

CERTIFICATE OF EXEMPTION NO. R.P.P.S.I
DRIVER CONTROLLED DELIVERIES

DANGEROUS SUBSTANCES (RETAIL AND PRIVATE PETROLEUM
STORES) REGULATIONS, 1979
(S.I. NO. 311 OF 1979)
AND
DANGEROUS SUBSTANCES (RETAIL AND PRIVATE PETROLEUM
STORES) (AMENDMENT) REGULATIONS,
1988
(S.I. NO. 303 OF 1988)

The Minister of Enterprise and Employment, in exercise of the powers conferred on him by the Dangerous Substances (Retail and Private Petroleum Stores) Regulations, 1979 (S.I. No. 311 of 1979) and Regulation 3 (e) of the Dangerous Substances (Retail and Private Petroleum Stores) (Amendment) Regulations, 1988, (S.I. No. 303 of 1988), exempts every licensee, carrier, or person in charge of a tank – vehicle from all the provisions of Regulations 20(l) (a), 20(l) (b), 20(l) (c), 20(l) (d), 20(2), and 21(l) (e), being satisfied that those requirements are not necessary for the protection of persons or property, provided that the following conditions are complied with : -

1. The licensee shall ensure that:-
 - (a) the cap of the filling point of each underground storage tank is locked with a captive key lock, the key of which shall –
 - (i) be identified with the number, letter, or number and letter corresponding with the number, letter, or number and letter marked on the relevant underground storage tank, and
 - (ii) have a different profile from the key used for any other such lock;
 - (b) a suitable measuring device is provided for each underground storage tank, which device shall –
 - (i) be capable of continuously and visually indicating the ullage in that underground storage tank,
 - (ii) be clearly marked (adjacent to the said visual indication of ullage) with the number, letter, or number and letter marked on that underground storage tank,
 - (iii) in the event of failure, indicate that the underground storage tank is full or there is a fault condition, and
 - (iv) be maintained in good working order and be calibrated every twelve months by a competent person;
 - (c) a ticket printer is provided which is capable of issuing a ticket on which the following information is indicated –
 - (i) the date and time of each delivery, and
 - (ii) number, letter or number and letter, marked on each underground storage tank, the grade of petroleum Class I permitted to be stored in each such tank, and the ullage of the tank;

- (d) (i) each underground storage tank is provided with a suitable high-level alarm, and overfill prevention device,
 - (ii) the alarm mentioned in (i) above must be audible to the drivers,
 - (iii) the overall prevention device shall be set to operate at not more than 95% capacity;
- (e) suitable and adequate illumination is provided for any area in which the tank -vehicle stands during unloading and any area in which an underground storage tank filling point or a measuring device referred to in these conditions is situated, together with means which are accessible to the driver for switching that illumination on or off;
- (f) one or more telephones are provided which are accessible to the driver to make direct contact with the emergency services or for summoning any assistance he may require;
- (g) there is provided and maintained at a suitable location either -
- (i) two suitable foam extinguishers, each of a capacity of not less than nine litres, or
 - (ii) two suitable dry powder extinguishers, each of a capacity of not less than nine kilogrammes;
- (h) at least 25 kilograms of dry sand or such quantity of other suitable absorbent material as gives an equivalent degree of absorbance, in conjunction with suitable tools for applying it, is provided in a suitable container, for the purpose of containing spillages;
- (i) a plan of the premises is provided and displayed where the driver can read it. The plan must indicate the position of each filling point, together with its number or identifying letter, the capacity of the tank to which it is connected and the grade of petroleum class I which the underground storage tank is permitted to contain; and the plan shall also indicate the unloading position for the tank-vehicle and the position of the surface drainage points;
- (j) a switch, which is capable of cutting off the power supply to all the dispensing pumps when they are in use at the premises, is provided and is accessible to the driver of the tank-vehicle.
2. The licensee shall ensure that where a carrier is likely to make deliveries of petroleum Class I to a premises he is given written notice of any conditions which apply to such deliveries.
3. The licensee shall take practicable steps to ensure that Petroleum Class I is not transferred to an underground storage tank until he has:
- (a) in Part A on each of the two copies of the certificate in the form set out in the Schedule to this Certificate of Exemption, in the first column, entered the address of the premises, in the second column, entered the name of the licensee, in the third column, entered the number, letter, or number and letter marked on the tank, in the fourth and fifth columns, entered the quantity and grade respectively of the Petroleum Class I which is to be delivered into the tank. In the sixth column, the licensee shall enter his signature, after first checking that the ullage in the tank, as indicated by the tank measuring device, exceeds the quantity of the Petroleum Class I to be received by that tank, and in the seventh column, shall enter the correct date and time;
 - (b) given a copy of the certificate duly completed to the driver attending the tank-vehicle from which the transfer is to be made.

