HEATBASE Ltd FACTSHEET 2

Oil Storage and Appliance Installation Regulations (England)

Version 9 September 2016

If your Installation has been marked as "Does not comply with current regulations" or any part of the Installation has been marked as "Fail" or a warning sticker has been issued or you have been informed that there is either a potential or immediate risk, please read the following:

2002 saw a big change in Regulation with regards to the "Oil sector". March 2002 saw the Introduction of the Control of Pollution (Oil Storage) Regulations (England) 2001 regarding Non-Domestic Oil Storage Installations and April 2002 saw the Introduction of "Building Regulations Approved Document J" for Oil, which concerns the Installation (movement or replacement) of Combustion appliances, flues and Storage of Liquid fuels.

Any Domestic Oil Storage tank with a capacity of 3501 litres or more is deemed a "Non-Domestic" Installation. Some Domestic Oil Storage tanks with a capacity of 3500 litres or less may still be deemed "Non-Domestic" (see Factsheet 41 *Domestic or Non-Domestic Tank Installation*), and therefore fall under the "Control of Pollutions (Oil Storage) Regulations (England) 2001" as well as Commercial fire regulations.

1. CONTROL OF POLLUTION (OIL STORAGE) REGULATIONS (ENGLAND) 2001

March 2002 saw the Introduction of the Control of Pollution (Oil Storage) Regulations (England) 2001 regarding Non-Domestic Oil Storage Installations. In basic terms, any Oil storage tank used in a Non-Domestic Installation or deemed as a Non-Domestic Installation, (regardless of the Installation date) with a volume of over 200 litres must be either Integrally Bunded or incorporate a Masonry Catch Pit or Bund constructed to CIRIA Report (163) for secondary containment of the fuel in the event of an Oil leak or overfill situation.

Any tank, which was classed to be "at immediate risk" had to conform by 1st September 2003, and any other tank by 1st September 2005 regardless of any risk. After this date any Non-Domestic Oil storage installation which does not conform will be deemed an illegal installation leaving the owner liable to prosecution with a fine of up to £20,000. In addition, any cost relating to damage or clean-up costs will be solely liable by the owner of the tank.

2. BUILDING REGULATIONS APPROVED DOCUMENT J (Installations after 1st April 2002)

April 2002 saw the inclusion of Oil in Part J of the Building Regulations; which concerns the Installation (including the movement or replacement) of Combustion appliances, flues and Storage of Liquid fuels. They do not apply to Oil storage systems where the capacity of the tank exceeds 3500 Litres or where the tank is fully buried or where the building served is not wholly or mainly used as one or more private dwellings with regards to Environmental Pollution as this is governed by the "Control of Pollution (Oil Storage) Regulations (England) 2001. However, they do apply to Oil storage systems serving buildings of all descriptions where the capacity of the tank exceeds 90 Litres, with no upper capacity including cases where the tank is buried with regards to protection against fire.

From 1st April 2002 the Installation, replacement or movement of an Oil fired Appliance or Oil storage tank in England became Notifiable Works and required a formal application for PLANNING PERMISSION to the relevant LABC (Local Authority Building Control). The only exception for this is if the Installer has the relevant registration with OFTEC (Oil fired Technical Association) or other recognised Competent Person Scheme. This enables the Installer to bypass LABC and Self-Certify their OWN work; but to finalise the job they must fill in a Completion of Installation Certificate which includes details of the appliance, system and system commissioning data **and is a Declaration of Compliance to Regulations and Correct Installation.** Commissioning and correct operation of the Oil storage tank and supply line, appliance and flue, system and controls as well as setting the rated output and emissions of the appliance are all the sole responsibility of the Installer. If suitably qualified and competent to do so, the Installer may carry out all of this work themselves or may subcontract some parts to other more competent or experienced persons. The Burner Commissioning Technician also fills in a separate Commissioning Certificate which contains details of the appliance, burner and emissions and information related to combustion. If the work was carried out under the supervision of a Competent Person Scheme the Installer must notify them of the work carried out, they will in turn issue a Compliance Certificate based upon the information they are given and notify LABC. If the Installer does not have the ability to Self-Certify, the Home owner must obtain a Building Licence or Notice. After applying, paying for and receiving approval from the LABC the work can commence and when finished the same documentation must be completed; but the Building Inspector must also check the Installation and paperwork and then sign off the job. In this case LABC will issue a Compliance Certificate. The Customer must retain these Certificates to prove the legality of the Installation.

No-one other than the Building Inspector has the power to sign off an un-registered Installers work.

Installations in Scotland still require planning permission or a warrant even if the Installer is registered with OFTEC or any other approved Competent Person Scheme.

