



OFFER YNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2016 Rhif 359 (Cy. 112)

ADNODDAU DŴR, CYMRU

Rheoliadau Adnoddau Dŵr (Rheoli Llygredd) (Storio Olew) (Cymru)
2016

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn, a wnaed o dan adrannau 92 a 219(2) o Ddeddf Adnoddau Dŵr 1991 (p. 57) ac o dan adran 62 o Ddeddf Gorfodi Rheoleiddiol a Sancsiynau 2008 (p. 13), yn ei gwneud yn ofynnol i berson sydd ag olew dan ei ofal neu ei reolaeth mewn achosion penodol penodedig i gydymffurfio â gofynion penodol o ran y modd y mae'r olew yn cael ei storio a'i drin. Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Mae'r Rheoliadau hefyd yn disodli'r ddarpariaeth bresennol a wnaed mewn perthynas ag olew tanwydd amaethyddol gan Reoliadau Adnoddau Dŵr (Rheoli Llygredd) (Silwair, Slyri ac Olew Tanwydd Amaethyddol) (Cymru) 2010 (O.S. 2010/1493).

Mae rheoliad 1 yn gwneud darpariaeth (ymhlith pethau eraill) ynghylch cychwyn. Daw'r Rheoliadau i rym ar 15 Mawrth 2016, ac eithrio achosion pan fo cynhwysydd sydd eisoes yn cael ei ddefnyddio ar y dyddiad hwnnw. Yn yr achosion hynny pennir dyddiadau hwyrach yn rheoliad 1.

Mae rheoliad 2 yn diffinio termau a ddefnyddir yn y Rheoliadau ac mae rheoliad 3 yn gwneud darpariaeth ynghylch cwmpas y Rheoliadau.

Mae rheoliad 4 yn nodi gofynion mewn perthynas â chynwysyddion storio olew, ac mae rheoliad 5 yn nodi gofynion mewn perthynas â systemau atal eilaidd.

Mae rheoliad 6 yn nodi gofynion mewn perthynas â thanciau sefydlog ac mae rheoliad 7 yn nodi gofynion mewn perthynas â phibellau tanddaearol sy'n gysylltiedig â thanciau sefydlog. Mae rheoliad 8 yn nodi gofynion mewn perthynas â bowseri symudol.

2016 No. 359 (W. 112)

WATER RESOURCES, WALES

The Water Resources (Control of Pollution) (Oil Storage) (Wales) Regulations 2016

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made under sections 92 and 219(2) of the Water Resources Act 1991 (c. 57) and section 62 of the Regulatory Enforcement and Sanctions Act 2008 (c. 13), require a person having custody or control of oil in certain specified cases to comply with certain requirements as to the manner in which the oil is stored and handled. The Regulations apply in relation to Wales.

The Regulations also replace provision currently made in relation to agricultural fuel oil by the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010 (S.I. 2010/1493).

Regulation 1 makes provision (among other things) about commencement. The Regulations come into force on 15 March 2016, except for cases where a container is already in use on that date. In those cases later dates are specified in regulation 1.

Regulation 2 defines terms used in the Regulations and Regulation 3 makes provision about the scope of the Regulations.

Regulation 4 sets out requirements in relation to oil storage containers and regulation 5 sets out requirements in relation to secondary containment systems.

Regulation 6 sets out requirements in relation to fixed tanks and regulation 7 sets out requirements in relation to underground pipes associated with fixed tanks. Regulation 8 sets out requirements in relation to mobile bowsers.

Mae rheoliad 9 yn creu trosedd, sef methu â chydymffurfio ag unrhyw ofynion yn rheoliadau 4 i 8, ac mae rheoliad 10 yn caniatáu i Gorff Adnoddau Naturiol Cymru, sef y rheoleiddiwr, osod sancsiynau sifil mewn perthynas â'r drosedd honno.

Mae rheoliad 11 yn darparu y caiff Adnoddau Naturiol Cymru orfodi'r Rheoliadau hyn.

Mae rheoliad 12 yn diwygio Rheoliadau Adnoddau Dŵr (Rheoli Llygredd) (Silwair, Slyri ac Olew Tanwydd Amaethyddol) (Cymru) 2010 drwy ddileu'r gofynion o ran olew tanwydd amaethyddol o'r Rheoliadau hynny. Mae'r Rheoliadau hynny wedi eu hailenwi yn unol â hynny (gweler rheoliad 12(2)).

Hysbyswyd y Comisiwn Ewropeaidd am y Rheoliadau hyn ar ffurf ddrafft fel safon dechnegol, yn unol â Chyfarwyddeb 98/34/EC Senedd Ewrop a'r Cyngor (OJ Rhif I204, 21.7.98, t. 37) sy'n gosod gweithdrefn ar gyfer darparu gwybodaeth ym maes safonau technegol a rheoliadau, fel y'i diwygiwyd.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

Regulation 9 creates a criminal offence of failure to comply with any requirement in regulations 4 to 8 and regulation 10 permits the Natural Resources Body for Wales, as regulator, to impose civil sanctions in relation to that offence.

Regulation 11 provides that Natural Resources Wales may enforce these Regulations.

Regulation 12 amends the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010 by removing requirements as to agricultural fuel oil from those Regulations. Those Regulations are accordingly renamed (see regulation 12(2)).

