

**Guide to
Completion of the Local Competent Authorities Annual Report
of Activities Form**

Chemicals Act

(Control of Major Accident Hazards Involving Dangerous Substances)

Regulations 2015, S.I. 209 of 2015

(COMAH Regulations)

Rev. 2, Jan 15th, 2018

Please read this guide before completing the form.

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Introduction to the COMAH Regulations

The Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015, (S.I. No. 209 of 2015) (“the COMAH Regulations”), implement the Seveso III Directive (2012/18/EU). The purpose of the COMAH Regulations is to lay down rules for the prevention of major accidents involving dangerous substances, and to seek to limit as far as possible the consequences for human health and the environment of such accidents, with the overall objective of providing a high level of protection in a consistent and effective manner.

The COMAH Regulations apply to any establishment where dangerous substances are present in quantities that exceed specified thresholds. The dangerous substances and threshold quantities are specified in Schedule 1 of the Regulations. Depending on the quantity of substances present at an establishment, it may either be a lower tier establishment or an upper tier establishment.

The full text of the COMAH Regulations¹ and the *Guide to the Regulations*² are available on the COMAH section of the HSA website.

Purpose of this guide

The purpose of this guide is to assist the relevant Local Competent Authorities in completing the annual report of activities form required by the Regulations.

The form contains multiple sheets: a summary sheet along with a separate sheet to be completed for each establishment within the functional area of the relevant LCA.

Please note that versions of Microsoft® Excel® prior to and including 2007 will not support the entry of all the data into the spreadsheet and are therefore unsuitable.

Please read this guide before attempting to complete the form.

If you have any queries about the form, please contact comah@hsa.ie for assistance.

This first revision of the guide reflects the experience gained from the reporting experience in the first year (2015) and is directed on reporting activities for 2016 and subsequent years.

¹http://www.hsa.ie/eng/Your_Industry/Chemicals/COMAH/SI_209_of_2015.pdf.

²http://www.hsa.ie/eng/Your_Industry/Chemicals/COMAH/A_Guide_to_COMAH_SI_No_209_of_2015.pdf.

Preparation of an EEP

Under the COMAH Regulations, every Local Competent Authority (LCA) must prepare an emergency plan for the measures to be taken outside the establishment - in the Regulations referred to as an external emergency plan (EEP) - for each upper-tier establishment within its functional area.

In preparing the EEP, the LCA **must** consult with:

- other LCAs as necessary
- the Operator
- Central Competent Authority (CCA)
- EPA
- The public

When requested, the LCA must provide the operator with relevant information from the EEP to enable the operator to draw up an internal emergency plan.

The operator is required to supply information to the LCA when requested, in compliance with the timelines set out in Regulation 16(2) - see Appendix 1.

LCAs can appoint authorised officers to enter an establishment within the functional area at all reasonable times and require the operator to provide the necessary information in order that the EEP may be prepared or amended.

Following a major accident, LCAs will have to inform the 'persons likely to be affected' of the accident and, where necessary, of the measures that have been taken to mitigate the consequences - see Regulation 25(4).

Review, testing and reporting of EEPs

External emergency plans have to be reviewed and, where necessary, updated as often as the circumstances require, but in any event at intervals not exceeding 3 years.

The LCAs, when they are reviewing an EEP, must take into account changes that have occurred in the establishment to which the plan relates or changes within the LCAs, new technical knowledge or knowledge concerning the response to major accidents.

External emergency plans must be tested at a maximum interval of three years. If a local competent authority is of the view that the cooperation of one or more other local competent authorities is required to adequately test the plan, it can request this cooperation in writing. Where an LCA receives such a request, it must cooperate (Regulation 17(4)).

Where an EEP has been tested under the 2006 Regulations, the maximum test interval of 3 years will apply from the date of that last test (Regulation 17(2)).

LCAs must submit a report to the CCA on their activities under Regulations 16 and 17 within 2 months of the end of each calendar year.

The next section provides guidance to the LCAs on the completion of the report form required to be submitted to the CCA.

