

Control of Pollution (Oil Storage) (England) Regulations 2001

April 2011

Known as the Oil storage regulations or OSR England, these regulations require anyone in England who stores more than 200 litres of oil, to provide more secure containment facilities for tanks, drums, Intermediate Bulk Containers (IBCs) and mobile bowsers. This is to prevent oil escaping into the environment.

This section contains questions and answers on the **Control of Pollution (Oil Storage) (England) Regulations 2001**.

If you wish to read the regulations in full, you will find them listed in Annex C of the following document:

- [DEFRA - Guidance note for the Control of Pollution \(Oil Storage\) \(England\) Regulations 2001 \(PDF, 367KB\)](#)

Remember that other regulations and standards apply to the storage of oil and these aren't enforced by us. For example, [Building Regulations](#), [OSR Northern Ireland](#), [OSR Scotland](#) and petroleum licensing legislation.

It is your responsibility to make sure that your oil storage facilities comply with all relevant legislation.

- [Do the regulations apply to you?](#)
Find out if the Control of Pollution (Oil Storage) (England) Regulations 2001 apply to your home or business.
- [Exemptions](#)
The regulations don't apply to all oil storage, so find out if your oil storage is exempt.
- [Oil containers](#)
Find out how the regulations apply to different kinds of oil containers.
- [Secondary containment](#)
Find out how the regulations apply to secondary containment
- [Ancillary equipment, pipework and pumps](#)
Find out about ancillary equipment, pipework and pumps, and the Control of Pollution (Oil Storage) (England) Regulations 2001.
- [Enforcement](#)
Find out about the penalties for failing to comply with the regulations.

These questions and answers were updated in [April 2011](#). Updates made are information relating to [Oil Storage Regulations in Northern Ireland](#) in the 'Do the regulations apply to you' section and underground and part buried tanks, how the regulations link to European tank manufacturing standards and an update of the SSAFO Regulations in the 'Exemptions' section.

Alterations are [highlighted in blue](#).

Do the regulations apply to you?

Find out if the Control of Pollution (Oil Storage) (England) Regulations 2001 apply to your home or business.

The Regulations require anyone who stores more than 200 litres of oil in England to provide more secure containment facilities for tanks, drums, Intermediate Bulk Containers (IBCs) and mobile bowzers, to prevent oil escaping into the environment.

Where do they apply?

The regulations only apply in England.

The Water Environment (Oil Storage) (Scotland) Regulations 2006 apply in Scotland. These regulations are different to the OSR England and if you store oil in Scotland you should check the Scottish Environment Protection Agency (SEPA) website for details:

- [SEPA](#)

The Control of Pollution (Oil Storage) Regulations (Northern Ireland) 2010 apply in Northern Ireland. They have a phased implementation and have different requirements to the OSR England. If you store oil in Northern Ireland you should check the Northern Ireland Environment Agency (NIEA) website for details:

- [NIEA](#)

At the present time there are no equivalent regulations for Wales.

Definitions of in-use, storage and oil

There is no legal definition of 'in-use' or 'storage' in OSR England.

For the purposes of the regulations we would:

- look at site-specific details;
- consider the risk on site;
- check what measures are being taken to help reduce potential incidents.

Generally, if oil is being used but not stored, it's likely to be exempt from the OSR England.

There is no specific definition of 'oil' in OSR England. This is because the regulations cover a wide variety of oils.

Which types of oil are covered?

The regulations cover all types of oil, except waste mineral oil. This includes petrol, diesel, bio-fuels, vegetable oils, synthetic, mineral oils and oils used as solvents. Biodegradable oils are also covered.

Waste mineral oil is covered by [exemption S1 in Section 2 of Chapter 5 of Schedule 3 to the Environmental Permitting Regulations 2010 \(EPR\)](#). Waste mineral oil storage is limited to 3 cubic metres, it must be in a secure container and you must provide secondary containment. Waste oil storage above 3 cubic metres must have an Environmental Permit from us, see 'Sites regulated under the Environmental Permitting Regulations' below.