Information regarding the requirements relating to The Installation of an Oil fired appliance, Oil storage tank and Oil supply line can be found in the current versions of Building Regulations Approved Document J, BS5410 parts 1, 2 & 3 and OFTEC Technical book 3 as well as our Factsheets:
F/S 2 *Oil Storage and Appliance Installation Regulations (England*), F/S 5 *Oil supply line and associated items*, F/S 6 *Remote sensing fire valves*, F/S 10 *Carbon monoxide poisoning*, F/S 11 *Appliance location, Combustion and Ventilation air supply*, F/S 12 *Flue termination*, F/S 35 *Earth bonding and Electrical regulations*, F/S 38 *Works notification and commissioning procedures*, F/S 40 *Fire protection and separation distances for oil tanks (England)*, F/S 41 *Domestic or Non-Domestic Tank Installation* F/S 42 *Keeping your Oil Storage Compliant and Safe.*

The regulations concerning Oil Storage can be broken into two sections:

2.1 PREVENTION OF ENVIROMENTAL POLLUTION

a. Since 2002 a Domestic Oil tank risk assessment has been available to check whether a single skinned Oil tank could legally be installed without Secondary Containment. If any of the following applies, then Secondary Containment must be (or should have been) provided either by fitting an Integrally Bunded Tank or a Single Skinned tank incorporating a Masonry Bund or Catch pit constructed to CIRIA Report 163:

If the volume of the Oil tank exceeds 2500 Litres (or) will be closer than 10 meters from controlled waters, (or) will be located where spillage could run into a loose fitting manhole cover or open drain, (or) will be located closer than 50 meters from a borehole or spring, (or) will be installed over hard ground where oil spilled could run off to reach controlled waters, (or) if the tank will be located in a position where the vent pipe was not visible from the filling point of the tank, (or) if the tank will be located within an England or Wales Source Protection Zone 1, (or) if there is any potential hazard individual to the site.

BS 5410 part 1:2014 which came into effect on 1st January 2015 now states that any NEW or REPLACEMENT Oil storage tank should incorporate Secondary containment. This regulation is not retrospective and does not apply to Domestic Oil tank installations of 3500 Litres or less installed before 1st January 2015 until the Oil tank is either moved or replaced or unless they should have already complied under the requirements of Regulations in force at the time of their installation. Although a very Grey area and leaving things open for interpretation, currently Approved Document J of the Building Regulations appears to still allow the installation of a Single skinned Oil tank providing a risk assessment has been completed and passed which allows the Installation of a Single skinned oil tank; although this will be changed when Approved Document J is altered and refers to BS5410 Part 1:2014 instead of BS5410 Part 1:1997 which has officially been withdrawn and superseded from 1st January 2015.

Plastic oil tanks must be fitted with a solid non-combustible base, although previously some tanks could be fitted on masonry pillars if allowed in the manufacturer's instructions.

b. Where a Tank is located in an area likely to be subjected to high winds or flooding, tank strapping should be provided to prevent significant tank movement when the tank contents are low, Manufacturers requirements should be followed regarding the most suitable points on the tank for strapping to be applied.

c. Above ground Oil tanks installed within a building (a building is defined as having at least 3 walls and a roof) must either be integrally bunded or incorporate a Masonry Bund or Catch Pit to CIRIA Report 163.

d. Underground Oil tanks do not require bunding but should only be installed if there is no suitable location above ground and should be installed to the Prevention of Pollution Guidelines Document PPG27.

2.2 PROTECTION AGAINST FIRE – Oil storage systems serving buildings of all descriptions where the capacity of the tank exceeds 90 Litres, with no upper capacity including cases where the tank is buried with regards to protection against fire.

Oil Fuel Storage installations including the pipework connecting them to the combustion appliances in the buildings they serve should be located and constructed so that they are reasonably protected from fires which may occur in buildings or beyond boundaries. Fire risk structures are not always defined as a building and can include garages, garden sheds, greenhouses, outbuildings, mobile homes and caravans, static caravans, childrens playhouses and fixed position barbeques etc.

Depending on the location and the capacity of the Oil tank and whether the Installation is deemed as Domestic or Non-Domestic different requirements need to be applied. Further information is given in Factsheet 40 *Fire protection and separation distances for Oil tanks (England) and Factsheet 41 Domestic or Non-Domestic Oil tank installation (England).*

Although a Domestic Oil appliance or Domestic Oil tank of 3500 litres or less installed prior to 1st April 2002 is not governed by these regulations and therefore the owner cannot be forced to bring their Installations in line with the current regulations (unless they move or replace the Oil tank or Oil appliance); it is strongly recommended that they check with their Insurance companies as there may be a clause to void any insurance claim if the system is not compliant to current regulations or standards.