A draft of these Regulations has been notified to the European Commission as a technical standard, pursuant to Directive 98/34/EC of the European Parliament and of the Council (OJ No I204, 21.7.98, p 37) laying down a procedure for the provision of information in the field of technical standards and regulations, as amended.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff CF10 3NQ.

2016 Rhif 359 (Cy. 112)

ADNODDAU DŴR, CYMRU

Rheoliadau Adnoddau Dŵr (Rheoli Llygredd) (Storio Olew) (Cymru)
2016

Gwnaed *14 Mawrth 2016*

Yn dod i rym *15 Mawrth 2016*

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd gan adrannau 92 a 219(2) o Ddeddf Adnoddau Dŵr 1991(1) ac adran 62 o Ddeddf Gorfodi Rheoleiddiol a Sancsiynau 2008(2) (“Deddf 2008”).

Mae Gweinidogion Cymru wedi eu bodloni, yn unol ag adran 66 o Ddeddf 2008, y bydd Corff Adnoddau Naturiol Cymru (sef y rheoleiddiwr at ddibenion y Rheoliadau hyn) yn gweithredu yn unol â'r egwyddorion y cyfeirir atynt yn adran 5(2) o'r Ddeddf honno wrth arfer pŵer a roddir gan y Rheoliadau hyn.

2016 No. 359 (W. 112)

WATER RESOURCES, WALES

The Water Resources (Control of Pollution) (Oil Storage) (Wales) Regulations 2016

Made *14 March 2016*

Coming into force *15 March 2016*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 92 and 219(2) of the Water Resources Act 1991(1) and section 62 of the Regulatory Enforcement and Sanctions Act 2008(2) (“the 2008 Act”).

The Welsh Ministers are satisfied, in accordance with section 66 of the 2008 Act, that the Natural Resources Body for Wales (which is the regulator for the purpose of these Regulations) will act in accordance with the principles referred to in section 5(2) of that Act in exercising a power conferred by these Regulations.

(1) 1991 p. 57. Diwygiwyd adran 92 gan Ddeddf yr Amgylchedd 1995 (p. 25): gweler adran 120 o'r Ddeddf a pharagraffau 128 a 144 o Atodlen 22 iddi); gan Reoliadau Trwyddedu Amgylcheddol (Cymru a Lloegr) 2010 (O.S. 2010/675); gweler rheoliad 107 a pharagraffau 8(1) ac 8(5) o Atodlen 26; a chan Orchymyn Corff Adnoddau Naturiol Cymru (Swyddogaethau) 2013 (O.S. 2013/755); gweler paragraff 274 o Atodlen 1. Gwnaed diwygiadau i adran 219(2) nad ydym yn berthnasol i'r Rheoliadau hyn. Yn rhinwedd erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 2 iddo trosglwyddwyd swyddogaethau o dan adran 92 i Gynulliad Cenedlaethol Cymru mewn perthynas â'r rhannau hynny o Gymru sydd y tu allan i ddalgychhoedd afonydd Dyfrdwy, Gwy a Hafren. Mewn perthynas â'r rhannau hynny o Gymru sydd o fewn y dalgychhoedd hynny, mae swyddogaethau o dan adran 92 yn arferadwy gan y Cynulliad ar y cyd â'r Ysgrifennydd Gwladol. Yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraff 30 o Atodlen 11 iddi, mae'r swyddogaethau o dan adrannau 92 a 219 wedi eu breiniol bellach yng Ngweinidogion Cymru.

(2) 2008 p. 13.

(1) 1991 c.57. Section 92 was amended by the Environment Act 1995 (c.25): see section 120 of and paragraphs 128 and 144 of Schedule 22 to the Act; by the Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675); see regulation 107 and paragraphs 8(1) and 8(5) of Schedule 26; and by the Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755): see paragraph 274 of Schedule 1. There are amendments to section 219(2) which are not relevant to these Regulations. By virtue of article 2 of and Schedule 2 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) functions under section 92 were transferred to the National Assembly for Wales in relation to those parts of Wales which are outside the catchment areas of the rivers Dee, Wye and Severn. In relation to those parts of Wales which are within those catchment areas, functions under section 92 are exercisable by the Assembly concurrently with the Secretary of State. By virtue of section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32) functions under sections 92 and 219 now vest in the Welsh Ministers.

(2) 2008 c.13.

Gosodwyd drafst o'r Rheoliadau hyn gerbron Cynulliad Cenedlaethol Cymru ac fe'u cymeradwywyd ganddo drwy benderfyniad yn unol ag adran 62 o Ddeddf 2008.

Enwi, cymhwysyo a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Adnoddau Dŵr (Rheoli Llygredd) (Storio Olew) (Cymru) 2016.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(3) Yn ddarostyngedig i baragraffau (4) a (5), daw'r Rheoliadau hyn i rym ar 15 Mawrth 2016.

(4) Yn ddarostyngedig i baragraff (5), daw'r Rheoliadau hyn i rym ar 15 Mawrth 2020 mewn perthynas ag unrhyw gynhwysydd y mae olew yn cael ei storio ynddo ar 15 Mawrth 2016.

(5) Daw'r Rheoliadau hyn i rym ar 15 Mawrth 2018 mewn perthynas ag unrhyw gynhwysydd—

(a) y mae olew yn cael ei storio ynddo ar 15 Mawrth 2016; a

(b) sydd wedi ei leoli—

(i) llai na 10 metr o unrhyw ddyfroedd croyw mewndirol neu ddyfroedd arfordirol; neu

(ii) llai na 50 metr o ffynnon neu dwll turio.