Previously used oil, for example oil that has been drained from vehicle engines, that is stored for use in space heaters is waste oil. If you are storing this where it is produced (emptied from the vehicles) it is covered by a non registerable exemption under Paragraph 2 [of Part 3 of Schedule 25 to](#) the EPR 2010. You must store this in a secure place so that it can't escape. We recommend you store the waste oil container on or in secondary containment.

What isn't covered by the regulations?

The regulations, and their Defra guidance, don't specifically exclude the any products from inclusion in the regulations. There are some hydrocarbon based products we consider not to be included, for example:

- Liquid Petroleum Gas (LPG);
- solid hydrocarbon products, for example bitumen;
- non oil-based solvents, for example trichloroethylene;
- aromatic hydrocarbons, for example benzene and toluene.

We may use other regulatory powers to control the pollution risk from the storage of these products, for example Anti-Pollution Works Regulations, Groundwater Regulations or Civil Sanctions.

Oil stored at marinas, both on the bank or on pontoons

Oil storage at marinas must comply with the OSR England. We recommend that tanks in areas that are prone to high tides or floods are secured to prevent them lifting or floating away. Ask your tank installer for advice on how to do this safely.

Oil storage on barges at coastal marinas comes under the jurisdiction of the harbour master and is not covered by these regulations.

The storage of petroleum is controlled by the Petroleum (Consolidation) Act and the Dangerous Substance and Explosive Atmospheres Regulations. You need a license from the petroleum licensing authority, usually the Fire Service or County Council trading standards department to store it.

'Service boats' whose use includes dispensing oil to refuel customers' boats, are covered by the requirements of the regulations. They aren't premises for the sole purpose of 'onwards distribution' because they provide oil to customers who will use it.

Houseboats and barges used as domestic premises

For the purposes of the OSR England we regard a houseboat or barge where someone lives as a private dwelling, and can constitute 'premises'. The term 'premises' is defined by Environment Act 1995 and includes vessels.

Oil storage tanks on houseboats that are less than 3,500 litres are excluded from the regulations.

Sites regulated under the Environmental Permitting Regulations - formerly Integrated Pollution Control or Pollution Prevention and Control regimes

There is no exemption for sites in England regulated under the EPR.

It is our policy to regulate only once. A standard condition will be included in permits stating that oil stores should comply with OSR England. Local Authorities who enforce EPR A(2) installations and Part B processes should do likewise.

Where the OSR England standards are not stringent enough to reduce the risk of environmental damage from a site, the permit will specify the measures over and above OSR England standards. This will be enforced under the relevant regime.

Where the standards of the regulations are not appropriate for technical reasons, we will agree site-specific measures, to achieve the aims of OSR England using different means. We will take into account the risks to the environment and the costs to the operator.

Crown sites

Crown sites must comply with OSR England. Although we can't prosecute for non-compliance, we can ask the **High Court for a declaration that the Crown has acted unlawfully.**

Oil storage at airports

Oil stored above ground at airports may have to comply with the OSR England – depending on who owns the store.

Oil owned by an oil company (at its own depot on or near the airport) and sold to airline companies for use in their aircraft is oil storage for onward distribution. It is exempt from the regulations.

Oil owned by an airport, commercial airline or private owner which is used to fill their own planes, is oil storage for end use – not onward distribution. It is covered by the regulations and must be provided with secondary containment.

Please see the information on oil storage in road tankers on the oil containers page, for more information:

- [Oil containers](#)

Exemptions

The regulations don't apply to all oil storage, so find out if your oil storage is exempt.

Is grease exempt from the Oil Storage Regulations 2001?

Not necessarily. We may ask for grease to be stored on a drip tray, but we expect that containers are either below 200 litres or stored indoors.

Do heat transfer fluids come under the regulations?

No, oil in the transformer is being **used** rather than **stored**.

