



Comhshaol, Pobal agus Rialtas Áitiúil
Environment, Community and Local Government



Guidelines for regulatory compliance by fuel merchants and other retailers with premises located inside 'Smoky' Coal Ban restricted areas

The Smoky Coal Ban

The origins of the smoky coal ban date from the start of the 1990s when the main air quality problem facing Ireland was the occurrence of "winter smog" (smoke and sulphur dioxide (SO₂) emissions) resulting from widespread use of smoky coal in major urban areas, notably Dublin, leading to breaches EU air quality standards in force at the time and to serious impacts on human health and the environment.

In 1990 a ban on the marketing, sale and distribution of smoky coal was introduced in Dublin. Smoke and SO₂ levels showed considerable improvement once the ban was introduced. It was decided in subsequent years to extend the ban further with the aim of protecting human health from adverse air quality in other urban areas. The smoky coal ban now applies in 20 cities and towns around the country. These are as follows:

Dublin	Athlone	Clonmel	Leixlip
Cork	Arklow	Drogheda	Naas
Limerick	Bray	Dundalk	Sligo
Galway	Carlow	Ennis	Tralee
Waterford	Celbridge	Kilkenny	Wexford

The boundary of the restricted areas in these cities and towns is set out in the Air Pollution Act, 1987 (Marketing, Sale and Distribution of Fuels) Regulations 1998-2011. These Regulations can be viewed on the Department's website at the link below:

<http://www.environ.ie/en/Environment/Atmosphere/AirQuality/SmokyCoalBan/>

Within such restricted areas there is an absolute ban on the **marketing, sale and distribution** of smoky coal. Also, sulphur content of other solid fuel is limited to 2% by weight on a dry ash-free basis.

To address residential emissions from 'smoky' or bituminous coal outside ban areas, The *Air Pollution Act, 1987 (Marketing, Sale and Distribution of Fuels) Regulations 2011* (S.I. No. 270 of 2011) introduced a new maximum sulphur content of 0.7% for smoky coal. Such low sulphur coal can legitimately be sold outside smoky coal ban areas.

Low sulphur coal and smokeless coal are separate, distinct fuels and care should be taken not to confuse one with the other. It is illegal to place on sale or distribute any type of smoky coal within smoky coal ban areas even if such product has a sulphur content of less than 0.7%.

Storage and Transport

There are no exceptions to the smoky coal ban whereby the sale, marketing or distribution of smoky coal is permitted within a smoky coal ban area. However, it is permissible to store smoky coal at a premises located inside a smoky coal ban area for the purpose of later transporting it and placing it on sale outside that area.

A fuel merchant with a premises inside a smoky coal ban area may legitimately deliver smoky coal to the home address of a customer living outside the smoky coal ban area provided the point of sale (where goods are exchanged for payment) is outside the restricted area. However, the customer cannot purchase or collect the smoky coal from the premises as this would place the point of sale inside the smoky coal ban area.

The fuel merchant operating a premises inside a smoky coal ban area where smoky coal is being stored must maintain a register detailing the following:

- the quantity and types of fuel stored at the premises on the last day of each month,
- details of any transport of fuel from the premises, including
 - Ø the name and address of the person who transported the fuel,
 - Ø the quantity of each type of fuel transported, and
 - Ø the destination to which it was transported.

The owner of a vehicle used to transport smoky coal, or other prohibited fuel, within a restricted area must retain on the vehicle a statement of the quantity of fuel(s) on board as well as the name and address of the person to whom it is being transported. Such fuels may only be transported in quantities of greater than 3 metric tonnes in weight at one time in Dublin and 1 metric tonne in weight in other smoky coal ban areas

Registration with the Environmental Protection Agency (EPA)

Fuel wholesalers and retailers whose sole or main business involves the sale of smoky coal (i.e those with more than 50% of turnover from coal) must register with the EPA.

Environmental Protection Agency
Solid Fuel Registration, Resource Use Unit
Johnstown Castle Estate
P.O. Box 3000
Wexford

Tel.: 053 9160600

Fax : 053 9160699

E-mail: FuelRegistration@epa.ie

Website: <http://www.epa.ie/whatwedo/licensing/coalbaggingregistrations/>

Enforcement

Local authorities carry out inspections of fuel merchants and retailers operating within their functional area to ensure compliance with the Regulations. Local authorities appoint authorised persons under the Air Pollution Act to carry out inspections. Fuel merchants must cooperate with such inspections. Any person or body found to be in breach of the Regulations may be issued with fixed payment notices of up to €1,000 or face prosecution under the Air Pollution Act 1987, which provides for fines of up to €5,000 and/or imprisonment for any term not exceeding six months on summary conviction.

Summary checklist of regulatory obligations in relation to smokeless coal placed on the market inside restricted areas.

- The marketing, sale and distribution of smoky coal and other types of solid fuel with a sulphur content greater than 2% is prohibited
- Bags of solid fuel placed on sale must be sealed and a notice must be printed on the bag - "*SMOKELESS FUEL — Contents comply with the Air Pollution Act Regulations*" in letters of at least 2cm high
- Requirement to maintain a register if storing smoky coal, or other prohibited solid fuel, at a premises in the restricted area for the purpose of later transporting it and placing it on sale outside that area
- Smoky coal, and other types of prohibited solid fuel, may only be transported in quantities of greater than 3 metric tonnes in weight at one time in Dublin and 1 metric tonne in weight in other smoky coal ban areas
- Requirement for owners of vehicles used to transport smoky coal, or other prohibited solid fuel, in smoky coal ban areas to retain on the vehicle a statement as to the quantity of fuel on board and its intended destination
- Fuel wholesalers of smoky coal and retailers whose sole or main business involves the sale of smoky coal (i.e those with more than 50% of turnover from coal) must register with the EPA [include link to register]
- Requirement for wholesalers/retailers to cooperate with inspections undertaken by local authority authorised persons