

## SCHEDULE 3

Regulation 16

### DEEMED CONSENT CONDITIONS

#### **Below ambient temperature vessel conditions**

1. A hazardous substance shall be present at below ambient temperature in a vessel in a vessel area only if—

- (a) it was present at below ambient temperature in a vessel in that vessel area at any time during the establishment period;
- (b) the vessel in which it is present does not have a greater capacity than that specified in column 1 of Table C; and
- (c) the pressure at which it is present does not exceed—
  - (i) atmospheric pressure, if the substance was not present at above atmospheric pressure at below ambient temperature in a vessel in that vessel area at any time during the establishment period; or
  - (ii) the pressure specified in column 2 of Table C, in any other case.

#### **Ambient temperature vessel conditions**

2. A hazardous substance shall be present at ambient temperature in a buried or mounded vessel in a vessel area only if—

- (a) it was present at ambient temperature in a buried or mounded vessel in that vessel area at any time during the establishment period;
- (b) the buried or mounded vessel in which it is present does not have a greater capacity than that specified in column 3 of Table C; and
- (c) the pressure at which it is present in the buried or mounded vessel does not exceed—
  - (i) atmospheric pressure, if the substance was not present at above atmospheric pressure at ambient temperature in a buried or mounded vessel in that vessel area at any time during the establishment period; or
  - (ii) the pressure specified in column 4 of Table C, in any other case.

3. A hazardous substance shall be present at ambient temperature in a non-buried or non-mounded vessel in a vessel area only if—

- (a) it was present at ambient temperature in a non-buried or non-mounded vessel in that vessel area at any time during the establishment period;
- (b) the non-buried or non-mounded vessel in which it is present does not have a greater capacity than that specified in column 5 of Table C; and
- (c) the pressure at which it is present in the non-buried or non-mounded vessel does not exceed—
  - (i) atmospheric pressure, if the substance was not present at above atmospheric pressure at ambient temperature in a non-buried or non-mounded vessel in that vessel area at any time during the establishment period; or
  - (ii) the pressure specified in column 6 of Table C, in any other case.

#### **Above ambient temperature vessel conditions**

4. A hazardous substance shall be present at above ambient temperature and at or below its boiling point at 1 bar absolute in a vessel in a vessel area only if—

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- (a) it was present at above ambient temperature and at or below its boiling point at 1 bar absolute in a vessel in that vessel area at any time during the establishment period;
  - (b) the vessel in which it is present does not have a greater capacity than that specified in column 7 of Table C; and
  - (c) the pressure at which it is present does not exceed—
    - (i) atmospheric pressure, if the substance was not present at above atmospheric pressure at above ambient temperature and at or below its boiling point at 1 bar absolute in a vessel in that vessel area at any time during the establishment period; or
    - (ii) the pressure specified in column 8 of Table C, in any other case.
- 5.** A hazardous substance shall be present at above its boiling point at 1 bar absolute in a vessel area only if—
- (a) it was present at above its boiling point at 1 bar absolute in a vessel in that vessel area at any time during the establishment period;
  - (b) the temperature at which it is present does not exceed the temperature specified in column 9 of Table C;
  - (c) the vessel in which it is present does not have a greater capacity than that specified in column 10 of Table C; and
  - (d) the pressure at which it is present does not exceed—
    - (i) atmospheric pressure, if the substance was not present at above atmospheric pressure at above its boiling point at 1 bar absolute in a vessel in that vessel area at any time during the establishment period; or
    - (ii) the pressure specified in column 11 of Table C, in any other case.

**Vessel location condition**

- 6.** A hazardous substance shall not be present in a vessel outside a vessel area.

**Moveable container storage area conditions**

**7.—(1)** A hazardous substance shall be stored in moveable containers only in an area identified in a moveable container storage area plan for that substance in accordance with regulation 15(3).

(2) The quantity of a hazardous substance stored in such an area shall not exceed twice the maximum quantity of the substance stored in moveable containers in that area at any time during the establishment period.

(3) A hazardous substance shall not be stored in such an area in a moveable container with a capacity in excess of—

- (a) 10% of the substance’s controlled quantity, if it was not stored in a moveable container with a capacity in excess of 10% of that quantity in that area at any time during the establishment period; or
- (b) the capacity of the largest moveable container in which it was stored during that period in that area, in any other case.