But bulk storage tanks are regarded as **oil in storage** and are covered by the OSR England, unless the exemptions apply.

Some transformer header tanks may also come under this category, if they are greater than 200 litres and connected directly to the transformer by a one-way, tank to transformer, feed pipe.

If the transformer has an expansion tank, the container is regarded as being part of the transformer with oil in use and is exempt from OSR England.

Transformers in storage awaiting installation or disposal are not normally regarded as oil storage containers.

Are bitumen and bitumen products exempt?

There is no specific exemption for bitumen. However, where products are solid or near solid at ambient temperatures, it is impractical to provide secondary containment.

Defra and ourselves accept that these storage facilities don't come under the regulations.

Bitumen-based products that are liquid at ambient temperatures should be stored in line with the regulations.

What is a building?

The term 'building' is not defined in OSR England, but is defined in the Building Regulations 2000 as being a permanent or temporary building, or part of a building. The definition excludes other kind of structure.

We interpret this definition to mean a construction with both walls and a roof, rather than a framed tent or supported roof.

The building should provide the necessary secondary containment to prevent oil escaping into the environment. A simple risk assessment would show whether oil could escape.

We can enforce the requirement to provide secondary containment for oil storage facilities within buildings using our powers under **section 161A Water Resources Act 1991 (works notices)** or civil sanctions.

Secondary containment for tanks within buildings may be a requirement of the building regulations, for example, fire safety. We recommend you check with your local authority to see if this applies to you.

Is oil stored in a generator covered by OSR England?

Oil storage rules only apply to generators and associated oil containers where the oil is being **stored**, rather than **used**, and where no other exemptions, such as the oil being stored within a building, apply. If possible use commercially available generators with built-in secondary containment for the storage or day tank.

Oil storage rules **don't** apply to 'day job' generators that:

- are taken to and from a job on a daily basis, and
- have a day tank capacity of 200 litres or less, and
- where the oil is all used during an operating day, and
- the generator is stored with an empty day tank when not in use.

Oil storage rules **do** apply to:

Generators that:

- are either taken to and from a job on a daily basis or are in constant use, and
- have a day tank with a capacity of more than 200 litres, and
- where the oil isn't all used in the operating day.

Stand-by generators not in continual use that:

- have a day tank of greater than 200 litres capacity, and
- are storing oil for later use.

Day tanks for both the above require 110 per cent secondary containment.

Oil storage tanks that:

- supply a generator (in full time or standby use), or
- are used to fill up other mobile generator day tanks, and
- hold more than 200 litres.

It's good practice to provide secondary containment for **all** generators, tanks and their associated pipework to catch any spills or leaks – whether or not you must comply with the OSR England. If they don't have secondary containment the potential for harm to the environment from an oil spill is high.

Generator housings will not normally be regarded as buildings under the regulations.

Is oil held at a distribution site exempt from OSR England?

Yes, a distribution site is exempt if onward distribution is the primary business of the site. The exemption applies to the whole site and all above ground oil storage is exempt.

You should follow the requirements in 'Environmental guidelines for petroleum distribution installations' published by the Energy Institute. And meet the OSR England standards, where practicable, to minimise risks to the environment.

- [Environmental guidelines for petroleum distribution installations \(PDF, 667KB\)](#)

Is oil used in domestic premises exempt?

Yes, providing the oil storage container has a capacity of 3,500 litres or less. Above 3,500 litres you must comply with these regulations.

We recommend you read the following publication to help you understand how to look after your oil tank:

- [Get to know your oil tank \(PDF, 1.9MB\)](#)

Building regulations also apply to all new, or replacement, oil storage tanks used for heating and cooking, regardless of their capacity.

Under OSR England:

- Holiday homes, bed and breakfast and rented accommodation are viewed as being domestic premises.
- An office within a house would be exempt if the building is used wholly, or mainly, as a private dwelling.
- Residential care homes aren't exempt as they're not used wholly, or mainly, as a private dwelling.