Completing the Report Form

The form consists of a summary sheet and individual sheets for each establishment within the relevant LCA functional area (a maximum of 20 individual sheets are provided).

Summary Sheet

The first part of the summary sheet requires information about the local competent authority. Details such as name, address, contact persons and email addresses are to be entered here. Where the report covers more than one LCA, there is space to add information for up to 4 additional LCAs.

You should begin by selecting the relevant reporting period. This is in the form of a drop-down menu at the top of the summary sheet, and you should select the relevant year from that drop-down list.

Local Competent Authority
Annual Report of Activities
 Chemicals Act
 (Control of Major Accident Hazards involving Dangerous Substances) Regulations 2015
 (S.I. 209 of 2015)

Report period: 2015

Select relevant year here

Information about the local competent authority

Local Competent Authority 1	Name	City Local Competent Authority
	Address 1	3rd Floor
	Address 2	LCA House
	Address 3	Main Street
	Address 4	Cork
	Eircode	ABC 1234
	Contact Person(s)	John Murphy
	Contact Phone	021 1234567
	Contact Email (for notifications etc.)	john@citylca.ie
	Name of Authorised Officer [if any - Reg. 16(9)]	Mary Ryan

Enter LCA details here

Figure 1: summary sheet information on first LCA

You will note that the cells within the form which are required to be completed are coloured pink/salmon, and when information has been entered the colour will then change to white: this should assist in completing the form.

If this report covers multiple local competent authorities, information about those local competent authorities:

Local Competent Authority 2	Name	County Local Competent Authority
	Address 1	County Hall
	Address 2	West Main Street
	Address 3	Cork
	Address 4	Co Cork
	Eircode	XYZ 1234
	Contact Person(s)	
	Contact Phone	
	Contact Email (for notifications etc.)	
	Name of Authorised Officer (if appointed)	
Local Competent Authority 3	Name	not applicable
	Address 1	not applicable
	Address 2	not applicable
	Address 3	not applicable
	Address 4	not applicable
	Eircode	not applicable
	Contact Person(s)	
	Contact Phone	
	Contact Email (for notifications etc.)	
	Name of Authorised Officer (if appointed)	

Completed cells – change to white colour

Uncompleted cells remain pink in colour

Figure 2: summary sheet data on other LCAs

The second part of the summary sheet seeks summary information about the number of establishments within the functional area of the LCA as well as summary details on the number of EEPs in place, tested and so on.

Again, as above, the cells will change colour when information has been entered.

Number of establishments and EEPs	Current upper-tier establishments (number)	16
	Proposed upper-tier establishments (number)	0
	EEPs in public consultation process (number)	2
	EEPs in place (number)	16
	EEPs tested this year (number)	6
	EEPs due for test and not tested (number)	1

Figure 3: summary sheet data – overview of report

When you have completed the summary sheet, a separate sheet should then be completed for each establishment within your functional area. These sheets are located on separate tabs labelled 'Establishment1' to 'Establishment20' which you will see across the bottom of the excel screen or alternatively you may click on the links provided at the bottom of the summary sheet. It is possible to enter information for up to 20 establishments. Should you require further sheets, you can make this request to comah@hsa.ie

Complete a tab for each Establishment within your functional area:

1st Establishment	7th Establishment	13th Establishment	19th Establishment
2nd Establishment	8th Establishment	14th Establishment	20th Establishment
3rd Establishment	9th Establishment	15th Establishment	
4th Establishment	10th Establishment	16th Establishment	
5th Establishment	11th Establishment	17th Establishment	
6th Establishment	12th Establishment	18th Establishment	

Links within the summary sheet to the 20 establishment sheets

Alternative option to the links – click on individual tabs for each establishment 1-20

Figure 4: links to reporting tab for each establishment

Establishment EEP Details Sheet

An establishment sheet is to be completed for each establishment within the LCA's functional area. It is possible to enter information for up to 20 establishments.

The establishment sheet requires general EEP details along with the specifics for the most recent EEP test for that particular establishment, details on the consultation process for the EEP, domino group information, operator co-operation and provisions for informing the public of a major accident.

