Advice to Site Operators, Road Tanker Operators and Site Contractors


FOREWORD

This guidance 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 Enforcement Authorities (PEAs), UKLPG and the Environment Agency, with technical support from the Health and Safety Executive.

PETELs are a mechanism for PELG to promulgate advice, guidance and good practice with the purpose of:

- Facilitating appropriate and consistent enforcement by PEAs; and/or
- Advising duty-holders on how to comply with the law.

The purpose of this PETEL is to make site operators (employers) and relevant contractors aware of their duties under regulations 8, 9 and 11 of DSEAR in respect of the production of an Incident Action Plan (IAP) and incident procedures for a petrol filling station\(^1\). Sections 2, 3 and 4 are a précis of the comprehensive guidelines in the Energy Institute’s publication ‘Guidelines for an emergency action plan for fire and explosion risks at filling stations’\(^2\).

Important disclaimer

This guidance has been produced and reviewed as described in the foreword. The Energy Institute (EI) shall have no liability arising out of or in connection with this guidance or its use or application whether in contract, tort (including but not limited to negligence), breach of statutory duty, under statute, by reason of misrepresentation or otherwise.

THE LAW

1. Regulation 8 of DSEAR places a statutory duty on an employer\(^3\) (the site operator) to make arrangements for dealing with accidents, incidents and emergencies\(^4\). Regulation 9 of DSEAR also requires the employer to provide his employees with precautionary information, instruction and training where a dangerous substance is present at the workplace.

2. Where two or more employers share a workplace where an explosive atmosphere may occur, regulation 11 of DSEAR places a requirement on the employer
Advice to Site Operators, Road Tanker Operators and Site Contractors

responsible for the workplace (the site operator) to co-ordinate the implementation of the measures for dealing with accidents, incidents and emergencies so as to protect employees (and others) from any risk from an explosive atmosphere. Typically this co-ordinating duty will apply for road tanker unloading and where contractors transfer product between tanks.

3. The Management of Health and Safety at Work Regulations 1999 and DSEAR require employers to provide training when employees are recruited, to repeat it periodically and to provide further training when changes occur. Training is vital in helping to prevent incidents and minimising the consequences if they do happen.

EMERGENCY PROCEDURES

4. There should be procedures in place for dealing with emergency situations and for the training any employees who will need to take action in an emergency. Emergency or shutdown procedures, like any other kinds of operating instructions, should be reviewed regularly and updated to reflect any changes.

5. In the context of the day-to-day operation of a petrol filling station, the envisaged events for which there should be procedures in place are:
   - spillages of petrol or diesel (including incidents where customer’s or other person’s body and clothing is contaminated with petrol);
   - leakages or suspected leakages of petrol, autogas (where appropriate) or diesel;
   - any unexplained increase in stock losses or sustained high stock losses;
   - damage to dispensers, usually from impact by a motor vehicle;
   - investigating complaints of smells of petrol;
   - flooding\(^{(5)}\); and
   - outbreak of fire.

INCIDENT ACTION PLAN (IAP)

6. The procedures for reacting to and, where appropriate, dealing with such incidents should be written into an IAP

Ideally, the IAP should comprise three elements:
   - notification duties\(^{(6)}\) and procedures;
   - a plan of the site including details of the petrol installation\(^{(7)}\); and
   - procedures for responding to and dealing with incidents.
Advice to Site Operators, Road Tanker Operators and Site Contractors

In developing the emergency procedures, consideration needs to be given to the:

- control measures (engineered and managed) in place to prevent spills, leaks (liquid and vapour phase) and fires;
- measures to protect the petrol installation\(^{(7)}\) and electrical equipment from the effects of flooding\(^{(5)}\). This measure will only apply to those sites at risk from flooding;
- maintenance, adequacy and where necessary, the upgrading of control measures;
- probability/likelihood of equipment faults, management failings or employee or customer negligence that could result in an incident; and
- impact, on and off-site, of a serious spill, leak or fire.

Training

7. All staff who may have a role in dealing with an emergency should receive comprehensive training on the procedures for dealing with each emergency scenario. This training should be provided to newly-recruited employees on commencement of employment and regular refresher courses provided for all other relevant employees.

8. A prompt and appropriate response to incidents by suitably trained site personnel will reduce the impact/consequence of foreseeable incidents which may occur during normal filling station activities. Where an incident occurs during the activities of unloading a road tanker or the uplift/transfer of product from/between storage tanks, there will be a reliance on the road tanker driver or the contractor, who is in control of the process, to make the initial and effective response in line with the site’s emergency procedures\(^{(8)}\).

FURTHER READING

‘Guidelines for an emergency action plan for fire and explosion risks at filling stations’ ISBN 9780852937129\(^{(2)}\).


The guidelines in PPG 21 ‘Incident Response Planning’\(^{(9)}\) set out best practice for producing an incident response plan to deal with an environmental incident at sites where pollutants are stored and handled. Following such a plan will help site operators to prevent or reduce environmental damage if such an incident occurs.
Advice to Site Operators, Road Tanker Operators and Site Contractors

NOTES

(1) Filling stations are referred to as ‘dispensing premises’ in the Petroleum (Consolidation) Regulations 2014 (PCR)


(3) The employer/site operator is referred to as the ‘keeper’ in PCR.

(4) Paragraph 427 of ACoP L138 states ‘Employers should implement those measures necessary to achieve control or containment of an accident, incident or emergency to allow sufficient time for people to escape or be evacuated to a place of safety. Following an event, employers must assess whether any danger remains and carry out the necessary measures to make the situation safe. If there are any doubts about safety, expert assistance should be sought, e.g. from accident and emergency services. Implementation of the necessary measures should be achieved without exposing employees or others to unnecessary risk, giving precedence to remote control measures over those requiring entry into the affected area’.

(5) Flooding may result in the displacement of product from the storage tanks and possible disturbance to the stability of tanks and pipework.

(6) Regulation 7 of the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) require notification (by the site operator) to the relevant enforcing authorities (not the PEA) of incidents, of any sudden, unintentional and uncontrolled release of 500 kilograms or more of a flammable liquid or gas in the open air.

There is no requirement in the Petroleum (Consolidation) Regulations 2014 for site operators to notify the PEA of any serious spillages or leakages of petrol, nor is there a requirement to notify the PEA of any incidents involving the petrol installation; such as fires, explosions or accidental damage; albeit it might be advisable to do so.

A ‘minor incident’ can be defined as a spillage or leakage of petrol or diesel that can be safely and effectively dealt with by site personnel; whereas a ‘serious incident’ will be an emergency scenario involving a spillage or leakage of petrol or diesel that requires the attendance of the emergency services; primarily the FRS.

(7) All the petrol and diesel storage tanks, product and ventilation pipework, valves, pumps and dispensers including all ancillary equipment such as overfill prevention and leak detection devices and monitoring wells

(8) At some sites these activities take place when the site operator or his competent employer are not present.

(9) Pollution Prevention Guidelines ‘Incident Response Planning’ PPG 21; jointly published by the national environment agencies, EA/NIEA/SEPA