Building Regulations

New and replacement above ground oil storage tanks for home heating and cooking are covered by the Building Regulations 2010, Approved Document J. A risk assessment must be done to find out if your tank needs secondary containment.

- [Approved Document J 2010](#)

If oil storage at your home is not covered by the above details you should follow the good practice guidance in the following Pollution Prevention Guidance document:

- [PPG2 Above ground oil storage \(PDF, 451KB\)](#)

Oil storage compliance on farms

The [Control of Pollution](#) (Silage, Slurry and Agricultural Fuel Oil) Regulations [2010 \(SSAFO\)](#) cover the storage of oil used for heating and/or power on premises as defined by the Agriculture Act 1947, which includes horticulture, fruit growing, seed growing, market gardens and nursery grounds.

The [Oil Storage](#) Regulations don't apply to the storage of any oil on farms if the oil is for use in connection with agriculture within the meaning of the Agriculture Act 1947.

If the oil is stored for a secondary farm business, for example a haulage company, this must comply with the OSR England.

Do the regulations cover any waste oils?

Yes. The exemption for waste oil is based on the definition of waste oil within the Environmental Permitting [\(England and Wales\)](#) Regulations (EPR) 2010.

This definition, in regulation 2, calls waste oils 'mineral based lubricating or industrial oil which has become unfit for the use for which it was originally intended and, in particular, used combustion engine oil, gearbox oil, mineral lubricating oil, oil for turbines and hydraulic oil'. Waste mineral oils are regulated under the EPR by either a permit or an exemption.

We will include comparable storage standards as a condition of your permit.

The EPR definition doesn't include vegetable or synthetic oils, so waste vegetable and cooking oils and synthetic waste oils come under the OSR England.

The storage of mixed mineral and synthetic waste oils falls under the scope of the EPR.

Previously used oil, for example oil that has been drained from vehicle engines, that is stored for use in space heaters is waste oil. If you are storing this where it is produced (emptied from the vehicles) it is covered by a non registerable exemption under Paragraph 2 [of Part 3 of Schedule 25 to](#) the EPR 2010. You must store this in a secure place so that it can't escape. We recommend you store the waste oil container on or in secondary containment.

Do the regulations cover mobile bowzers used at permitted waste sites?

Mobile bowzers, or storage trailers, used at all permitted waste sites, must comply with OSR England.

OSR England don't apply if the bowzers store waste mineral oils. Waste oil storage must comply with the Environmental Permitting Regulations, see question above.

Clarification on underground and part buried tanks

The OSR England exempt any containers which are 'wholly underground', see our definition below. These oil containers don't have to meet the minimum requirements of the OSR, but should follow the guidance in the Environment Agency 'Groundwater Protection: Principles and Practice (GP3)' guidance.

We don't consider a part buried tank to be wholly underground and these tanks must meet the requirements of the OSR England in full.

Underground storage constitutes storage whereby the tank is not wholly visible on a permanent basis and/or isn't accessible from ground level.

Any tank that is partially set in the ground (part buried) in a secondary containment system and is totally accessible and wholly visible will be considered to be an above ground tank and will need to comply with the Oil Storage Regulations (in England).

How do the OSR England work with other European tank manufacturing standards?

There are European tank manufacturing standards that don't require tanks to have a minimum of 110% secondary containment capacity.

The requirements of the OSR England would take precedence for oil storage in England, unless the European standards are contained in legislation. Legislation (Acts, Regulations, Orders) take precedence over standards published in non-legislative documents. So the 110% containment provision is a legal requirement that has to be met, but a tank without 110% secondary containment capacity can be placed within a containment system that meets the requirement.

Oil containers

Find out how the regulations apply to different kinds of oil containers.

What types of oil container are covered by the OSR England?

The regulations apply to:

- tanks (can be permanent or temporary);
- drums greater than 200 litres capacity;
- intermediate bulk containers (IBCs);
- mobile bowzers.