To begin, you should also select the relevant period to which the report relates. This is in the form of a drop-down menu at the top of the sheet, and you should select the relevant year from the drop down list. It is important only to report data for the reporting year in question, and not include information on future planned activities in the current year in which the report is submitted.

Broadly, each summary sheet is divided into 3 sections, with a number of items requiring a response in each. The required items are numbered from 1 to 21 and there are cell prompts to guide you through the information to be entered into the sheet.

Report period	2017		Select relevant year from drop down menu	
Complete the following table for <u>each Establishment</u> within your fu				
Establishment 1				
General EEP Details	1. Name of Establishment	2. Address of establishment		
	ABC Pharmaceuticals	Southern Industrial Estate, Cork		
	3. Name(s) of other LCAs (or other organisations) consulted in the preparation of the EEP			This date should be in past.
	Local Comptent Authority			
	N/A			
	N/A			
	N/A			
	4. Date EEP adopted	5. Date of most recent review of EEP		
	30 August 2016	20 June 2016		
	6. Date of consultation with			
	Operator	14 February 2016		
	EPA	28 February 2016		
HSA	28 February 2016			
Public	28 February 2016			
7. Has the LCA consulted with the public on the EEP using Local & National Press and /or displayed on LCA Website ?				
YES				

Figure 5: Select the reporting year and enter data for that year.

General EEP Details

This section contains items 1 to 7 and requires general information on the particular establishment being reported on.

There is no requirement to begin an entirely new form for each reporting year. You may edit the report form you submitted in the first reporting year with updated information, leaving any unchanged information in place.

Item 1 requires the name of the establishment to be selected from a dropdown list of establishments. Once the establishment name is selected the address of the establishment in item 2 will automatically populate. Item 3 requires the names of the Local Competent Authorities (LCA) who were consulted in the preparation of the EEP. These can be selected from dropdown list.

Item number 4 requires the date that the EEP was adopted. This is the date that the most recent formal revision of the EEP was signed off. In the case where the EEP has not been revised subsequently this will be the original date. If the LCA has been formally notified by the CCA under Regulation 21(9)(a) that there is no requirement to prepare an EEP, you may answer 'Exempted' in that case (see Appendix 2).

Item number 5 requires the date of the most recent review of the EEP. This is the date on which the LCA formally reviewed the EEP as required by Regulation 17(1).

Item number 6 requires the date in which bodies referred to in Regulation 16(5) were consulted on the EEP. This is the date that formal correspondence was sent to these bodies seeking their observations. The date on which the public were consulted must also be entered here: under Regulation 16(6) **consultation with the general public** must always take place if an external emergency plan is required, even if there are no offsite effects from potential major accidents at the relevant establishment.

All dates should be entered in the format 'DD Month YYYY'.

Item number 7 requires information on the manner by which the LCA consulted with the public. The CCA expect that the LCAs will follow the MEM Guidance Document 10³. Therefore, the suggested responses include –

- (a) published in local/national newspaper
- (b) published to LCA website

Test Details for reporting period

This section contains items 8-14 and relates to EEP test details for the specific reporting period.

Item number 8 requires the major accident scenario drilled for the EEP test to be selected from a dropdown menu. The options for the scenarios from the dropdown list include the following;

- a) Scenario involved a fire
- b) Scenario involved a fire and explosion
- c) Scenario involved a toxic release
- d) Scenario only involved a release to the environment

The scenario must be one of those described in the current version of the safety report.

³ <http://mem.ie/wp-content/uploads/2017/02/Guidance-Document-10-Seveso-III.pdf>

Item number 9 contains a drop-down menu of the test type which best describes the EEP test exercise undertaken. Select only from the drop-down menu the test type that best describes the most recent test. The option in the dropdown menu aligns to the test types in the MEM Guidance document. More detail on the scenario tested can be added when completing item 10 below.

Item number 10 requires specific details of the scenario tested, this is a free text field. The particular scenario selected from the safety report for testing should be briefly described and specific information should be included about the part(s) of the scenario tested

Item number 11 contains a dropdown menu where the cooperation between the LCA can be reported on.

