, pipework and pumps

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Find out about ancillary equipment, pipework and pumps, and the Control of Pollution (Oil Storage) (Wales) Regulations 2016.

Can an isolating valve and filter be outside the secondary containment?

Yes.

The isolating valve and filter can be outside the containment if the valve has a fixed draw-off from an integrally banded prefabricated tank. In this case they'd be regarded as ancillary to the downstream equipment. The isolating valve needs to be accessible for routine maintenance and in an emergency, so can be outside the prefabricated system.

The isolating valve for single skinned or dual walled tanks sited within a constructed secondary containment system should be within the secondary containment.

We recommend that the isolating valve is put inside the secondary containment if possible.

What is a mechanical joint in underground pipework?

This is any joint where two or more pieces of pipe have been connected using a fitting. The fitting must be attached to the ends of both pipes, which can be taken apart.

Compression and threaded fittings are examples of mechanical joints.

Mechanical joints in below ground pipework must be installed in a place that is accessible for inspection. The pipework must be tested for leaks before it is first used, and then every five years.

Welded, braised or soldered joints or continuous pipework made from metal or plastic aren't mechanical joints.

For further information see: British Standard 5410 part 1: 1997 section 8.2, Code of Practice for Oil Firing.

How can I test my pipework for leaks?

The regulations say that underground pipework must be tested for leaks every five or 10 years depending on whether there are mechanical joints.

If the pipework manufacturer's test instructions are not available, see British Standard 5410 Parts 1 and 2. These have information about pipework pressure-testing for oil firing installations. A [competent person](#) should carry out pressure testing.

Pipework made from plastic, copper and steel will need different types of testing, as will different sized pipes. We recommend you adopt the same method used for non-oil firing applications, such as refuelling facilities.

Make sure you keep a record of any pressure tests.

How can I show my underground pipework complies with regulation 7(3) - no mechanical joints, unless they're at a place which is accessible for inspection?

Existing oil firing systems should have been installed in accordance with the relevant sections of British Standard 5410 which are site specific, or with the following OFTEC Guide:

- [OFTEC Guide to Domestic Oil Supply Pipes](#)

These standards stress the importance of laying pipes in accessible ducts where possible.

If you can't show that pipes have been installed as above, further investigation may be needed, taking into account industry standard lengths of pipework and pipe accessibility.

Does my tank need an overfill prevention device?

The regulations say, that if the tank and vent pipe can't be seen from where the filling operation is controlled, then an automatic overfill prevention device must be fitted to the tank.

Fixed tank probes, that send a signal to the point where delivery is controlled, are acceptable.

We encourage the use of fail to safe overfill prevention devices and overfill warning alarms.

What is meant by a screw-fitting for tank filling being in good condition?

The regulations don't define good condition. We think it sensible to consider whether a fitting is fit for purpose in the broadest sense. You should make sure the screw thread is usable and that deliveries to the tank using the fitting can be made safely and securely.

Using the screw fitting should not increase the risk of oil spills or jeopardise operator health and safety. This includes risks from working at height. British Standard 5410 Part 2:1978 section 23 states that a safe working height for fill points is about one metre from the ground.

You should discuss the suitability of the tank's screw fitting with your oil delivery company.

Does my pump have to be within the secondary containment?

We don't consider pumps to be equipment ancillary to the container.

However, it's good practice to make sure that any oil leak would be contained within secondary containment, for example a bund or drip tray, and could not cause pollution.

If the pump is on or near the tank, for example where it is small and mounted on top of the tank, it should be positioned above the level of 110 per cent secondary containment height. Most pumps are not designed to work when submerged, but should not be so high that it can not be operated safely.

What kind of tap or valve can I have at the delivery end of a flexible pipe?

Ideally you should use a trigger nozzle with an automatic shut off system similar to those used at petrol filling-stations.

If you have a trigger nozzle without an automatic shutoff, it must not be capable of being fixed in the open position.

Nozzles with lever shut-off valves must not be used, they do not comply with these regulations.

What do I need to know about fill point drip-trays?

Ideally your tank fill point should be within the secondary containment and self drain to the storage tank. If not, you will need a shut-off valve on the fill pipe at the screw fitting end. You must also have drip tray for use during deliveries to the tank.