Oil storage containers can be made from a variety of materials, for example polyethylene or metal, but all should be designed and manufactured to hold oil and must be 'fit for purpose' while they are being used.

We regard an Intermediate Bulk Container (IBC) as being permanent oil storage and the requirements for fixed tanks apply.

Please read our Pollution Prevention Guidance document below, for details of how the OSR England apply to these storage containers:

- [PPG 26 Storage and handling of drums and intermediate bulk containers \(IBCs\) \(PDF, 95KB\)](#)

How do I know if a tank will comply with the regulations?

There are British Standards and OFTEC standards that, when a tank is manufactured to the specification, means many of the minimum requirements of the OSR England are met.

These include:

- For polyethylene tanks: OFTEC OFS T100
- For steel tanks: BS 799-5
 OFTEC OFS T200

But, however well a tank is manufactured there are other aspects you need to consider to make sure your tank complies with the OSR England. These include location, use of fixed coupling points and drip trays during delivery, maintenance and security.

Does the OSR England apply to the size of the container or the amount of oil stored in it?

The OSR England applies to the **size** of the container rather than the contents. An oil storage tank with a capacity of 1,000 litres, with only 199 litres of stored oil, is within the regulations. Domestic properties with a storage tank greater than 3,500 litres capacity, with only 2,500 litres of stored oil, are within the regulations.

What is the definition of a mobile bowser?

For the purpose of the regulations, a mobile bowser is defined as being:

- an oil storage container that can't move under its own power (we don't consider a rigid or articulated road tanker to be a mobile bowser);
- designed for storing and dispensing oil;
- able to move between locations.

A mobile bowser's design should prevent oil from being lost from the container in the event of a collision, drop, roll over or similar incident.

Mobile bowsers may have wheels or be transported on or by another vehicle.

The regulations state that trailer-tankers towed by road-tankers of a similar size are not mobile bowsers.

There are many types of self-bunded bowsers now available. Bowsers that aren't bunded must be kept in a bunded area that can hold 110 per cent capacity when in use. A drip tray with a capacity of 25 per cent is acceptable for single drums.

Note that the Carriage of Dangerous Goods (ADR) legislation may apply if you use a mobile bower on the public highway.

Can I store oil in a road tanker without secondary containment?

Road tankers are designed to transport oil – **not** for storage. You shouldn't store oil in a road tanker, unless you provide secondary containment for the tanker.

Please note that the Defra Guidance Note refers to a specific road and rail tanker exemption which does cause confusion. This wasn't included as an exemption in the regulations when they became a legal requirement.

We may use our powers under the Anti-Pollution Works Notices Regulations 1999, or Environmental Civil Sanctions (England) Order 2010, to require suitable pollution prevention measures based on the risks on site and the costs/benefits to the environment and the owner, or to stop your activities.

Is an empty tank covered by the regulations?

The regulations are designed to stop oil escaping into the environment.

Many abandoned tanks will have an oily residue at the bottom that could cause pollution.

We advise that redundant tanks are properly decommissioned and removed in line with the waste duty of care.

Where removal is not possible an abandoned tank should be filled with a material that will ensure it can't be used again.

Secondary containment

Find out how the regulations apply to secondary containment

How big does my secondary containment for a single oil container need to be?

For one tank, mobile bowser or Intermediate Bulk Container (IBC), the secondary containment must be able to hold 110 per cent of the volume that the container can hold. For one storage drum you can store it on a drip tray.

The drip tray must be able to hold 25 per cent of the drum's total volume – not 25 per cent of the amount of oil the drum has in it.

How big does my secondary containment need to be if I have more than one container in a storage area?

More than one tank in the same secondary containment system

If the tanks aren't hydraulically linked but are in the same secondary containment system, the containment capacity must be a minimum of 25 per cent of the total capacity or 110 per cent of the largest tank, whichever is greatest.

If the tanks are hydraulically linked but situated in the same containment system, they should be treated as one tank. The containment capacity should be a minimum of 110 per cent of the total capacity of the tanks.

