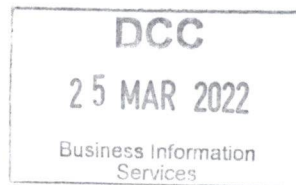


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21 March 2022



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For the Attention of: Sandy Graham

Dear Chief Executive

Notification to Territorial Authorities regarding domestic oil burning installations

The purpose of this letter is to notify you of a potential health and safety risk in your community where aluminium tanks may have been used as part of stationary container systems for domestic oil burning installations.

Summary

In December 2021, the Environmental Protection Authority (EPA) was informed by WorkSafe about the outcome of an investigation they undertook in relation to two companies that had been designing and manufacturing aluminium stationary tanks to store diesel for use in domestic oil burning installations (as well as commercial installations).

The two companies had been issued with compliance certificates for the design and fabrication of aluminium stationary tanks, however, Part 17 of the Health and Safety at Work (Hazardous Substances) Regulations 2017 (HSWA Regulations) requires the tanks to be made of stainless steel. The tanks were certified as being compliant with Part 17 of the HSWA Regulations, by WorkSafe authorised Compliance Certifiers.

As a result of their investigation, WorkSafe determined that aluminium tanks are not compliant with the HSWA Regulations and subsequently cancelled the compliance certificates for these two companies in December 2021.

What does this mean for Territorial Authorities

Stationary tanks are used as part of domestic oil burning installations for residential properties. The Hazardous Substances (Hazardous Property Controls) Notice 2017 (HPC Notice) prescribes requirements

to ensure that hazardous substances are stored and used in a manner that protects the environment and people in places other than workplaces, to which the Health & Safety at Work (HSWA) Act 2015 and its Regulations apply.

Under the HPC Notice, stationary container systems of a certain capacity used as part of a domestic oil burning installations must comply with certain HSW-HS Regulations. Clause 29 of the HPC Notice requires the person who installs the stationary tank, that is part of a stationary container system for domestic oil burning installations that do not exceed 2500 litre in capacity, to ensure that the stationary tank is designed and constructed in accordance with the HSW-HS Regulations.

Clause 29(3)(a) of the HPC Notice (Stationary container systems for domestic oil burning installations that do not exceed 2 500 L in capacity) states that: *A person who installs the stationary container system must ensure that the stationary tank that is used to store the substance:*

- iii. *is of a design that is certified under regulation 17.93(1)(a) of the HSW-HS Regulations; and*
- iv. *is constructed by a fabricator that is certified under regulation 17.93(1)(b) of the HSW-HS Regulations, in respect of that design.*

In the case of the aluminium tanks, as these were designed and certified under the HSW-HS Regulations and constructed by a certified fabricator this means that they were likely considered compliant when they were installed as part of domestic oil burning installations. WorkSafe's determination that the tanks are not compliant with HSW-HS Regulations and the cancellation of the compliance certificates has potential compliance implications under the HPC Notice for Territorial Authorities and poses potential health and safety risks for those properties where aluminium tanks have been used.

Under Section 97(1) of the Hazardous Substances and New Organisms Act 1996 (HSNO Act) the chief executive of any territorial authority has the responsibility to enforce the provisions of the HSNO Act at places that are non-workplaces., this includes the requirements of the HPC Notice.

It is currently unknown how many aluminium tanks have been sold and used in domestic oil burning installations, or that may still be available to be used in domestic oil burning installations, within each district.

Potential health and safety risks resulting from the use of aluminium tanks in domestic oil burning installations

Aluminium has a lower melting point than stainless steel, therefore aluminium tanks are more likely to melt in the event of fire which could lead to:

- a. The propagation of fire, as diesel is combustible liquid.
- b. Health and safety risks to the persons living in the building where the tank is installed
- c. Significant environmental impact where diesel is spilled in the environment

Next Steps

At this stage the EPA is in communication with WorkSafe to understand what the next steps are in relation to the non-compliant aluminium tanks. We will follow up with you once we have this information.

The EPA are requesting that you refer this matter to the relevant business group within your council for consideration.

Should you wish to discuss the matter or provide us with contact details for follow up, please email us at HSCompliance@epa.govt.nz

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Kareema Yousif', written in a cursive style.

Kareema Yousif

Senior Compliance Officer

Environmental Protection Authority

Te Mana Rauhi Taiao

[Compliance, monitoring and enforcement | EPA](#)