Item number 12 requires a brief description of the EEP test review process and in particular any significant changes made to the EEP following the test. If significant changes are to be made to the EEP, the stakeholders referred to in Regulations 16(5) and 16(6) must be consulted.

Item number 13 requires information as to whether the test addressed clean-up and restoration of the environment, which is one of the four objectives set out for emergency plans in Regulation 13. The drop-down offers 'Yes' or 'No' or 'N/A - No Environmental Risk' options. If the scenario tested had an environmental aspect that could have formed part of the test, select 'Yes', if it didn't, select 'No'. If the major accident scenario tested had no environmental aspect then select 'N/A-No Environmental Risk' here.

Item 14 requires information as to whether the IEP and the EEP were tested at the same time. A drop-down list is provided with only 'Yes' and 'No' and 'The exercise involved a formal handover of the emergency from appropriate site contact to the LCA' options.

Information

This final section contains items 15-21 and relates to the exchange of information between the operator and the LCA and the provision of information to the public. All the items in this section contain drop-down lists and only one of the offered responses should be selected. For all items, with the exception of numbers 18 and 19, a brief explanation as to why the action was not carried out is to be given if selecting a 'No' response. **Selecting a 'No' response requires further information to be entered in the cell immediately to the right** of that cell – some advice on potential responses is given below.

Item 15 requires information as to whether the LCA was consulted on the information supplied by the operator to persons within the public information zone.

The *public information zone* (PIZ) is the name given by the CCA to the area referred to in Regulation 25(4) (called the 'specified area' in the previous regulations). An operator may propose such an area to the CCA in the safety report. Under Regulation 25(8), the CCA will communicate the PIZ to the operator following the assessment of the safety report. Where risk-based generic advice for an establishment has been drawn up according to the CCA's published policy, the extent of the outer planning zone (the 1×10^{-7} contour) will constitute the PIZ (as set out on page 6 of the LUP policy document⁴).

If the public information zone does not extend off-site, or where it does extend off-site but does not include the receptors referred to in Regulations 25(4) and 25(5), then the operator has no obligation and the LCA does not have to be consulted. In that case 'Establishment not required to provide information to the public (No PIZ)' should be selected. If the LCA was not consulted on the content of the information to the public information select 'No' and provide an explanation as to why that was the case in the next column.

It is important not to confuse the PIZ and Consultation Distance. The *consultation distance* is a distance advised to a planning authority, within which there are potentially significant consequences for human health or the environment from a major accident at the establishment. Its purpose is to advise planning authorities of the area within which the planning controls required by the Directive should operate.

Item 16 seeks to determine whether the LCA was supplied with the information by the operator (to enable the LCA to draw up the EEP). If 'No' is selected here, further explanation is required in the next column. Possible additional information entered in that adjacent cell could be 'operator refused to provide the information', 'operator provided incomplete information' etc. Additional specific information should be added to explain your response.

Item 17 requires information on whether the LCA supplied information to the operator about the EEP. If the Operator did not request any information select 'Operator did not request information'. If the answer is 'No', further explanation is required in the next column.

Item 18 requires information as to whether the establishment is part of a domino group. Select 'Yes' or 'No' from the drop-down menu (LCAs have been informed by the CCA of the relevant domino groups).

Item 19 requires information as to whether the domino group gave collective information **to the LCA** to assist in drawing up the external emergency plan. There are three options given in this drop-down menu. Included with the usual 'Yes' and

⁴http://www.hsa.ie/eng/Your_Industry/Chemicals/Legislation_Enforcement/COMAH/Approach_to_LUP_under_Comah_Regs.pdf

'No' option is the 'Not applicable' option. If the establishment is not part of a domino group then the 'Not applicable' option should be selected.

Item 20 requires information to show that there is a clear understanding with the operator on the assistance to be provided for on-site and offsite mitigatory action as required by Schedule 4 Part 2 (d). If 'No' is selected here as the response then further explanation is required in the next column. If you have answered 'No' because you think that a clear understanding does not exist, you should provide more detail here. If you were to respond with, say, 'the understanding is not clear' you should explain in more detail what that means: this will help the CCA to decide on whether / what type of intervention may be warranted.