Tanks in different secondary containment systems

If the tanks are hydraulically linked, but in separate containment systems, containment of at least 110 per cent of the total volume stored is required at each location.

There may be benefits in hydraulically linking the secondary containment systems.

Storage of multiple oil drums

If you are storing more than one drum on a drip tray the drip tray must be able to hold 25 per cent of the total volume for the number of drums that can be stored on it.

How do I know if my double-skinned tank complies with the regulations?

A double-skinned tank, otherwise known as a twin-walled tank, is unlikely to provide adequate secondary containment on its own.

Double-skinned tanks have an inner tank surrounded by an outer skin for extra strength. Don't confuse double-skinned tanks with integrally-banded tanks; they don't give the same protection against oil loss from overfilling, or damage to tank and pipework damage, and require extra secondary containment when installed above ground.

Effective secondary containment will include ancillary equipment as well as the storage tank. This means that sight gauges and valves should also be inside the secondary containment facility. Vent pipes should discharge vertically in the secondary containment facility.

Where can I find information on building a bund?

The Construction Industry Research and Information Association (CIRIA) report 163, on the construction of bunds for oil storage tanks, explains how to build good quality bunds.

You need to make sure your bund is built properly. It must be able to withstand total failure of a full tank.

What is an acceptable impermeability level for a constructed bund?

The regulations state that a container's base and walls are both 'impermeable to water and oil'. The regulations don't specify any particular construction materials for a secondary container.

A conventional bund constructed from bricks and mortar is unlikely to be impermeable without rendering or coating to achieve a permeability coefficient of not less than 10^{-9} metres per second.

Can I take the volume of the primary tank into account when calculating secondary containment capacity?

Yes, the regulations don't specify otherwise. They simply state that the secondary container 'must have a capacity of not less 110 per cent of the container's storage capacity'.

The primary container volume can be taken into account where applicable.

Most proprietary tank systems are designed so that the oil finds its own level in both containers if the primary container leaks. In this instance, the primary container contributes to the total containment capacity. You should take into account that these systems may only provide a 10 per cent containment capacity in the event of overfilling.

Oil will also find its own level in a conventional bund when the tank is situated low down.

For example, a maximum volume delivery made to a tank more than 10 per cent full will result in a loss of oil from the secondary containment.

The use of an overfill prevention device is good practice and you should consider these or other additional pollution prevention safeguards, such as additional containment capacity in sensitive locations.

Other secondary containment options

An oil separator isn't a form of secondary containment. We consider this to be tertiary containment and will not be accepted as containment under the OSR England.

Ancillary equipment, pipework and pumps

Find out about ancillary equipment, pipework and pumps, and the Control of Pollution (Oil Storage) (England) Regulations 2001.

Can an isolating valve and filter be outside the secondary containment?

Yes.

The isolating valve and filter can be outside the containment if the valve has a fixed draw-off from an integrally banded prefabricated tank. In this case they'd be regarded as ancillary to the down-stream equipment. The isolating valve needs to be accessible for routine maintenance and in an emergency so can be outside the prefabricated system.

The isolating valve for single skinned tanks within a constructed secondary containment system should be within the secondary containment.

We recommend that the isolating valve is put inside the secondary containment if possible.

What is a mechanical joint in underground pipework?

This is any joint where two or more pieces of pipe have been put together using a fitting. The fitting must be attached to the ends of both pipes, which can be taken apart.

Compression and threaded fittings are examples of mechanical joints.

Mechanical joints in below ground pipework must be installed in a place that is accessible for inspection. The pipework must be tested for leaks before it is first used, and then every five years.

Welded, braised or soldered joints or continuous pipework made from metal or plastic aren't mechanical joints.

For further information see: British Standard 5410 part 1: 1997 section 8.2, Code of Practice for Oil Firing.

How can I test my pipework for leaks?

The regulations say that underground pipework must be tested for leaks every five or 10 years depending on whether there are mechanical joints.

