

## Regulatory position statement

### Collection and storage of mixed fuel from incorrectly filled vehicles

If you comply with the requirements below, we will allow the collection and storage of mixed fuel taken from vehicles incorrectly fuelled at garage forecourts without the need for an environmental permit.

#### Background

Every day hundreds of drivers put the wrong type of fuel in their vehicles – this is known as ‘mis-fuelling’. The vehicle may be towed to a local garage, where the mixed fuel is removed and stored in a container or tank, and the vehicle is re-fuelled. The garage then arranges for the mixed fuel to be removed under a hazardous waste consignment note.

Alternatively, specialist collection vehicles can remove mixed fuels directly from the mis-fuelled vehicle. When the tank of the specialist collection vehicle is filled to its safe working capacity or at the end of the day, the vehicle goes back to a depot or a secure site controlled by the vehicle assistance operator<sup>1</sup> and empties its load of mixed fuel into a storage facility.

The mixed fuel is hazardous waste and the [Hazardous Waste Regulations](#) must be complied with.

#### Our approach

We will not pursue an application for an environmental permit for the collection and storage of mixed fuel from mis-fuelled vehicles where:

- The specialist collection vehicle is designed and used only to remove and transport mixed fuel from vehicles that have been filled with the wrong type of fuel.
- The Hazardous Waste Regulations are complied with.
- The mixed fuels are emptied into a secure tank or container with a minimum secondary containment volume of 110% of the tank or container.

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1. Vehicle assistance operator can refer to either the vehicle assistance company that has collected the mixed fuel or another operator that has a tank which complies with the appropriate environment, health and safety legislation.

- Only the trained vehicle assistance operator transfers the mixed fuel into the storage container. This must be done using the vehicle's flame-proof pump and by the end of the working day<sup>2</sup>.
- The tank or containers used for storing the mixed fuels comply with BS EN12285-2: 2005 for below ground tanks or UL 2085 for above ground tanks. The total capacity of that tank at the storage site must not exceed 23,000 litres. Where quantities of mixed fuels are below 1,000 litres, containers must be "fit for purpose" within a flameproof store<sup>3</sup>.
- The tank or container has an overfill prevention system, for example high level alarm.
- Procedures are in place to alert the owner of the storage facilities of any overfill incidents and how to respond.
- There is an oil spill kit available so the vehicle assistance operator can respond quickly to control any spills.
- The mixed fuels are collected from the storage site by an ADR<sup>4</sup> approved fuel tanker for transportation to an authorised recovery facility. Or the waste contractor needs to ensure the correct thresholds apply for the mixed fuel to be transported as a "small load" for the purposes of ADR.
- You meet the relevant objectives of the Waste Framework Directive;
  - '... ensuring that waste management is carried out without endangering human health, without harming the environment and in particular:
    - (i) without risk to water, air, soil, plants or animals;
    - (ii) without causing a nuisance through noise or odours; and
    - (iii) without adversely affecting the countryside or places of special interest.'

## Enforcement

In not pursuing an application for a permit, we will not normally take enforcement action unless the activity has caused, or is likely to cause, pollution or harm to health. For a more detailed explanation of this enforcement position, please see our [Enforcement and Sanctions](#) statement. This can be found on the '[How we regulate you](#)' page in the Business & Industry section of our web site.

**2 When being stored or handled, the mixed fuel will fall under the Dangerous Substances Explosive Atmospheres Regulations 2002. It is the duty of the employer to ensure that the risks of fire and explosion are controlled by complying with the requirements of these regulations.**

**3. The storage limit of 1,000 litres does not infer a limit in line with the ADR requirements. A decision has to be made with the waste contractor if the mixed fuel is petrol or diesel and hence apply the requirements for transportation by road.**

**4. ADR are the initials of a French phrase meaning "international agreement concerning the carriage of dangerous goods by road". The equivalent in the UK is "Carriage of Dangerous Goods".**

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incident hotline  
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0845 988 1188

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