



LEITRIM COUNTY COUNCIL



**Dangerous Substances Act 1972
Dangerous Substances (Flammable Liquids and
Fuels Distribution and Commercial Supply Stores)
Regulations, 2019
DISTRIBUTION AND COMMERCIAL SUPPLY STORES
APPLICATION REQUIREMENTS & APPLICATION FORM**

**APPLICATION REQUIREMENTS - PLEASE READ AND COMPLY WITH PARTS 1, 2, 3, 4, 5
BEFORE COMPLETING THE APPLICATION FORM IN PART 6**

Application for A Licence (Regulation 8)

**Dangerous Substances (Flammable Liquids and Fuels Distribution and Commercial Supply
Stores Stores) Regulations, 2019 (S.I. No 631 (2019))**

Applications for licences under the Dangerous Substance Act 1972 must comply with the above regulations. The following are some of the more important requirements of these regulations but it is necessary to comply with all the requirements of these regulations.

Under Regulations 7 & 8 All licence applications must be accompanied by a risk assessment in the form outlined in Regulation 12.

**PART 1 – RISK ASSESSMENT
(Regulation 12)**

1. Every licensee or owner or operator shall engage a competent person to prepare a risk assessment of the risk of injury on site. A risk assessment of a retail store or kerbside retail 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 offloading and dispensing of flammable liquids and fuels and the measures taken which minimise the risk of injury to as low a level as is reasonably practicable;
- (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 is reasonably practicable.

NOTE: UNDER REGULATION 7 & 8 THE LICENSEE OF A RETAIL STORE 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 17.

**PART 1 – RISK ASSESSMENT
(continued)**

2. Matters to be included in Risk Assessment of a Flammable Liquids Fuels Distribution and Commercial Supply Stores (Regulation 12 & Schedule 4)

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

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

Note – An Explosion Protection Document must be prepared in conjunction with the risk assessment (See 3 below).

3. Explosion Protection Document - In accordance with Part 8 of the Safety, Health and Welfare at Work (General Application) Regulations 2007, a risk assessment and a separate explosion protection document must address the potential risks to employees from explosive atmospheres and a classification of the hazardous zones that arise within the site. Only equipment which has been specifically approved for use in hazardous zones can be used in these areas i.e. all electrical equipment such as dispensers, cameras, lights, speakers etc must be either located outside the hazardous zones or be specifically approved for use in that category of hazardous zone (in accordance with S.I. 230 of 2017).

An EPD is an Explosion Protection Document which contains the findings of a risk assessment of any work activity involving flammable/or explosive atmospheres. It may be incorporated or at least referenced in the Safety Statement, be part of other risk assessment documentation.

It must detail:

- Technical or organisational measures so as to reduce or prevent the risk of explosions (as set out in Schedule 2) and measures used to mitigate the effects of an explosion.
- The operation of early warning devices.
- Training instruction and supervision given to workers who work in places where an explosive or flammable atmosphere may occur.
- Operational procedures, maintenance, operation of permits to work, and co-ordination between employers.
- Classified places (according to Schedule 1) where explosions may occur called hazardous zones and detail marking of areas as well as location (including a drawing of the filling station site marking out these hazardous zones).
- Means of escape in the event of an explosion.
- The properties of substances that present an explosion hazard.
- Selection and use of suitable equipment for use in hazardous zones including certification and calibration documents.
- Equipment used that is CE marked and in compliance with SI No 230 of 2017 European Union (Equipment and Protective Systems for use in Potentially Explosive Atmospheres) Regulations 2017 (the ATEX product Regulations).
- How often the EPD is reviewed and when is it due to be reviewed again.

4. Certificates and other mandatory documents to be submitted:

- a. Petrol Vapour Recovery Certificate
- b. Electrical Safety Certificate - (See Appendix 1 of Application Form)
- c. Dispensing Equipment - Inspection Certificate (See Appendix 2 of Application Form)
- d. Written Declaration for Compressed Natural Gas (if applicable) - Provide 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). This applies where an applicant for a licence proposes to store Compressed Natural Gas on any property to which the licence relates.