Dehongli

2. Yn y Rheoliadau hyn—

ystyr “cynhwysydd” (“*container*”) yw tanc sefydlog â chrugen sengl neu gragen ddwbl, drwm, bowser symudol neu (hyd yn oed os nad yw wedi ei gysylltu â phibell sefydlog neu bibellwaith sefydlog) cynhwysydd swmp o faint canolig;

ystyr “drwm” (“*drum*”) yw drwm olew neu gynhwysydd tebyg a ddefnyddir i storio olew;

mae “mangreoedd” (“*premises*”) yn cynnwys tir ond nid yw'n cynnwys cerbydau na llestrau;

ystyr “olew” (“*oil*”) yw olew o unrhyw fath ac eithrio bitwmen crai;

ystyr “sugnbibell ceudod bychan” (“*small bore suction pipe*”) yw sugnbibell y mae diamedr ei phibell yn llai nag wyth o filimedrau;

ystyr “system atal eilaidd” (“*secondary containment system*”) yw hambwrdd diferion, ardal wedi ei hamgylchynu gan fwnd neu ddalbwll neu unrhyw system arall ar gyfer atal olew nad yw yn ei gynhwysydd mwyach rhag gollwng o'r fan y mae'n cael ei storio;

A draft of these Regulations has been laid before, and approved by a resolution of, the National Assembly for Wales in accordance with section 62 of the 2008 Act.

Title, application and commencement

1.—(1) The title of these Regulations is the Water Resources (Control of Pollution) (Oil Storage) (Wales) Regulations 2016.

(2) These Regulations apply in relation to Wales.

(3) Subject to paragraphs (4) and (5), these Regulations come into force on 15 March 2016.

(4) Subject to paragraph (5), these Regulations come into force on 15 March 2020 in relation to any container in which oil is being stored on 15 March 2016.

(5) These Regulations come into force on 15 March 2018 in relation to any container—

(a) in which oil is being stored on 15 March 2016; and

(b) which is situated—

(i) less than 10 metres away from any inland freshwaters or coastal waters; or

(ii) less than 50 metres away from a well or borehole.

Interpretation

2. In these Regulations—

“container” (“*cynhwysydd*”) means a single or double skinned fixed tank, a drum, a mobile bowser or (even if not connected to a fixed pipe or fixed pipework) an intermediate bulk container;

“drum” (“*drwm*”) means an oil drum or similar container used for storing oil;

“fixed tank” (“*tanc sefydlog*”) includes an intermediate bulk container which is connected to a fixed pipe or pipework;

“oil” (“*olew*”) means any kind of oil except uncut bitumen;

“premises” (“*mangreoedd*”) includes land but does not include vehicles or vessels;

“secondary containment system” (“*system atal eilaidd*”) means a drip tray, an area surrounded by a bund or catchpit, or any other system for preventing oil which is no longer in its container from escaping from the place where it is stored;

mae “tanc sefydlog” (“fixed tank”) yn cynnwys cynhwysydd swmp o faint canolig sydd wedi ei gysylltu â phibell sefydlog neu bibellwaith sefydlog.

Cwmpas y Rheoliadau

3.—(1) Yn ddarostyngedig i baragraffau (2) i (4), mae'r Rheoliadau hyn yn gymwys mewn unrhyw achos pan fo olew yn cael ei storio.

(2) Nid yw'r Rheoliadau hyn yn gymwys mewn achos pan fo olew yn cael ei storio mewn unrhyw gynhwysydd—

- (a) sydd â chapasiti storio o 200 o litrau neu lai; neu
- (b) sydd wedi ei leoli yn gyfan gwbl o dan y ddaear (oni bai bod y cynhwysydd hwnnw wedi ei leoli mewn adeilad).

(3) Nid yw'r Rheoliadau hyn yn gymwys mewn achos pan fo storio olew yn ddarostyngedig i drwydded amgylcheddol o fewn ystyr rheoliad 13(1) o Reoliadau Trwyddedu Amgylcheddol (Cymru a Lloegr) 2010(1).

(4) Nid yw'r Rheoliadau hyn yn gymwys mewn achos pan fo olew yn cael ei storio mewn mangroedd—

- (a) a ddefnyddir yn gyfan gwbl neu'n bennaf fel annedd breifat os oedd y cynhwysydd y mae'r olew yn cael ei storio ynddo yn cael ei ddefnyddio ar gyfer storio olew ar y dyddiad y daeth y Rheoliadau hyn i rym mewn perthynas â'r cynhwysydd hwnnw (gweler rheoliad 1);
- (b) a ddefnyddir fel depo dosbarthu olew; neu
- (c) a ddefnyddir ar gyfer puro olew.

Gofynion mewn perthynas â chynhwyseddion storio olew

4. Rhaid i berson sydd ag olew dan ei ofal neu ei reolaeth sicrhau bod yr olew yn cael ei storio mewn cynhwysydd sydd—

- (a) â digon o gryfder a chyfarwydd strwythurol i sicrhau ei fod yn annhebygol o ymrwygo neu ollwng wrth gael ei ddefnyddio yn y modd arferol;
- (b) sydd wedi ei osod heb effeithio'n andwyol ar y cryfder a'r cyfarwydd strwythurol hwnnw; ac
- (c) sydd wedi ei leoli o fewn system atal eilaidd sy'n bodloni'r gofynion a nodir yn rheoliad 5.

