

PE1522/B

Scottish Government Letter of 24 June 2014

Scottish Government response to PE1522 in respect of protection of the water environment from potential impact from oil storage facilities.

PE1522 - *Calling on the Scottish Parliament to urge the Scottish Government to review the current statutory provisions applying to bulk fuel storage sites to ensure the same level of secondary containment is in place irrespective of the reason for the fuel being stored.*

The petition focuses on Water Environment (Oil Storage) (Scotland) Regulations 2006 (OSR). These came into force on 1 April 2006. The regulations set design standards for new and existing above-ground oil storage facilities. This includes fixed tanks, intermediate bulk containers, drums, and mobile bowsters. A key element of the regulations is secondary containment of any oil escape. The purpose of these regulations is to protect the water environment regulations to mitigate other risks such as explosions are covered through other legislation.

The regulations control the storage of:

- Petrol
- Diesel
- Agricultural Fuel Oil
- Mineral oil
- Heating oil
- Lubricating oil
- Waste oil
- Vegetable and plant oil

The range of premises covered by the OSR includes: Industrial businesses, Commercial businesses, Institutions in the public and private sector (residential and non-residential), and farms.

As part of their ongoing monitoring regime SEPA has carried out checks at a number of premises covered by the regulations.

There are certain exemptions, which include: Premises used for the onward distribution of oil. To which PE 1522 refers.

The exemption which applies to these premises includes any oil that is part of the onward distribution chain and also oil that is stored on site for heating or refuelling purposes.

In implementing the oil storage regulations the guidance note: *Model Code of Safe Practice Part 2: Design, construction and operation of petroleum distribution installations (3rd edition)* issued by the Energy Institute was considered as fit for

purpose in controlling these installations. This approach was taken by all UK administrations.

SEPA monitoring has also latterly included a pilot study of premises for onward distribution of oil which are exempt from the oil storage regulations and are not covered by Control of Major Accident Hazards Regulations (COMAH).

In view of the results of this pilot study, and as part of its commitment to Better Regulation and regulatory reviews, Scottish Government is planning to undertake a review be carried out of the provisions required to protect the water environment from any potential impact of the storage of oil.

The planned review will be incorporated into the Environmental Quality Division work programme for 2014/15 and it is anticipated the findings of the review and any proposed action will be published early 2016.

Ian Speirs
Environmental Quality Division
24 June 2014