If the pipework manufacturer's test instructions are not available, see British Standard 5410 Parts 1 and 2. These have information about pipework pressure-testing for oil firing installations. A competent person should carry out pressure testing.

Pipework made from plastic, copper and steel will need different types of testing, as will different sized pipes. We recommend you adopt the same method used for non-oil firing applications, such as refuelling facilities.

How can I show my underground pipework complies with regulation 4(3)(b)(i) - no mechanical joints, unless they're at a place which is accessible for inspection?

Existing oil firing systems should have been installed in accordance with the relevant sections of British Standard 5410 which are site specific, or with the following OFTEC Easy Guides:

- [OFTEC Easy Guide to domestic oil feed pipes \(PDF, 127KB\)](#)
- [OFTEC Easy Guide to non-domestic oil feed pipes \(PDF, 120KB\)](#)

These standards stress the importance of laying pipes in accessible ducts where possible.

If you can't show that pipes have been installed as above, further investigation may be needed, taking into account industry standard lengths of pipework and pipe accessibility.

Does my tank need an overfill prevention device?

The regulations say, that if the tank and vent pipe can't be seen from where the filling operation is controlled, then an automatic overfill prevention device must be fitted to the tank.

Fixed tank probes, that send a signal to the point where delivery is controlled, are acceptable.

We encourage the use of fail to safe overfill prevention devices and overfill warning alarms.

What is meant by a screw-fitting for tank filling being in good condition?

The regulations don't define good condition. We think it sensible to consider whether a fitting is fit for purpose in the broadest sense. You should make sure the screw thread is usable and that deliveries to the tank using the fitting can be made safely and securely.

Using the screw fitting should not increase the risk of oil spillage or jeopardise operator health and safety. This includes risks from working at height. British Standard 5410 Part 2:1978 section 23 states that a safe working height for fill points is about one metre from the ground.

You should discuss the suitability of the tank's screw fitting with your oil delivery company.

Does my pump have to be within the secondary containment?

We don't consider pumps to be equipment ancillary to the container.

However, it's good practice to make sure that any oil leak would be contained within secondary containment, for example a bund or drip tray, and could not cause pollution.

Pumps for oil with a flash point below 32°C should never be in the secondary containment because of the risk of explosion.

If the pump is on or near the tank, for example where it is small and mounted on top of the tank, it should be positioned above the level of 110 per cent secondary containment height. Most pumps are not designed to work when submerged, but should not be so high that it can not be operated safely.

Check regulation 4(7) for specific requirements for pumps used with fixed tanks and regulation 5(3) for separate requirements for pumps used with mobile bowsers. You will find the regulations listed in Annex C of the following document:

- [DEFRA - Guidance note for the Control of Pollution \(Oil Storage\) \(England\) Regulations 2001 \(PDF, 367KB\)](#)

What kind of tap or valve can I have at the delivery end of a flexible pipe?

Ideally you should use a trigger nozzle with an automatic shut off system similar to those used at petrol filling-stations.

If you have a trigger nozzle without an automatic shutoff, it must not be capable of being fixed in the open position.

Nozzles with lever shut-off valves must not be used, they do not comply with these regulations.

What do I need to know about fill point drip-trays?

Ideally your tank fill point should be within the secondary containment and self drain to the storage tank. If not you will need a shut-off valve on the fill pipe at the screw fitting end. You must also have drip tray for use during deliveries to the tank.

It is alright to have a removable drip-tray but it must be used during delivery.

If you are using a permanent drip tray, the fill-point and tray should ideally be in a cabinet (or other protection) to keep rain, dust and dirt out. The cabinet should be kept locked to stop unauthorised use.

Talk to your delivery company about drip tray positioning, type and procedures.

What capacity does my tank fill point drip-tray need to be?

The drip tray should be big enough to hold oil that could be lost when the fill point shut off valve has been closed and the delivery hose is disconnected. This will typically be less than five litres but calculate the exact volume for your pipework and allow extra capacity for a safety margin.