“small bore suction pipe” (“*sugnbibell ceudod bychan*”) means a suction pipe with a diameter of less than 8 millimetres.

Scope of Regulations

3.—(1) Subject to paragraphs (2) to (4), these Regulations apply in any case where oil is stored.

(2) These Regulations do not apply in a case where oil is stored in any container—

- (a) which has a storage capacity of 200 litres or less; or
- (b) which is situated wholly underground (unless that container is situated within a building).

(3) These Regulations do not apply in a case where the storage of oil is subject to an environmental permit within the meaning of regulation 13(1) of the Environmental Permitting (England and Wales) Regulations 2010(1).

(4) These Regulations do not apply in a case where oil is stored on premises which are—

- (a) used wholly or mainly as a private dwelling if the container in which the oil is stored was in use for storing oil on the date on which these Regulations came into force in relation to that container (see regulation 1);
- (b) used as an oil distribution depot; or
- (c) used for refining oil.

Requirements in relation to oil storage containers

4. A person who has custody or control of oil must ensure that the oil is stored in a container which—

- (a) is of sufficient strength and structural integrity to ensure that it is unlikely to burst or leak in ordinary use;
- (b) has been installed without adversely affecting that strength and structural integrity; and
- (c) is situated within a secondary containment system in relation to which the requirements of regulation 5 are satisfied.

(1) O.S. 2010/675.

(1) S.I. 2010/675.

Gofynion mewn perthynas â systemau atal eilaidd

5.—(1) Rhaid i berson sydd ag unrhyw olew dan ei ofal neu ei reolaeth sicrhau y cydymffurfir â gofynion y rheoliad hwn.

(2) Yn ddarostyngedig i baragraffau (3) a (4), rhaid i'r system atal eilaidd a grybwyllir yn rheoliad 4(c) fod â chapasiti nad yw'n llai na 110% o gapasiti storio'r cynhwysydd.

(3) Pan fo'r system atal eilaidd yn cynnwys mwy nag un cynhwysydd rhaid iddo fod â chapasiti nad yw'n llai na—

(a) 110% o gapasiti storio'r cynhwysydd mwyaf (neu o un cynhwysydd pan fônt o'r un capasiti); neu

(b) 25% o gapasiti storio crynswth y cynhwysydion,

pa un bynnag yw'r mwyaf.

(4) Pan fo unrhyw ddrwm yn cael ei ddefnyddio i storio olew ar y cyd â hambwrdd diferion fel system atal eilaidd, rhaid i'r hambwrdd fod â chapasiti nad yw'n llai na—

(a) 25% o gapasiti storio'r drwm; neu

(b) (os defnyddir mwy nag un drwm ar yr un pryd â'r hambwrdd) 25% o gapasiti storio crynswth y drymiau,

pa un bynnag yw'r mwyaf.

(5) Rhaid lleoli'r system atal eilaidd, neu rhaid cymryd camau eraill, er mwyn lleihau unrhyw risg o ddifrod drwy ardrawiad i'r graddau y bo'n rhesymol ymarferol.

(6) Rhaid i sylfaen a waliau'r system atal eilaidd—

(a) fod yn anhydraidd i ddŵr ac olew;

(b) peidio â bod wedi eu treiddio gan unrhyw falf, pibell nac agoriad arall a ddefnyddir i ddraenio'r system.

(7) Os oes unrhyw bibell lenwi neu bibell wagu yn treiddio drwy sylfaen neu unrhyw un neu ragor o walau'r system atal eilaidd, rhaid i gydiadau'r bibell â'r sylfaen neu'r waliau fod wedi eu selio mewn ffordd sy'n atal olew rhag gollwng o'r system.

(8) Rhaid i unrhyw falf, hidlydd, medrydd tryloyw, pibell awyr neu gyfarpar arall sy'n ategol i'r cynhwysydd (ac eithrio pibell lenwi neu bibell wagu) fod wedi eu lleoli o fewn y system atal eilaidd.

Requirements in relation to secondary containment systems

5.—(1) A person who has custody or control of any oil must ensure that the requirements of this regulation are complied with.

(2) Subject to paragraphs (3) and (4), the secondary containment system mentioned in regulation 4(c) must have a capacity not less than 110% of the container's storage capacity.

(3) Where the secondary containment system contains more than one container, it must have a capacity not less than—

(a) 110% of the storage capacity of the largest container (or of one container where they are of equal capacity); or

(b) 25% of the aggregate storage capacity of the containers,

whichever is the greater.

(4) Where any drum is used for the storage of oil in conjunction with a drip tray as a secondary containment system, the tray must have a capacity of not less than—

(a) 25% of the storage capacity of the drum; or

(b) (if two or more drums are used at the same time with the tray) 25% of the aggregate storage capacity of the drums,

whichever is the greater.

(5) The secondary containment system must be positioned, or other steps must be taken, so as to minimise any risk of damage by impact so far as is reasonably practicable.

(6) The base and walls of the secondary containment system—

(a) must be impermeable to water and oil;

(b) must not be penetrated by any valve, pipe or other opening which is used for draining the system.

(7) If any fill pipe or draw off pipe penetrates the base or any of the walls of the secondary containment system, the junction of the pipe with the base or the walls must be sealed in such a way as to prevent oil escaping from the system.