Item 21 requires information on whether the EEP provides for the supply of information to the public following a major accident. If 'No' is selected here further explanation is required in the next column.

Information	15. Was LCA consulted on the content of the information provided to the public [Reg. 25(9)]?	No	Please explain further:
	16. Were you satisfied with the information provided by the operator [Reg. 16(2)]?	Yes	
	17. Did the LCA supply information to the operator about the EEP - [Reg. 16(3)]?	Yes	
	18. Is esta	No	
	19. Did infor	Not Applicable	
	20. Is there a clear understanding (with operator) on assistance to be provided for on-site & off-site mitigatory action (Schedule 4)?	No	Please explain further:
	21. Does the EEP make provision for informing the public after a major accident [Reg. 16(13)]?	Yes	

Further information to be entered here if "No" selected

Figure 6: Some 'No' responses will trigger the input of additional information.

Link to EEP

A link to the EEP may be entered in the cell at the end of each establishment sheet. Alternatively, if it is not possible to provide a link, a copy of the EEP may be embedded into the sheet.

It is not necessary to attach the EEP in second and subsequent reports unless a revision has been made to it.

Procedure for embedding the EEP documents into the form

Firstly click on the appropriate cell, then click on 'Insert' (on the toolbar at the top of the page) and then click on 'Object' (in the group labelled 'Text' on the tool bar at the top of the page).

