

EXPLANATORY MEMORANDUM TO

The Pollution Prevention and Control (Industrial Emissions) (Amendment) Regulations (Northern Ireland) 2016

SR No. 2016 No. 309

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Article 4(1) of, and Schedule 1 to, the Environment (Northern Ireland) Order 2002, and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Regulations make an amendment to the extant Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013.
- 2.2. The purpose of the amendment is to take account of EU Directive 2014/99/EU, which sets two new standards for equipment used for Stage II petrol vapour recovery.
- 2.3. The first standard specifies the test methods for the approval of petrol vapour recovery systems for use in refuelling vehicles at service stations.
- 2.4. The second standard states the test methods to be used at service stations to verify the effective operation of such vapour recovery systems.
- 2.5. Service stations and manufacturers of equipment for petrol vapour recovery will be legally required to comply with these new standards on petrol vapour recovery.

3. Background

- 3.1. Petrol vapour is harmful to the environment and can cause air pollution, impacting upon people, vegetation and ecosystems. In addition, petrol vapour contains hydrocarbons that are known to be carcinogenic (e.g. Benzene).
- 3.2. Stage II petrol vapour recovery occurs when petrol vapours are recovered from vehicle petrol tanks whilst they are being refilled with petrol in service stations. This process prevents at least 85% of the petrol vapour from escaping into the air.

4. Consultation

- 4.1. The Department launched a public consultation on 1st February 2016 on the Regulations. All relevant stakeholders were consulted, but no substantive comments were received from any stakeholders.

5. Equality Impact

- 5.1. Preliminary screening exercises have been undertaken on the Regulations and there is no evidence that the measures would have any impact on any of the groups specified in Section 75 of the Northern Ireland Act 1998.
- 5.2. Therefore, the Department does not consider a full Equality Impact Assessment to be necessary. In addition, no stakeholders raised any concerns over any equality issues during the consultation period.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment was carried out as part of the public consultation process. No new financial burdens are being imposed upon any NI stakeholders, including both service stations themselves, and also the enforcing authorities for the current Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013.

7. Financial Implications

- 7.1. There are no new financial implications for any stakeholder in Northern Ireland as a result of any of the provisions of these Regulations.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Statutory Rule complies with the provisions set out in section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. EU Directive 2014/99/EU amends EU Directive 2009/126/EC on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations.
- 9.2. The purpose of these Regulations is to take account of EU Directive 2014/99/EU, which sets two new standards on Petrol Vapour Recovery.
- 9.3. All the requirements of the EU legislation have been introduced for Northern Ireland in these Regulations without any extra burdens being placed upon any stakeholders.
- 9.4. A transposition note has been compiled to show how the provisions on petrol vapour recovery of each of the articles of EU Directive 2014/99/EU have been transposed into these Regulations for Northern Ireland.

10. Parity or Replicatory Measure

- 10.1. The same new standards on petrol vapour recovery have been brought into equivalent legislation for England and Wales. The relevant legislation is the Environmental Permitting (England and Wales) (Amendment) Regulations 2016, which came into force on 13th May 2016.
- 10.2. The equivalent legislation has also already been introduced in Scotland, via the Pollution Prevention and Control (Scotland) Amendment Regulations 2016, which came into force on 12th May 2016.

11. Additional Information

- 11.1. Not applicable.