(8) Any valve, filter, sight gauge, vent pipe or other equipment ancillary to the container (other than a fill pipe or a draw off pipe) must be situated within the secondary containment system.

(9) Os nad yw'r man cysylltu i bibell lenwi o fewn y system atal eliaidd, rhaid defnyddio hambwrdd diferion i ddal unrhyw olew sy'n gollwng wrth lenwi'r cynhwysydd ag olew.

Y gofynion mewn perthynas â thanciau sefydlog

6.—(1) Rhaid i berson sydd ag unrhyw olew dan ei ofal neu ei reolaeth sicrhau y cydymffurfir â gofynion y rheoliad hwn.

(2) Pan fo tanc sefydlog yn cael ei ddefnyddio i storio olew rhaid bodloni'r gofynion a nodir ym mharagraffau (3) i (114).

(3) Rhaid i unrhyw fedrydd tryloyw fod wedi ei ategu'n ddigonol a rhaid gosod falf arno sy'n cau'n awtomatig pan nad yw'n cael ei ddefnyddio.

(4) Rhaid i unrhyw bibell lenwi, pibell wagu neu bibell orlif fod wedi ei lleoli, neu rhaid cymryd camau eraill, er mwyn lleihau unrhyw risg o ddifrod gan ardrawiad i'r graddau y bo'n rhesymol ymarferol.

(5) Rhaid i unrhyw bibell a grybwylkir ym mharagraff (3) sydd uwchben y ddaear fod wedi ei hategu'n ddigonol.

(6) Rhaid i unrhyw bibell a grybwylkir ym mharagraff (3) sydd wedi ei gwneud o ddeunyddiau sy'n dueddol o gyrydu fod wedi ei diogelu'n ddigonol rhag cyrydiad.

(7) Rhaid gosod falf wrthseiffno ar unrhyw suggnbibell ceudod bychan.

(8) Rhaid gosod dyfais atal gorlenwi awtomatig ar y tanc os yw'r weithred lenwi yn cael ei rheoli o fan lle nad yw'n rhesymol ymarferol i edrych ar y tanc ac unrhyw bibell awyr.

(9) Pan fo ffitiad sgriniwio neu gyplyn sefydlog arall wedi ei osod, rhaid ei gynnal a'i gadw mewn cyflwr da, a rhaid ei ddefnyddio pryd bynnag y bo'r tanc yn cael ei lenwi ag olew.

(10) Mae paragraffau (10) ac (11) yn gymwys pan fo olew o'r tanc yn cael ei drosglwyddo drwy bibell hyblyg sydd wedi ei gosod ynghlwm yn barhaol i'r tanc neu i bwmp trosglwyddo.

(11) Rhaid i'r bibell hyblyg fod â thap neu falf wedi ei gosod ar ei phen trosglwyddo sy'n—

- (a) cau'n awtomatig pan nad yw'n cael ei defnyddio; a
- (b) rhaid sicrhau nad oes modd gadael y tap neu'r falf ar agor (oni bai bod dyfais diffodd awtomatig wedi ei gosod ar y bibell).

(9) If the connection point to a fill pipe is not within the secondary containment system, a drip tray must be used to catch any oil spilled when the container is being filled with oil.

Requirements in relation to fixed tanks

6.—(1) A person who has custody or control of any oil must ensure that the requirements of this regulation are complied with.

(2) Where a fixed tank is used for storing oil the requirements in paragraphs (3) to (14) must be satisfied.

(3) Any sight gauge must be adequately supported and fitted with a valve which closes automatically when not in use.

(4) Any fill pipe, draw off pipe or overflow pipe must be positioned, or other steps must be taken, so as to minimise any risk of damage by impact so far as is reasonably practicable.

(5) Any pipe mentioned in paragraph (4) which is above ground must be adequately supported.

(6) Any pipe mentioned in paragraph (4) which is made of materials which are liable to corrosion must be adequately protected against corrosion.

(7) Any small bore suction pipe must be fitted with an anti-siphon valve.

(8) The tank must be fitted with an automatic overfill prevention device if the filling operation is controlled from a place where it is not reasonably practicable to observe the tank and any vent pipe.

(9) Where a screw fitting or other fixed coupling is fitted, it must be maintained in good condition and must be used whenever the tank is being filled with oil.

(10) Paragraphs (11) and (12) apply where oil from the tank is delivered through a flexible pipe which is permanently attached to the tank or a delivery pump.

(11) The flexible pipe must be fitted with a tap or valve at the delivery end which—

- (a) closes automatically when not in use; and
- (b) is not capable of being fixed in the open position (unless the pipe is fitted with an automatic shut-off device).

(12) Rhaid i'r bibell hyblyg fod naill ai—

- (a) wedi ei hamgáu mewn cabinet diogel sy'n cael ei gau a'i gloi pan nad yw'n cael ei ddefnyddio a rhaid bod ganddo hambwrdd dferion; neu
- (b) bod â half y gellir ei chloï lle y mae'n gadael y cynhwysydd sy'n cael ei chau a'i chloï pan nad yw'n cael ei defnyddio.

(13) Rhaid i unrhyw bwmp—

- (a) bod â half unffordd wedi ei gosod ar ei bibell borthi;
- (b) bod wedi ei leoli, neu ei wneud yn ddarostyngedig i fesurau eraill, i leihau unrhyw risg o ddifrod i'r graddau y bo'n rhesymol ymarferol; ac
- (c) bod wedi ei ddiogelu'n ddigonol rhag cael ei ddefnyddio heb awdurdod.