Note: The new Regulations will require that anyone seeking a Dangerous Substances licence for a site on which CNG is co-located must ensure that an approved safety case from the Commission for Regulation of Utilities (CRU) is already in place when applying for a licence to a licensing authority.

- e. Fire Safety Certificate.

PART 2 - DRAWINGS AND CERTIFICATION (Regulation 12 & Schedule 5)

Applications for licences under the Dangerous Substance Act 1972 must comply with the above regulations. The following are some of the more important requirements of these regulations but it is necessary to comply with all the requirements of these regulations.

Every application for a first licence (or for the renewal of a licence continued in force under Section 8 of the Act) shall –

- a) Extract from an **Ordnance Survey Map** (3 copies) to a scale of not less than 1:2500 with the boundaries of site marked in red (Ordnance Survey maps should be stamped originals or be copies showing a copyright licence number). The map should be marked and coloured so as to clearly identify;
 - the site or proposed site (including the boundaries, which shall be marked in red) of the store
 - the surrounding district or area for not less than a distance of 1 kilometre in all directions, and
 - the north point on the plan.
- b) **Site layout plan** (3 copies) to a scale of not less than 1:100 marked and coloured so as to clearly identify–
 - i. the site (including the boundaries, which shall be marked in red) of the store
 - ii. the north point on the plan,
 - iii. above-ground or underground storage tank, (with the quantity of petroleum to be kept in each)
 - iv. Retaining enclosure
 - v. container store or container compound,
 - vi. Opening store or opening compound
 - vii. loading or unloading location,

- viii. filling or fuelling location, ventilating pipe opening,
- ix. pipeline, surface water drainage system including piped water and open drain
- x. building or similar structure (including cellars or basements) within 16 metres of any hazardous area
- xi. road or railway line
- xii. fire main (if any)
- xiii. security fence, entrance or exit gate and the distance from each other.
- xiv. the distances from each other and from any protected work

- c) **Plan drawings, elevations and sections** (3 copies) to a scale of not less than 1:50 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. surface water drainage system outfall point, paved area and fuel interceptor
 - ix. retaining enclosure and retaining walls
 - x. building or similar structure.

Plan & specification (3 copies) to a scale of not less than 1:100 shall be so marked as to show **all electrical apparatus installed or used** (including site lighting, fireman's switch etc)

- d) Every risk assessment under paragraph (1) of this Schedule shall be accompanied by particulars of;
- i. each building or place at a store or private 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,
 - ii. 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,
 - iii. the fire-fighting installation, appliances or substances to extinguish or combat the spread of fire,
 - iv. the lighting arrangements,
 - v. the total maximum aggregate quantity of flammable liquids and fuels to be kept in the fuel tanks of vehicles located in the parking facilities at the store,
 - vi. 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,
 - vii. the nature of the processes or operations carried on or to be carried on at the store and in each building or part thereof,
 - viii. the approximate maximum number of persons employed or likely to be employed at the store and, where applicable, in each building thereat, and
 - ix. any further particulars, plans, maps or drawings which the proper authority requires by a notice in writing.

Every application for an amended licence under Regulation 11 (2) of these Regulations shall comply with Regulation 12 (4) of these Regulations.

- e) Certificate of compliance (**See Appendix 1**) from a competent person for the electrical installation to confirm suitability of all electrical apparatus located in the hazardous area and of all parts of every circuit of such apparatus, including