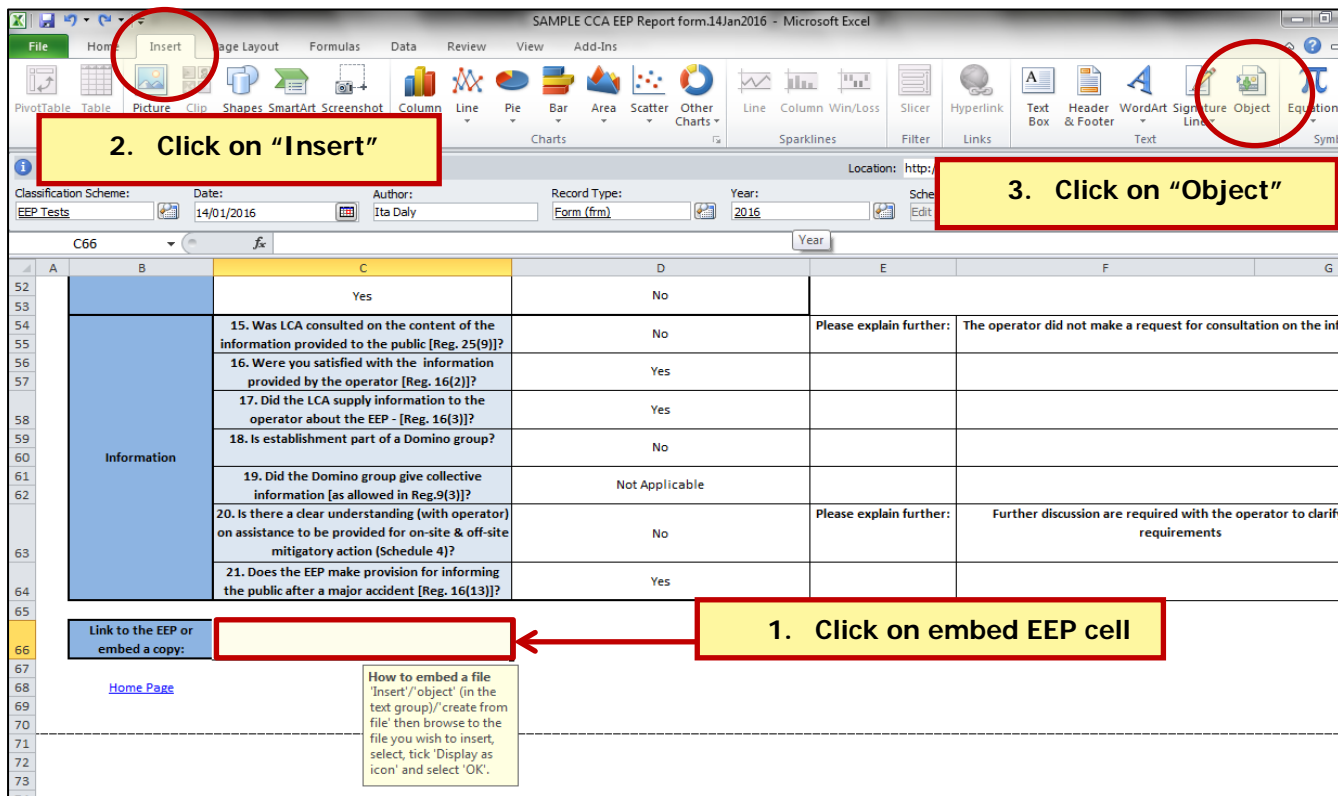


Figure 7: Embedding a file in the worksheet, part 1

The following window will pop up on your screen:

