

DECLG Consolidated Solid Fuel Regulations

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STATUTORY INSTRUMENTS.

S.I. No. 326 of 2012

(as amended by S.I. No 30 of 2015, S.I. 128 of 2016, and S.I. 571 of 2016)

AIR POLLUTION ACT (MARKETING, SALE, DISTRIBUTION AND BURNING OF SPECIFIED FUELS) REGULATIONS 2012-2016

IMPORTANT NOTICE

This document is an administrative consolidation of Air Pollution Act (Marketing, Sale, Distribution and Burning of Specified Fuels) Regulations 2012-2106, comprising the Air Pollution Act (Marketing, Sale, Distribution and Burning of Specified Fuels) Regulations 2012 (S.I. No. 326 of 2012), as amended. It has been prepared by the Department of Communications, Climate Action and Environment for ease of reference only and is not a legal document.

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**AIR POLLUTION ACT
(MARKETING, SALE, DISTRIBUTION AND BURNING OF SPECIFIED
FUELS) REGULATIONS 2012-2016**

I, PHIL HOGAN, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by sections 10, 14 and 53 of the Air Pollution Act, 1987 (No. 6 of 1987), hereby make the following Regulations:

Citation

1. These Regulations may be cited as the Air Pollution Act (Marketing, Sale, Distribution and Burning of Specified Fuels) Regulations 2012.

Commencement

2. These Regulations (other than Schedule 2) come into operation on 31st August 2012.

3. Schedule 2 comes into operation on 1 May 2013.

Definitions

4. In these regulations-

a reference to an International Standard or a British Standard is a reference to a standard published by the International Organisation for Standardisation or the British Standards Institution and should be construed as the most current such standard in effect;

“Agency” means the Environmental Protection Agency established under section 19 of the Environmental Protection Agency Act 1992;

“Authorised Person” means a person authorised by a local authority under Regulation 10(3);

‘approved fuel’ means a low smoke solid fuel for which a current certificate of conformity issued by a certification body exists;

“Bag” means a receptacle which is sealable containing a quantity of:

- (a) bituminous coal;
- (b) low smoke solid fuel; or
- (c) low smoke biomass product;

‘Bagging Operator’ means a person or body engaged in the business of bagging or baling:

- (i) bituminous coal, (ii) low smoke solid fuel, or (iii) low smoke biomass product;

‘biomass’ means the biodegradable fraction of products, waste and residues from biological origin from agriculture (including vegetal and animal substances), forestry and related industries, including fisheries and aquaculture as well as the biodegradable fraction of industrial and municipal waste;

“Bituminous Coal” means coal falling within CN Code 2701 12 placed on the market for residential heating;

‘certification body’ means a third-party conformity assessment body accredited to L.S. EN ISO/IEC 17021;

‘Licensed Premises’ has the same meaning as it has in the Intoxicating Liquor Act 2008 (No. 17 of 2008);

‘low smoke biomass product’ means any solid fuel with a biomass content of at least 30% but less than 100% biomass, for which carbon tax relief for biomass content of solid fuel is sought under Section 82A of the Finance Act 2010 and where such fuel has a smoke emission rate of:

- (a) In the period ending 31 August 2018, not more than 7.5 grams per hour;
- (b) In the period commencing 1 September 2018, not more than 5 grams per hour;

‘Low smoke solid fuel’ means a solid fuel which contains coal and which is permissible for sale in a Low Smoke Zone,

‘Low Smoke Zone’ has the same meaning as ‘specified area’,

“Owner of a Vehicle” means the person in possession of or, for the time being, in charge of a vehicle, howsoever propelled or drawn and, with respect to a mechanically propelled vehicle, includes the registered owner of the purposes of the Road Vehicles (Registration and Licensing) Regulations 1992-2008;

‘Retailer’ means a person who for the purpose of trade or otherwise in the course of business sells bituminous coal, approved fuel or low smoke biomass product to other persons;

“Solid Fuel” means any solid substance that is burnt to produce heat and shall include specified fuels;

“Solid Fuel Supplier” means any person or body which, within the State:

- (a) wholesales or distributes (i) bituminous coal, (ii) low smoke solid fuel, or (iii) low smoke biomass product; or
- (b) retails 50% or more of their total annual sales proceeds from the products listed at (a) above;

“Specified Area” means an area listed under Schedule 1 or Schedule 2 to these Regulations that has been designated by the Minister under section 53 of the Air Pollution Act 1987 for the purpose of prohibiting the marketing, sale, distribution and burning of specified fuels;

“Specified Fuel” means-

- (a) any bituminous coal,
- (b) any admixture of solid fuel containing bituminous coal,
- (c) any manufactured fuel containing bituminous coal where such manufactured fuel contains more than 14% volatile matter by weight on a dry ash-free basis save where such fuel has a smoke emission rate of not more than 10 grams per hour, or
- (d) any solid fuel having a sulphur content greater than 2% by weight on a dry ash-free basis.