- i. the verification of polarity,
 - ii. the effectiveness of the earth loop impedance,
 - iii. the conductance of the earth conductor and earth plate or earth rods,
 - iv. the effectiveness of every earth-leakage circuit breaker,
 - v. the insulation resistance of every circuit, and
 - vi. the suitability, effectiveness and condition of all cables, switches, fuses, plugs and socket outlets having due regard to the other provisions of this Regulations, and a certificate in an appropriate form of the results of every such inspection and test shall be kept available for inspection for not less than 2 years by the licensee, owner or contractor.
- f) A copy of current pressure test or leakproof test certificates in respect of the tank/s and pipe work.
 - g) Written statement of the measuring devices used (i.e. dipping stick or tank gauging such as 'veeder-route' system) to establish the quantity of petroleum Class I or Class II during transfer from the tank-vehicle which can safely be accommodated in the tank or compartment.
 - h) Where there is the discontinued use of underground storage tanks previously used for the storage of petroleum Class I or petroleum Class II – a certificate of decommissioning is required from a component person.
 - i) Specification (i.e. type, manufacturer, model no.) for the proposed or existing dispensing units.
 - j) Vapour Recovery.
 - k) Declaration of suitability and maintenance regime (from the appointed technical advisor) for the fuel Interceptors serving the Forecourt, Unloading, Loading.

Every risk assessment for an amended licence under Regulation 12(2) of these Regulations shall be accompanied by

- (i) one plan (in metric units of measurement) or specification or appropriate particulars (3 copies) giving details of the proposed installation, alterations, enlargement, addition or reconstruction, and
- (ii) any further particulars, plans, maps or drawings which the proper authority requires by notice in writing.

**PART 3 - FEES
(S.I. No 301 (1979))**

Application Fees are as follows:

Capacity of Store	Licence fee per year or part of year	Licence Fee (3 years)
Not exceeding 500 litres	€3.81	€11.43
500 litres to 2,500 litres	€7.62	€22.86
2,500 litres to 5,000 litres	€11.43	€34.28
5,000 litres to 25,000 litres	€15.24	€45.71
25,000 litres to 50,000 litres	€30.47	€91.42
50,000 litres to 100,000 litres	€45.71	€137.13
100,000 litres to 250,000 litres	€63.49	€190.46
Over 250,000 litres	€126.97	€380.92
License Administration fee	€ 130	
Amend Licence (less than 25,000 litres)	€3.81	
Amend Licence (greater than 25,000 litres)	50% of Licence Fee	

Note: Under the new regulations as all flammable liquids and fuels are required to be licenced not just petroleum Class 1.

All flammable liquids and fuels i.e. Petrol, Diesel, Biofuel, LPG, CNG etc are required to be included in calculating the total capacity of the store.

**PART 4 - PUBLICATIONS FOR GOOD PRACTICE FOR RETAIL AND KERBSIDE RETAIL
FLAMMABLE LIQUIDS AND FUELS STORES
(Schedule 1)**

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.

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)

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 refueling, at service stations

PART 5 – NON-COMPLIANCE & ENFORCEMENT

(Regulation 14)

Non-compliance - Sections 64, 65, 66, 67 and 68 of the Act of 2005 shall apply and an authorised person, as specified in Regulation 18, may exercise any of the powers specified in those sections for the purposes of ensuring compliance by a licensee or owner or operator with the risk assessment, conditions of a licence or Certificate of Operation, 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.

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

Under statutory Instrument No. 424 of 1999, the role of 'Minister' as referenced in the DSA 1972 is stated to mean the Health & Safety Authority. Copies of these Statutory Instruments are available on the Irish Government's Statute Book website www.irishstatutebook.ie where they are indexed by applicable year.

Persons having control of the construction of new petrol stations should apply for a Petroleum Licence as early as possible to ensure that the proposed construction of all aspects of the petrol station meet with Fire Service requirements.

Failure to apply for a licence will result in your premises being referred for a breach of the Dangerous Substances Act. Maximum fines under the Safety Health and Welfare at Work Act 2005 are now €3,000,000 and maximum prison sentence is 2 years. In addition, the person convicted can be ordered to pay the Authority's costs and expenses.

The Fire Service may also take action against 'any workplace' since the amendment of the Fire Services Act in 2003. Maximum fines under the Fire Services Act 1981 and 2003 are €130,000 and maximum prison sentence is 2 years. The Fire Services Act also includes provision for a maximum fine of €13,000 per day for offences continued after conviction.