Guide to the LCA Annual Report of Activities Form

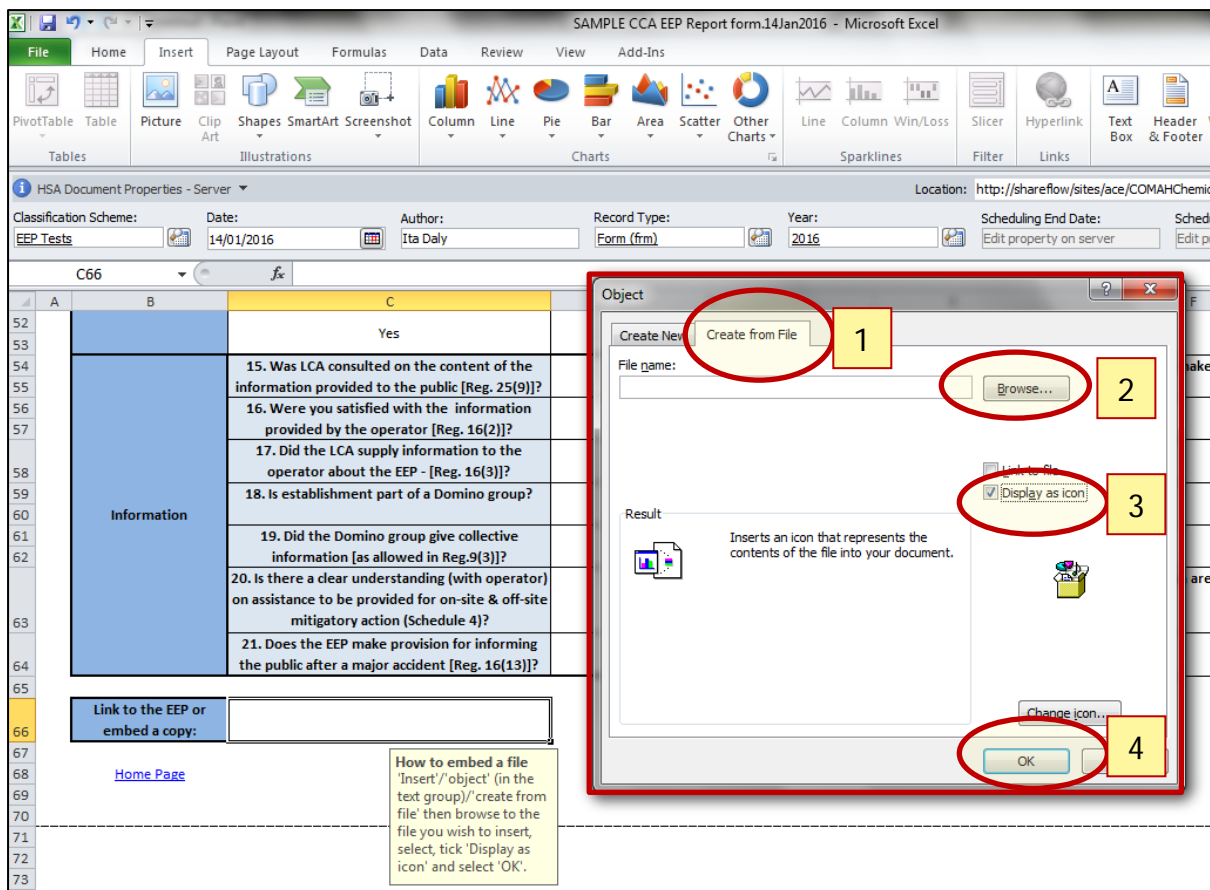


Figure 8: Embedding a file in the worksheet, part 2

Click on the tab 'Create from File', then click on the 'Browse' button to the file you wish to insert, tick the box 'Display as icon' and then click 'Ok'.

Information	15. Was LCA consulted on the content of the information provided to the public [Reg. 25(9)]?	No	Please explain further:
	16. Were you satisfied with the information provided by the operator [Reg. 16(2)]?	Yes	
	17. Did the LCA supply information to the operator about the EEP - [Reg. 16(3)]?	Yes	
	18. Is establishment part of a Domino group?	No	
	19. Did the Domino group give collective information [as allowed in Reg.9(3)]?	Not Applicable	
	20. Is there a clear understanding (with operator) on assistance to be provided for on-site & off-site mitigatory action (Schedule 4)?	No	Please explain further:
	21. Does the EEP make provision for informing the public after a major accident [Reg. 16(13)]?	Yes	

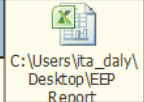
Link to the EEP or embed a copy:		Document now embedded
----------------------------------	---	-----------------------

Figure 9: Embedding a file in the worksheet, part 3

When you have completed the establishment sheet, you can click on the homepage link at the end of the sheet to take you back to the summary sheet, or alternatively you may proceed to the next tab to complete the details for establishment 2.

How to submit the form

In a reporting year the information that was submitted in a previous year can be used again and any updates that occurred in the reporting year can then be included in this report. LCAs should take the opportunity at this stage to correct any errors/omissions given in the previous year's report.

When you have completed the annual report of activities form, please check that all the necessary information has been provided. Incomplete forms **will not** be accepted. You are advised to keep a copy for your own records and to assist you with subsequent annual reports.

Name the file

The saved file should be named as follows:

LCAname_annual_reportYYYY_ddmmmyyyy

Example:

LocalCompetentAuthority_annual_report2015_11jan2016

Send the file to us

Send the Excel file electronically to the unique and secure location which will be provided to you by the HSA. If you have not received an email with a link to the secure location, you should communicate through the mailbox comah@hsa.ie and request the provision of a secure link.

Hard copies of the form will not be accepted.

Appendix 1

Timelines

Provision of information by operator to LCA

The time lines for the operator to provide information to the local competent authority is as follows:

Establishment Type	Provision of External Emergency Plan Information Timeline
New	≥1 month prior to start of operation, or modification
Other	≤ 6 months from the date from which the COMAH Regulations apply
Existing	No later than 1 st June 2016.
Transitional Arrangements	Existing establishments do not have to supply information under this Regulation if the plan drawn up under the 2006 Regulations and the related information remains unchanged and complies with this Regulation and Regulation 13.

Preparation of EEP by LCA following receipt of information from operator

For new and other establishments the relevant local competent authorities must prepare the EEP within six months following the date for the receipt of the necessary information from the operator, but in any case no later than one year following the date they were notified of the requirement by the Central.

Submission of LCA Annual Report of activities to CCA

LCAs must submit a report to the CCA on their activities under Regulations 16 and 17 within 2 months of the end of each calendar year.

Appendix 2

Criteria for exemption under Regulation 21(9)(a)

- Request has been made by the LCAs.
- Assessment of the safety report confirms no off-site consequence.
- Dangerous Substances cannot create major accident hazard due to:
 - physical form
 - containment
 - quantity
 - location
- No offsite danger is posed
- There is no requirement for LCA to provide assistance with on-site mitigatory action