

PE1522/A

Petitioner Letter of 21 May 2014

Dear Chris Hynd,

Thank you very much for looking after my son and I yesterday, it was a positive outcome.

Please find enclosed an item to be added to papers already lodged in connection with PE1522:

- Letter from Andrew Rosie, dated 20 January 2012

Sincerely,

Simon Brogan

Our Ref: FB/JC
Your Ref:

Simon Brogan

If telephoning ask for:
Andy Rosie

20 January 2012

Dear Mr Brogan

KIRKWALL FUEL DEPOT

Thank you for your letter dated 11 January 2012, received on 16 January.

The site currently does not fall under the regulatory remit of SEPA and as such we have no powers/requirement to inspect the site. (This primarily falls to the HSE under the Health and Safety at Work Act 1973 and under this Act, the Dangerous Substances and Explosive Atmospheres Regulations 2005 etc. However, the HSE would not inspect the site unless an incident occurred). In view of this current regulatory situation, SEPA did not undertake any inspection at this site during 2011 and the position in my letter of 21 March 2011 remains unchanged.

The depot ceased to be regulated under the Control of Major Accident Hazards Regulations on the 30 June 2005 due to amendments to Part 2 of Schedule 1 of the COMAH Regulations (SI 2005 No. 1088) which resulted in a change to the Lower Tier threshold quantities for petroleum products to 2500 tonnes (i.e. the Shore Street Depot does not hold 2500 tonnes of petroleum product resulting in the site falling under the COMAH lower tier threshold and out of COMAH control).

Furthermore, the Shore Street installation:-

- a) Has no direct discharge to the water environment and therefore is not subject to the Controlled Activities Regulations 2006;
- b) Has no processes that fall under any description listed in Schedule 1 of The Pollution Prevention and Control (Scotland) Regulations 2000, PPC, and as such the depot does not constitute an installation under these Regulations and so does not require a PPC Permit;
- c) Does not store, handle or transfer waste such that it would require a waste management licence; and
- d) Is exempt from The Water Environment (Oil Storage) (Scotland) Regulations 2006 by virtue of being (Regulation 6(1) (d)) "premises used as an oil distribution depot for the onward distribution of oil to other places".

Yours sincerely

Andrew J Rosie
Head of Operations North



Chairman
David Sigsworth

Chief Executive
James Curran

Dingwall Office
Graesser House, Fodderty Way
Dingwall Business Park, Dingwall IV15 9XB
tel 01349 862021 fax 01349 863987
www.sepa.org.uk