PART 6 - APPLICATION FORM

(Regulation 8 & Schedule 2)



LEITRIM COUNTY COUNCIL



Dangerous Substances Act 1972 Dangerous Substances (Flammable Liquids and Fuels Distribution and Commercial Supply Stores) Regulations, 2019 Schedule 2 (Regulation 8)

For Office Use

Date Received: _____

Receipt No: _____

Register Reference: _____

Planning Reference: _____

Fee Received Date: _____

Premises Number: _____

Application for:

- First licence
- Amended licence
- Renewal of a licence
- Transfer of a licence

- Retail Store
- Kerbside Retail Store

Please tick appropriate boxes

Proposed Period for This Licence 1 Year 2 Years 3 Years

Existing Licence No. (If Applicable) _____

1. Applicant/Licensee:

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

Phone No. _____

Eircode. _____

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

Address _____

County _____

Place or Townland _____

Ordnance Survey Map reference _____

Eircode. _____

3. Name of Consultant/Designer:

Name and address of person(s) or firm(s) responsible for preparation of accompanying plans, calculations and specifications: -

Email: _____ Phone No. _____

4. Name of licensee/owner or operator (if application is for transfer of a licence):

5. Particulars of Plans accompanying this application (may be detailed on separate sheet):

6. Maximum quantity of Category or Categories of flammable liquids stored or to be stored at the store: -

Category 1: _____ litres in container stores	Category 2: _____ litres in container stores
_____ litres in underground tanks	_____ litres in underground tanks
_____ litres in aboveground tanks	_____ litres in aboveground tanks

Category 3: _____ litres in container stores	Total Capacity of Stores: _____
_____ litres in underground tanks	
_____ litres in aboveground tanks	

7. Other Fuels (State units measurement) e.g. Hydrogen, LPG or caged gas cylinders etc:-

Name of Fuel: _____

_____ litres in container stores

_____ litres in underground tanks

_____ litres in aboveground tanks

Name of Fuel: _____

_____ litres in container stores

_____ litres in underground tanks

_____ litres in aboveground tanks

Name of Fuel: _____

_____ litres in container stores

_____ litres in underground tanks

_____ litres in aboveground tanks

Name of Fuel: _____

_____ litres in container stores

_____ litres in underground tanks

_____ litres in aboveground tanks

8. Amount of fee (accompanying this application): -

Proposed Period For This Licence

1 Year

2 Years

3 Years

Annual Fee € _____

Administration Fee € 130.00 _____

Total Fee € _____

This licence application must be accompanied by a risk assessment and drawings as laid out in Regulation 12 and Schedule 4 of the Dangerous Substances (Flammable Liquids and Fuels Distribution and Commercial Supply Stores) Regulations, 2019.

9. Remarks: _____

Declaration

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: _____

APPENDIX 1

Dangerous Substances Act, 1972

**Dangerous Substances (Flammable Liquids and Fuels Distribution
and Commercial Supply Stores) Regulations, 2019.**

Schedule 4

Form of Certificate for Electrical Testing & Inspection

Name of Licensee: _____

Address of Licensed Store: _____

Date of Inspection: _____

Electrical Contractor's Name: _____

Electrical Contractor's Address: _____

Note: This form **shall include a signed** copy of the ETCI Sub-system Completion Certificate of the Electrical Installation in accordance with standard I.S. EN 60079-17: 2013 and ET105:2011 National Rules for Electrical Installations in Potentially Explosive Atmospheres.

Guidelines for sub-system completion certificates and test records for Electrical Installations in Potentially Explosive Atmospheres are set out in Annex K of ET105:2011.

Sub-System Completion Certificate Number: _____

I declare I am competent to sign this Form of Certificate and hereby certify that the electrical installation in the hazardous area at the above premises is in accordance with I.S. EN 60079-17: 2013 and ET105:2011 National Rules for Electrical Installations in Potentially Explosive Atmospheres.

Signature: _____

Qualification: _____

Date: _____