We recommend that you talk to your oil delivery company about this.

What can I use as a fill point drip tray?

You can use any container that is specifically designed or manufactured to do the job.

It must be strong enough, made of oil resistant material and, ideally, have handles for lifting, emptying and cleaning.

Whose responsibility is it to empty my fill point drip-tray?

A tank owner is responsible for emptying a drip tray or arranging to have it emptied.

The drip-tray should be clean, free of water, debris and oil before delivery and any oil should be removed immediately after a delivery.

If the drip-tray is clean it may be possible to empty oil into the tank but only if it's safe and easy to do so without risk of spillage.

Your oil delivery company may be able to take the oil away or provide other services; you should discuss this with them.

The disposal and carriage of waste oil has strict legal controls, especially if you're producing this as a business. You must find out what applies to your own circumstances.

Enforcement

Find out about the penalties for failing to comply with the regulations.

How do we enforce the regulations?

We are responsible for enforcing these regulations. Failure to comply is a criminal offence. You could be fined up to £5,000.

If you are concerned that your oil storage facilities are inadequate, we will provide advice and guidance to help you comply voluntarily.

We can serve a notice **under section 161A Water Resources Act 1991 (works notice)** to make you improve your oil storage standards. Failure to comply with a notice is a criminal offence and may result in prosecution. From April 2010 we received the power to apply civil sanctions to certain regulations we enforce under the Environmental Civil Sanctions **(Miscellaneous Amendments) Regulations** 2010. This includes the OSR England.

We are able to use the following civil sanctions for a breach of regulation 9(4) of the OSR England:

- fixed monetary penalty;
- variable monetary penalty;
- restoration notice;
- stop notice;
- enforcement undertaking.

More information is available at the Office of Public Sector Information (OPSI) website:

- [OPSI](#)

Guidance on how we will use these civil sanctions will be available on our website soon. We expect use of the civil sanctions to start at the end of 2010.

Control of Pollution (Oil Storage) (England) Regulations 2001 extract.

Regulation 9.

A person who has custody or control of any oil in circumstances in which there is a contravention of any provision of regulations 3 to 5 or the requirements of a notice under regulation 7 shall be guilty of an offence and shall be liable:

- a) on summary conviction to a fine not exceeding the statutory maximum; or
- b) on conviction on indictment to a fine.

Are distributors committing an offence by delivering to a non-compliant tank?

Defra has said this would not be an offence as it is the non-compliance of the tank that constitutes the offence.

However, if a pollution incident happens during, or following, a delivery, we'll look closely at the circumstances to see if the distributor used appropriate judgment to decide if the tank was fit to receive the delivery.

Do we expect oil delivery company drivers to have sufficient knowledge of the regulations to identify a non-compliant tank?

We expect drivers to have adequate training to cover this requirement. The training should include appropriate industry guidance. Drivers use common sense when handling a product that has a big environmental impact.

Who is responsible for a tank loaned to a customer?

This would depend on what is meant by loaning and what agreements and conditions are attached to the loan.

A company who supplied an unbunded tank to a customer would not be in breach of the regulations, the supplier should state that the tank is non-compliant without secondary containment. Responsibility rests with the site operator (who has custody or control of the oil). A supplier can provide a tank without secondary containment for a user to install in a bund.

We urge customers to only accept banded tanks to comply with the regulations.

What are the legal requirements to maintain tanks?

There are no legal requirements for the maintenance of tanks. For guidance, please read Above Ground Storage - Pollution Prevention Guidance (PPG) note 2:

- [Above Ground Oil Storage: PPG 2 \(PDF, 451KB\)](#)

Qualified technicians should do an annual check on tank installations when they routinely inspect a boiler and they also produce a tank checklist.

We expect visual checks to be done at least weekly and would encourage tank checks to become part of the routine maintenance schedule. For more information, please read the guidance below:

- [Get to know your oil tank \(PDF, 1.9MB\)](#)