4. The licensee shall ensure that only the keys for the tanks shown in Part A of this Certificate shall be given to the driver.
5. A driver of a tank-vehicle shall ensure that the contents of a single compartment of said vehicle, will not be split between two underground storage tanks, when Petroleum Class I is unloaded.
6. A Driver of a tank-vehicle who makes a delivery of Petroleum Class I under this Certificate of Exemption shall –
 - (a) comply with any written notice of any conditions which apply to such deliveries;
 - (b) immediately before commencing the delivery –
 - (i) in Part B on each of the two copies of the certificate in the form set out in the Schedule to this Certificate of Exemption, required to be given to him, in the first column, enter the number, letter, or number and letter marked on the underground storage tank into which the delivery is to be made, in the second column, enter the number of each compartment of any carrying tank of the tank-vehicle from which Petroleum Class I is to be delivered, and in the third column enter his signature,
 - (ii) check that the key for the captive lock on each filling point cap of the underground storage tank, which is specified in the copies of the certificate required to be given to him, is available to him,
 - (iii) check that the quantity to be delivered can be safely received in the underground storage tank, by visually checking that the ullage indicated on a ticket obtained from the ticket printer exceeds the quantity to be delivered into that tank.
 - (iv) test the high level audible alarm that is provided for each underground storage tank that is to be filled, to ensure that it functions correctly, and
 - (v) verify that there is a dialling tone on the telephone that is provided for use in an emergency;
 - (c) after the delivery is completed and before departing from the premises –
 - (i) ensure that all caps on the filling points into which deliveries have been made are securely closed and locked,
 - (ii) ensure that one of the two duly completed copies of the certificate given to him and completed by him before the delivery commenced is given back to the licensee who shall keep it for a period of not less than six months after the transfer, and
 - (iii) give the second of the said copies to the carrier who shall keep it for a period of not less than six months after the transfer.
7. Before any modifications are carried out to an existing store, in order to enable “ Driver Controlled Deliveries” to be made, the Licensee shall give at least one months notice in writing to the Licensing Authority detailing the proposed modifications. The modifications shall only be carried out with the consent of the Licensing Authority.
8. Once a store has been modified to receive “Driver Controlled Deliveries” all deliveries of petroleum Class 1 to that store shall be in accordance with the procedures set out in this exemption unless –

- (a) at least two weeks notice in writing has been given to the Licensing Authority stating the intention to revert to "Licensee Controlled Deliveries", or
 - (b) in the event of equipment failure where it is necessary to revert to "Licensee Controlled Delivery", in which case the Licensee must immediately notify the Licensing Authority by the quickest means possible. The resumption of "Driver Controlled Deliveries" after such an equipment failure must also be notified to the Licensing Authority.
9. The carrier shall ensure that tank-vehicles used for making "Driver Controlled Deliveries" shall be fitted with bottom operated foot valves and a means to shut off quickly all foot valves simultaneously in an emergency.
 10. All persons concerned with "Driver Controlled Deliveries" shall receive appropriate training in the procedures to be followed, the operations and use of equipment, the nature of the dangers which may arise and the action to be taken in the event of an emergency.

For the purposes of this exemption

"carrier" has the same meaning as in the Dangerous Substances (Conveyance of Petroleum by Road) Regulations, 1979 (S.I. No. 314 of 1979)

"Ullage" means the difference (expressed in litres) between the maximum working capacity of a storage tank and the quantity of petrol in it at any given time.

Guidance Notes for completion of PART A:

Note: The licensee must enter, in the first column, the address of the licensed premises concerned; in the second column, the licensee's name; in the third column, the relevant storage tank number, letter or number and letter; in the fourth and fifth columns, the quantity and grade respectively of petrol to be delivered; in the sixth column, his signature; and, in the seventh column, the correct date and time. This Part must be completed before delivery into the tank commences. The sixth column may only be completed after the person concerned has measured the ullage space in the tank.

Guidance Notes for completion of Part B:

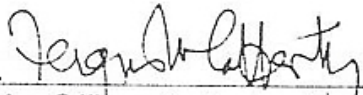
Note: In this part, the driver must enter, in the first column, the relevant storage tank number, letter or number and letter; in the second column, the number of each compartment of any carrying tank from which the petrol is to be delivered; and in the third column, his signature. This Part must be completed after Part A has been completed by the licensee but before delivery into the tank commences.

PART A

FIRST COLUMN			SECOND COLUMN	
ADDRESS OF PREMISES			NAME OF LICENSEE	
Third Column	Forth Column	Fifth Column	Sixth Column	Seventh Column
Storage tank number, letter or number and letter	Quantity of petrol to be delivered	Grade of petrol to be delivered	Signature of licensee that he has visually checked the ullage space in the storage tank	Date and time of completion of this part of the certificate

PART B

FIRST COLUMN	SECOND COLUMN	THIRD COLUMN
Storage tank number, letter or number and letter	Road tanker carrying tank compartment numbers	Signature of driver



 An Officer Authorised by the
 Minister for Enterprise and Employment

Dated: This 26th day of August, 1994.