It is alright to have a removable drip-tray but it must be used during delivery.

If you are using a permanent drip tray, the fill-point and tray should ideally be in a cabinet (or other protection) to keep rain, dust and dirt out. The cabinet should be kept locked to stop unauthorised use.

Talk to your delivery company about drip tray positioning, type and procedures.

What capacity does my tank fill point drip-tray need to be?

The drip tray should be big enough to hold oil that could be lost when the fill point shut off valve has been closed and the delivery hose is disconnected. This will typically be less than five litres but calculate the exact volume for your pipework and allow extra capacity for a safety margin.

We recommend that you talk to your oil delivery company about this.

What can I use as a fill point drip tray?

You can use any container that is specifically designed or manufactured to do the job.

It must be strong enough, made of oil resistant material and, ideally, have handles for lifting, emptying and cleaning.

Whose responsibility is it to empty my fill point drip-tray?

A tank owner is responsible for emptying a drip tray or arranging to have it emptied.

The drip-tray should be clean, free of water, debris and oil before delivery and any oil should be removed immediately after a delivery.

If the drip-tray is clean it may be possible to empty oil into the tank but only if it's safe and easy to do so without risk of spills.

Your oil delivery company may be able to take the oil away or provide other services; you should discuss this with them.

The disposal and carriage of waste oil has strict legal controls, especially if you're producing this as a business. You must find out what applies to your own circumstances.

Enforcement

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Find out about the penalties for failing to comply with the regulations.

How do we enforce the regulations?

We are responsible for enforcing these regulations. Failure to comply is a criminal offence. You could be fined up to £5,000.

If you are concerned that your oil storage facilities are inadequate, we will provide advice and guidance to help you comply voluntarily.

We can serve a notice under section 161A Water Resources Act 1991 (works notice) to make you improve your oil storage standards. Failure to comply with a notice is a criminal offence and may result in prosecution.

We are also able to use the following civil sanctions for a breach of regulation 9(1) of the OSR Wales:

- fixed monetary penalty
- variable monetary penalty
- restoration notice
- stop notice
- enforcement undertaking

Control of Pollution (Oil Storage) (Wales) Regulations 2016 extract.

Regulation 9.

9—(1) A person who contravenes regulations 4, 5(1), 6(1), 7(1) or 8(1) is guilty of an offence.

(2) A person guilty of the offence in paragraph (1) is liable, on summary conviction or on conviction on indictment, to a fine.

Are distributors committing an offence by delivering to a non-compliant tank?

The Welsh Government has said this would not be an offence as it is the non-compliance of the tank that constitutes the offence.

However, if a pollution incident happens during, or following, a delivery, we'll look closely at the circumstances to see if the distributor used appropriate judgment to decide if the tank was fit to receive the delivery.

Do we expect oil delivery company drivers to have sufficient knowledge of the regulations to identify a non-compliant tank?

We expect drivers to have adequate training to cover this requirement. The training should include appropriate industry guidance. Drivers use common sense when handling a product that has a big environmental impact.

Who is responsible for a tank loaned to a customer?

This would depend on what is meant by loaning and what agreements and conditions are attached to the loan.

A company who supplied an unbunded tank to a customer would not be in breach of the regulations, the supplier should state that the tank is non-compliant without secondary

containment. Responsibility rests with the site operator (who has custody or control of the oil). A supplier can provide a tank without secondary containment for a user to install in a bund.

We urge customers to only accept bunded tanks and equipment to comply with the regulations.

What are the legal requirements to maintain tanks?

There are no legal requirements for the maintenance of tanks. For guidance, please read Above Ground Storage - Pollution Prevention Guidance (PPG) note 2:

- <http://www.netregs.org.uk/media/1299/gpp-2-pdf.pdf>

Qualified technicians should do an annual check on tank installations when they routinely inspect a boiler and they also produce a tank checklist.

We expect visual checks to be done at least weekly and would encourage tank checks to become part of the routine maintenance schedule. For more information, please read the regular checks information on the Oil Care website:

- [Oil Care, Regular tank checks](#)