(14) Rhaid i unrhyw bibell awyr, tap neu half barhaol y gellir gollwng olew ohonynt o'r tanc i'r tu allan fodloni'r gofynion a ganlyn—

- (a) rhaid iddynt fod wedi eu lleoli o fewn y system atal eilaidd;
- (b) rhaid gwneud trefniadau i sicrhau bod unrhyw olew sy'n cael ei ollwng o'r tanc nad yw'n mynd i'r fan y bwriedir iddo fynd yn cael ei ddal o fewn y system; ac
- (c) (yn achos tap neu half), rhaid bod clo wedi ei osod arno neu arni, a rhaid ei gau a'i gloi pan nad ydynt yn cael eu defnyddio.

Y gofynion mewn perthynas â phibellau tanddaearol sy'n gysylltiedig â thanciau sefydlog

7.—(1) Rhaid i berson sydd ag unrhyw olew dan ei ofal neu ei reolaeth sicrhau y cydymffurfir â gofynion y rheoliad hwn.

(2) Mae'r rheoliad hwn yn gymwys mewn unrhyw achos pan fo pibell a grybwylir yn rheoliad 6(4) o dan y ddaear.

(3) Ni chaniateir i'r bibell fod ag unrhyw gymalau mecaniddol, oni bai eu bod wedi eu lleoli mewn man lle maent yn hygyrch i'w harchwilio drwy agor agorfa neu gaead.

(4) Rhaid i'r bibell fod wedi ei diogelu'n ddigonol rhag difrod ffisegol.

(5) Rhaid i'r bibell fod â chyfleusterau digonol i ganfod unrhyw ollyngiadau.

(12) The flexible pipe must either—

- (a) be enclosed in a secure cabinet which is locked shut when not in use and is equipped with a drip tray; or
- (b) have a lockable valve where it leaves the container which is locked shut when not in use, and be kept within the secondary containment system when not in use.

(13) Any pump must—

- (a) be fitted with a non-return valve in its feed line;
- (b) be positioned, or made subject to other measures, so as to minimise any risk of damage so far as is reasonably practicable; and
- (c) be adequately protected from unauthorised use.

(14) Any permanent vent pipe, tap or valve through which oil can be discharged from the tank to the open must—

- (a) be situated within the secondary containment system;
- (b) be arranged so that any oil discharged from the tank other than to its intended destination is contained within the system; and
- (c) (in the case of a tap or valve), be fitted with a lock and locked shut when not in use.

Requirements in relation to underground pipes associated with fixed tanks

7.—(1) A person who has custody or control of any oil must ensure that the requirements of this regulation are complied with.

(2) This regulation applies in any case where a pipe mentioned in regulation 6(4) is underground.

(3) The pipe may not have mechanical joints unless they are located at a place where they are accessible for inspection by removing a hatch or cover.

(4) The pipe must be adequately protected from physical damage.

(5) The pipe must have adequate facilities for detecting any leaks.

(6) Os oes dyfais canfod gollyngiadau wedi ei gosod ar y bibell sy'n cael ei defnyddio'n barhaus i fonitro ar gyfer unrhyw ollyngiadau, rhaid cynnal a chadw'r ddyfais mewn cyflwr sy'n gweithio a rhaid ei phrofi o leiaf unwaith bob pum mlynedd, neu'n amlach os yw hynny'n briodol i'r ddyfais dan sylw, er mwyn sicrhau ei bod yn gweithio'n briodol.

(7) Os nad oes dyfais canfod gollyngiadau wedi ei gosod ar y bibell, rhaid cynnal profion ar unrhyw bibell a ddefnyddir am y tro cyntaf ar y dyddiad neu ar ôl y dyddiad y daw'r Rheoliadau hyn i rym i ganfod unrhyw ollyngiadau cyn ei defnyddio am y tro cyntaf mewn perthynas â'r tanc y mae'r bibell honno'n gysylltiedig ag ef (gweler rheoliad 1), a rhaid cynnal profion pellach i ganfod unrhyw ollyngiadau o leiaf unwaith bob pum mlynedd yn achos pibellau sydd â chymalau mecaniddol, ac o leiaf unwaith bob deng mlynedd mewn achosion eraill.

(8) Rhaid cynnal profion ar unrhyw bibell—

- (a) sydd eisoes yn cael ei defnyddio ar y dyddiad y daw'r Rheoliadau hyn i rym mewn perthynas â'r tanc y mae'r bibell honno'n gysylltiedig ag ef (gweler rheoliad 1); a
- (b) nad oes profion i ganfod gollyngiadau wedi eu cynnal arni yn ystod y pum mlynedd blaenorol,

o fewn un flwyddyn o'r dyddiad hwnnw, ac ar ôl hynny o leiaf unwaith bob pum mlynedd os oes ganddi gymalau mecaniddol, neu o leiaf unwaith bob deng mlynedd mewn unrhyw achosion eraill.

