



Briefing for the Public Petitions Committee

Petition Number: [PE01522](#)

Main Petitioner: Simon Brogan

Subject: Improving Bulk Fuel Storage Safety

Calls on the 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.

Background

This petition relates to the Water Environment (Oil Storage) (Scotland) Regulations 2006, which apply to e.g. the storage of petrol, diesel, mineral, heating and lubricating oil in any kind of container which is used and stored on premises above ground, whether inside or outside a building. This includes fixed tanks, intermediate bulk containers, drums or mobile bowsers.

The regulations set design standards for new and existing above-ground oil storage facilities, and require that:

- Where oil is stored in any portable container with a storage capacity of less than 200 litres, the container must be of sufficient strength and structural integrity to ensure that it is unlikely to burst or leak in its ordinary use.
- Where the container has a storage capacity of 200 litres or more, the regulations require provision of a secondary containment (a bund or drip-tray) to ensure that any leaking or spilt oil cannot enter the water environment.

SEPA [provides](#) useful information on these regulations, and lists a number of exemptions, including:

- Premises used for the onward distribution of oil to other places, like oil distribution depots for example. This includes sites where operations such as blending and filling are carried out, but does not include fuel installations for transport companies

These sites are not subject to the Control of Major Accident Hazards Regulations 1999 ([COMAH](#)) due to the relatively small amounts of substances stored.

Scottish Government Action

None specific to date, however a similar petition ([PE936](#)) by the same petitioner was considered by the Scottish Parliament in 2006, and closed in April 2009:

[...] on the grounds that the Scottish Government has provided a satisfactory clarification of the standards of control applied at sites such as that at Shore Street which does not fall within the Control of Major Accident Hazards Regulations (COMAH) and that it has confirmed that lessons from the Buncefield incident and investigation reports are being addressed through relevant emergency and civil contingency arrangements, land use planning, public health policies as well as through the Health and Safety Executive and SEPA regulatory programmes.

Scottish Parliament Action

Aside from considering PE936, the following PQs are relevant:

Question S4W-13677: Liam McArthur, Orkney Islands, Scottish Liberal Democrats, Date Lodged: 14/03/2013 To ask the Scottish Government for what reasons the SSE power station on South Uist is subject to the provisions of the Water Environment (Oil Storage) (Scotland) Regulations 2006 but the Shore Street fuel depot in Kirkwall is not.

Answered by Paul Wheelhouse (27/03/2013): The oil stored at the SSE Power Station Loch Carnan is used on site, and as such is subject to the requirements of the Water Environment (Oil Storage) (Scotland) Regulations 2006.

The Kirkwall Fuel Depot is an oil storage facility used for the onward distribution of oil, and such installations are exempt from the Regulations.

A guidance note, Model Code of Safe Practice Part 2: Design, construction and operation of petroleum distribution installations (3rd edition) by the Energy Institute <http://www.energyinst.org.uk/> is specifically focused at distribution installations.

Question S4W-13676: Liam McArthur, Orkney Islands, Scottish Liberal Democrats, Date Lodged: 14/03/2013 To ask the Scottish Government how it determines which fuel storage sites are subject to the provisions of the Water Environment (Oil Storage) (Scotland) Regulations 2006.

Answered by Paul Wheelhouse (27/03/2013): < >Regulations 4 to 6 of the Water Environment (Oil Storage) (Scotland) Regulations 2006 set out the criteria to determine which oil storage facilities are subject to the provisions of the Regulations. The Regulations can be found at the following link:

<http://www.legislation.gov.uk/ssi/2006/133/contents/made>.

Alasdair Reid
Senior Researcher
08 May 2014

SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However if you have any comments on any petition briefing you can email us at spice@scottish.parliament.uk

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.