L133 Additional Guidance

Petrol filling stations - Road tanker deliveries - Unloading petrol from road tankers L133

Additional guidance

FOREWORD

This guidance supersedes and expands on all guidance given in previous PETELs on the subject, and forms part of a series of PETELs issued as part of the PELG-PETEL series from 2012 onwards by the Petroleum Enforcement Liaison Group (PELG), a health and safety advisory committee hosted by the Energy Institute. It comprises representatives of the Retail Petroleum Industry, the Petroleum Licensing Authorities (PLAs) and the Environment Agency, with technical support from the Health and Safety Executive. It has the aim of facilitating appropriate and consistent enforcement by PLAs through the dissemination of advice, guidance and good practice.

The guidance is directed at those with a responsibility for the safe operation of facilities where petrol is stored and dispensed into vehicle fuel tanks, to enable them to comply with the relevant health & safety legislation; in particular their statutory duties under the Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR). The guidance is not meant to be prescriptive and alternative methods of controlling the risks of fire and explosion may be followed where these provide an equivalent level of safety. However, if this guidance is followed, site operators will normally be able to demonstrate their compliance with the law.

INTRODUCTION

This additional guidance is intended to supplement the guidance published in the Approved Code of Practice and Guidance (L133) for the purpose of assisting the relevant duty-holders in complying with their statutory obligations under the Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR).

The guidance was produced by a Sub Group of PELG comprising representatives from PLAs and the relevant industry trade associations. It provides additional clarification and takes into account new technology now available since the ACoP was published. This includes the development of unmanned sites, remote wet stock control, remote fuel ordering and the use of predictive ordering on high throughput sites.
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1 PETROLEUM DELIVERY FORM

1.1 The underlying requirement of the unloading procedure is the provision by the site operator [or his agent] of accurate information on the ullage of each tank into which petrol is to be delivered. The ullage figure given to the tanker driver should always be a quantity that the tank can safely receive. Any system that predicts the ullage of a tank against the journey time of the road tanker will need inbuilt safeguards to prevent the driver unloading into the tank if unforeseen circumstances have resulted in insufficient ullage when the tanker arrives on site, i.e. a dispenser being out of action, a temporary power failure in the area or water ingress.

1.2 A predictive ullage presents no particular problem if the actual ullage is greater than the quantity to be delivered at the time the petroleum delivery form is given to the driver but confusion can arise when the stated ullage is less than the quantity to be delivered.

1.3 Paragraph 32 states that ‘there should be a means for the driver to verify the ullage’. The intention of this clause is to provide a safeguard [against overfilling] should the site operator have made a mistake in reading the contents gauge or when writing the figure on the petroleum delivery form. No provision was made for the driver to amend that part of the certificate completed by the licensee, i.e. the driver’s responsibility was solely to check that the ullage reading was greater than the quantity to be delivered.

Additional Guidance to support ACoP paragraph 32

1.4 Where a ‘driver unassisted delivery’ takes place at a site which is unmanned, closed, or the site staff have no responsibility for providing the driver with details of the ullage of the tanks, the site operator’s responsibility to provide the driver with accurate and recorded details of the ullage space available in each relevant tank, at or just before the delivery, can be achieved by a computerised system that will print out a form [as referred to in paragraph 33] or display the information on a computer screen in the cab of the tanker. The information can be stored electronically provided it is done so in a retrievable manner that is readily accessible to the site operator and inspectors of the PLA.

1.5 The details and quantity figures in columns 1 to 6 of the petroleum delivery form must be inserted by the recording system so that it is only necessary for the driver to check that the ullage figure [in column 2] is greater than the quantity to be delivered figure [printed in column 3]. As this system records the ullage when the tanker arrives on site, it will not be necessary to provide the driver with a means of physically checking the ullage.
1.6 As deliveries may take place during the hours of darkness and in inclement weather, it is important that the form is of a size where the print can be read in a lighting level of 100 lux.

1.7 The printer can be located in a building or an external cabinet on the site or in the cab of the road tanker.

1.8 It is acceptable for the information [as referred to in paragraph 33] to be provided to the driver when he/she leaves the terminal, provided that the ‘ullage figure’ is the actual ullage and is always greater than the quantity to be delivered.

2 PROVISION OF THE EMERGENCY TELEPHONE AND ISOLATION SWITCH

2.1 The terms ‘readily available’ and ‘readily accessible’ are intended to allow for some leeway in the positioning of the telephone and the isolation switch for the petrol pumps. There should be no need to provide an additional telephone or isolation switch where the existing equipment is available to the driver.

2.2 As these two items of equipment are provided/available for the use of the driver should an emergency arise during deliveries, their locations should be in a safe place. In this respect, the tanker driver should stand well clear of a fire involving the road tanker and the wetted area of any spillage when using the telephone or operating the isolation switch.

Additional Guidance to support ACoP paragraphs 41 and 43

2.3 It is not possible to apply any minimum or maximum distances for the positioning of the telephone and isolation switch as these can only be determined on a site-specific basis after carrying out an assessment. However, the minimum distance will be governed by ‘what is a safe place’ and the maximum by the constraints of the site boundary, bearing in mind that the equipment must be ‘on the site’.

2.4 For the typical design of filling station where there is a telephone in the shop/kiosk and an isolation switch mounted on the shop wall [at a reachable height], this should suffice.

2.5 In all cases it is the driver’s responsibility to familiarise himself with the location of this equipment and to ensure that the telephone is operational before making the delivery.
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3 RESPONSIBILITIES OF THE ROAD TANKER OPERATOR [HAZARDOUS AREA CLASSIFICATION]

3.1 Regulation 11 of DSEAR [and Regulation 11 of the Health and Safety at Work Act 1974 (HSWA) Management Regulations] imposes a duty of co-ordination where more than one employer shares a workplace [whether on a temporary or permanent basis]. In the case of most typical filling stations, the licensee will be the main [and permanent] employer and the haulage contractor will be the temporary employer. The implications of these regulations are that the measures to determine and to control hazardous areas during the unloading process are a shared duty on the licensee and the road tanker operator [haulage contractor] as the design and operation of the road tanker will have a direct influence on the hazardous areas arising during petrol deliveries.

Additional Guidance to support ACoP paragraphs 52

3.2 Road tanker operators must co-operate with the site operator in his duties to carry out a hazardous area classification for the road tanker unloading process.

3.3 Road tanker operators must provide the site operator with adequate information of any changes to the design and operation of any road tanker delivering to the site which would affect the hazardous area classification.

3.4 The site operator should review the hazardous area classification if informed by the road tanker operator of a change in the design or operation of the road tanker making deliveries to the site.

4 RESPONSIBILITIES TO ENSURE OVERFILL PREVENTION DEVICES ARE FITTED

4.1 ACoP paragraph 67(e) states that before unloading, the tanker driver should ensure the site operator has provided an effective means for preventing an overfill in accordance with paragraph 58. Where a site has overfill prevention devices fitted internally within the tanks it may be impracticable for the driver to carry out a physical check and another means of complying with this duty will need to be in place.

4.2 This duty can be achieved by the road tanker operator ensuring that the site operator has provided some system or mechanism to prevent overfills when agreeing to deliver petrol to the site on a ‘driver unassisted delivery’ basis.
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Additional Guidance to support ACoP paragraphs 58 and 67

4.3 Where petrol is to be delivered to a site on a ‘driver unassisted’ basis, the road tanker operator must ensure that the site operator has provided all the storage tanks with a suitable and effective means of preventing an overfill.

4.4 The site operator should ensure that the means for preventing an overfill for the tank or tanks is in full working order.