(9) Rhaid cynnal profion ar unrhyw bibell sydd â chymalau mecaniddol sydd—

- (a) eisoes yn cael ei defnyddio ar y dyddiad y daw'r Rheoliadau hyn i rym mewn perthynas â'r tanc y mae'r bibell honno'n gysylltiedig ag ef (gweler rheoliad 1); a
- (b) y mae profion i ganfod gollyngiadau wedi eu cynnal arni yn ystod y pum mlynedd blaenorol,

o leiaf unwaith bob pum mlynedd ar ôl dyddiad y prawf blaenorol, ac o leiaf unwaith bob deng mlynedd ar ôl dyddiad y prawf blaenorol mewn unrhyw achosion eraill.

Bowseri symudol

8.—(1) Rhaid i berson sydd ag unrhyw olew dan ei ofal neu ei reolaeth sicrhau y cydymffurfir â gofynion y rheoliad hwn.

(6) If the pipe is fitted with a leakage detection device which is used continuously to monitor for leaks, the device must be maintained in working order and tested at least once every five years, or more frequently if appropriate to the device in question, to ensure that it works properly.

(7) Any pipe which is first used on or after the date on which these Regulations come into force in relation to the tank to which that pipe relates (see regulation 1) must, if it is not fitted with a leakage detection device, be tested for leaks before it is first used and further tests for leaks must be performed, in the case of pipes which have mechanical joints, at least once every 5 years and, in other cases, at least once every 10 years.

(8) Any pipe which—

- (a) is in use on the date on which these Regulations come into force in relation to the tank to which that pipe relates (see regulation 1); and
- (b) which has not been tested for leaks in the previous 5 years,

must be tested within 1 year of that date and thereafter, if it has mechanical joints, at least once every 5 years or, in any other case, at least once every 10 years.

(9) Any pipe which—

- (a) is already in use on the date these Regulations come into force in relation to the tank to which that pipe relates (see regulation 1); and
- (b) has been tested for leaks in the previous 5 years,

must be tested, if it has mechanical joints, at least once every 5 years after the date of the last test or, in any other case, at least once every 10 years after the date of the last test.

Mobile bowsers

8.—(1) A person who has custody or control of any oil must ensure that the requirements of this regulation are complied with.

(2) Os yw bowser symudol yn cael ei ddefnyddio i storio olew, rhaid bodloni'r gofynion a nodir ym mharagraffau (3) i (5).

(3) Rhaid gosod clo ar unrhyw dap neu falf sydd wedi ei osod neu ei gosod ynghlwm yn barhaol i'r bowser y gellir gollwng olew ohono i'r tu allan, a rhaid ei gau a'i gloi pan nad yw'r bowser yn cael ei ddefnyddio.

(4) Pan fo olew yn cael ei drosglwyddo o fowser symudol drwy bibell hyblyg sydd wedi ei gosod ynghlwm yn barhaol i'r bowser—

- (a) rhaid bod pwmp neu falf a weithredir â llaw wedi ei osod neu ei gosod ar y bibell ar y pen trosglwyddo, a rhaid i'r pwmp neu'r falf—
 - (i) cau'n awtomatig pan nad yw'n cael ei ddefnyddio neu ei defnyddio;
 - (ii) bod â chlo arno neu arni; a
 - (iii) cael ei gau a'i gloi neu ei chau a'i chloï pan nad yw'n cael ei ddefnyddio neu ei defnyddio;
- (b) rhaid gosod falf y gellir ei chloï ar y bibell ar y pen lle y mae'n gadael y bowser symudol, a rhaid cau a chloï'r falf pan nad yw'n cael ei ddefnyddio.

(5) Rhaid gosod unrhyw fedrydd tryloyw ynghlwm i'r bowser symudol yn ddigonol, rhaid gosod falf neu dap arno, a rhaid ei gau a'i gloi pan nad yw'n cael ei ddefnyddio.

Troedd

9.—(1) Mae person sydd yn torri rheoliadau 4, 5(1), 6(1), 7(1), neu 8(1) yn euog o drosedd.

(2) Mae person sy'n euog o drosedd o dan baragraff (1) yn agored o gael euogfarn ddiannod neu o gael euogfarn ar ddiriad, i ddirwy.

Sancsiynau Sifil

10.—(1) Caiff Corff Adnoddau Naturiol Cymru—

- (a) gosod cosb ariannol benodedig;
- (b) gosod cosb ariannol amrywiadwy;
- (c) gosod gorchymyn adfer;
- (d) gosod hysbysiad stop;
- (e) derbyn ymgynneriad gorfodi;

mewn perthynas â'r drosedd yn rheoliad 9(1).

(2) Mae i'r termau a ddefnyddir ym mharagraff (1)(a) i (e) yr un ystyron ag sydd iddynt yn Rhan 3 o Ddeddf Gorfodi Rheoleiddiol a Sancsiynau 2008.

(2) If a mobile bowser is used for storing oil, the requirements in paragraphs (3) to (5) must be satisfied.

(3) Any tap or valve permanently fixed to the bowser through which oil can be discharged to the open must be fitted with a lock and locked shut when not in use.

(4) Where oil is delivered from a mobile bowser through a flexible pipe which is permanently attached to the bowser—

- (a) the pipe must be fitted with a manually operated pump or a valve at the delivery end which must—
 - (i) automatically close when not in use;
 - (ii) be provided with a lock; and
 - (iii) be locked shut when not in use;
- (b) the pipe must be fitted with a lockable valve at the end where it leaves the mobile bowser and the valve must be locked shut when not in use.

(5) Any sight gauge must be adequately secured to the mobile bowser and be fitted with a valve or tap which must be locked shut when not in use.

Offence

9.—(1) A person who contravenes regulations 4, 5(1), 6(1), 7(1) or 8(1) is guilty of an offence.

(2) A person guilty of the offence in paragraph (1) is liable, on summary conviction or on conviction on indictment, to a fine.

Civil Sanctions

10.—(1) The Natural Resources Body for Wales may—

- (a) impose a fixed monetary penalty;
- (b) impose a variable monetary penalty;
- (c) impose a restoration notice;
- (d) impose a stop notice;
- (e) accept an enforcement undertaking,

in relation to the offence in regulation 9(1).

(2) The terms used in paragraph (1)(a) to (e) have the same meaning as in Part 3 of the Regulatory Enforcement and Sanctions Act 2008.

(3) Mae darpariaethau Gorchymyn Sancsiynau Sifil Amgylcheddol (Cymru) 2010(1) yn gymwys mewn perthynas â'r sancsiynau a grybwyllir ym mharagraff (1).

Gorfodi

11. Caiff Corff Adnoddau Naturiol Cymru orfodi'r Rheoliadau hyn.

Diwygio Rheoliadau Adnoddau Dŵr (Rheoli Llygredd) (Silwair, Slyri ac Olew Tanwydd Amaethyddol) (Cymru) 2010

12.—(1) Mae Rheoliadau Adnoddau Dŵr (Rheoli Llygredd) (Silwair, Slyri ac Olew Tanwydd Amaethyddol) (Cymru) 2010(2) wedi eu diwygio yn unol â pharagraffau (2) i (11).

(2) Yn rheoliad 1(1), yn lle “Rheoliadau Adnoddau Dŵr (Rheoli Llygredd) (Silwair, Slyri ac Olew Tanwydd Amaethyddol) (Cymru 2010)” rhodder “Rheoliadau Adnoddau Dŵr (Rheoli Llygredd) (Silwair a Slyri) (Cymru) 2010”.

(3) Yn rheoliad 2(1) hepgorer y diffiniad o “olew tanwydd” (“*fuel oil*”).

(4) Hepgorer rheoliad 5.

(5) Yn rheoliad 6(1), yn lle “seilo, system storio slyri na thanc storio tanwydd” rhodder “seilo na system storio slyri”.

(6) Yn rheoliad 6(1)(a), yn lle’r geiriau o “wneud silwair” hyd at ddiweddu yr is-baragraff, rhodder “wneud silwair neu storio slyri”.

(7) Yn rheoliad 6(2), yn lle “seilo, system storio slyri neu danc storio tanwydd” rhodder “seilo neu system storio slyri”.

(8) Yn rheoliad 7(1)—

- (a) yn lle “silwair, slyri neu olew tanwydd” rhodder “silwair neu slyri”;
- (b) yn lle “seilo, y system storio slyri neu’r tanc storio olew tanwydd” rhodder “seilo neu’r system storio slyri”.

(9) Yn rheoliad 9—

- (a) yn lle “silwair, slyri neu olew tanwydd” rhodder “silwair neu slyri”;
- (b) yn lle “seilo, system storio slyri neu fan storio tanwydd” rhodder “seilo neu system storio slyri”.

(3) The provisions of the Environmental Civil Sanctions (Wales) Order 2010(1) apply in relation to the sanctions mentioned in paragraph (1).

Enforcement

11. These Regulations may be enforced by the Natural Resources Body for Wales.

Amendment of the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010

12.—(1) The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010(2) are amended in accordance with paragraphs (2) to (11).

(2) In regulation 1(1), for “the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010” substitute “the Water Resources (Control of Pollution) (Silage and Slurry) (Wales) Regulations 2010”.

(3) In regulation 2(1) omit the definition of fuel oil (“*olew tanwydd*”).

(4) Omit regulation 5.

(5) In regulation 6(1), for “silo, slurry storage system or fuel storage tank” substitute “silo or slurry storage system”.

(6) In regulation 6(1)(a), for the words from “making silage” to the end of the sub-paragraph substitute “making silage or storing slurry”.

(7) In regulation 6(2), for “silo, slurry storage system or fuel storage tank” substitute “silo or slurry storage system”.

(8) In regulation 7(1)—

- (a) for “silage, slurry or fuel oil” substitute “silage or slurry”;
- (b) for “silo, slurry storage system or fuel oil storage tank” substitute “silo or slurry storage system”.

(9) In regulation 9—

- (a) for “silage, slurry or fuel oil” substitute “silage or slurry”;
- (b) for “silo, slurry storage system or fuel storage area” substitute “silo or slurry storage system”.

(1) O.S. 2010/1821 (Cy. 178).

(2) O.S. 2010/1493 (Cy. 136).

(1) S.I. 2010/1821 (W. 178).

(2) S.I. 2010/1493 (W. 136).

- (10) Yn rheoliad 10(1), hepgorer “, 5(1)”.
(11) Hepgorer Atodlen 3.

- (10) In regulation 10(1) omit “, 5(1)”.
(11) Omit Schedule 3.

Vaughan Gething

Y Dirwy Weinidog Iechyd, ar ran Y Gweinidog
Cyfoeth Naturiol, un o Weinidogion Cymru
14 Mawrth 2016

Deputy Minister for Health, on behalf of the Minister
for Natural Resources, one of the Welsh Ministers
14 March 2016

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