Prohibition on the Marketing, Sale and Distribution of Specified Fuel within Low Smoke Zones

5. (1) A person or body shall not place on the market, sell or distribute any specified fuel within a Low smoke Zone.

(2) A person or body shall not place on the market, sell or distribute, within a Low Smoke Zone, any solid fuel in a bag unless—

- (a) it is sealed,
- (b) there is printed on such bag a notice in the form:
 - (i) set out in Schedule 3 to these regulations in the case of low smoke solid fuel; or
 - (ii) set out in Schedule 6 to these regulations in the case of low smoke biomass product;
- (c) such a person or body holds a record showing that the bagged product is not a specified fuel.

(3) A person or body may store specified fuel at a premises located within a Low Smoke Zone for the purpose of placing on the market or sale at an address outside the Low Smoke Zone provided that a register is maintained in the form set out in Schedule 4 to these Regulations.

(4) A person or body may transport specified fuel within a Low Smoke Zone provided—

- (a) that such fuels are so transported on or in a vehicle in a total quantity of not less than 3 metric tonnes in weight at any one time in the case of the Low

Smoke Zone of Dublin and not less than 1 metric tonne in weight at any one time in the case of any other Low Smoke Zone, and

(b) that such vehicle is not being used at the same time within that Low Smoke Zone for the sale or distribution of any other fuels.

(5) The owner of any vehicle which is used for the transport of specified fuel within a Low Smoke Zone shall retain on the vehicle—

(a) a record of the quantity of each type of specified fuel on the vehicle and the name and address of the person or body who supplied the fuel, and

(b) a record of the destination or destinations of the specified fuel and the name and address of the person or persons purchasing the fuel.

(6) in Regulation 5(2)(c), ‘record’ means a current certificate of conformity verifying that the fuel complies with the standards and specifications set out in these Regulations, issued by a certification body following an independent audit by them under Regulation 9A and including the registration number issued by the Agency to the bagging operator

(7) The records to be kept and maintained by bagging operators relating to Low Smoke Solid Fuel products shall be sufficient to enable the certification body to determine compliance with the requirements of these regulations, including, *inter alia*, the sulphur content and the smoke emission rate of the solid fuel products, and include at a minimum, those specified in Schedule 7

Prohibition on the Burning of Specified Fuel within Low Smoke Zones

6. The occupier of any private dwelling located within a Low Smoke Zones shall not burn at such private dwelling any specified fuel.

6A. The occupier of any licensed premises located within a Low Smoke Zone shall not burn at such licensed premises any specified fuel.

6B. the occupier of any premises other than a private dwelling located within a Low Smoke Zone shall not burn at such premises any specified fuels for the purpose of direct space heating.

Prohibition on the Marketing, Sale, Distribution or Burning of High Sulphur Fuels

6C. With effect from 1 March 2017, a person or body shall not place on the market, sell, distribute or burn for domestic heating purposes any solid fuel having a sulphur content greater than 2% by weight on a dry ash-free basis.

Restrictions on the Sale of Bituminous Coal outside Low Smoke Zones

7.(1) A person or body shall not place on the market, sell or distribute bituminous coal in a bag or any other unit of sale outside Low Smoke Zones unless—

(a) its sulphur content is not greater than 0.7% by weight,

(b) the product was supplied by a bagging operator or solid fuel supplier registered with the Agency,

(c) where the unit of sale is a bag, it is sealed, and

(d) such a person or body holds a current record setting out, *inter alia*, the registration number issued by the Agency to the bagging operator and, where appropriate, the solid fuel supplier who supplied the product verifying that the product is compliant with subparagraphs (a) and (b).

(e) there is printed on such a bag a notice in the form set out in Schedule 5 to these Regulations.

(2) in Regulation 7(1), 'record' means a certificate of conformity verifying that the fuel complies with the standards and specifications set out in these Regulations, issued by a certification body following an independent audit by them under Regulations 9A, and including the registration number issued by the Agency to the bagging operator.

(3) The records to be kept and maintained by bagging operators relating to bituminous coal shall be sufficient to enable the certification body to determine compliance with the requirements of these regulations, including, *inter alia*, the sulphur content of the bituminous coal, and include at a minimum, those specified in Schedule 7.

Identification, marking and records of Low Smoke Biomass Products

7A (1) A person placing on the marking, selling or distributing any low smoke biomass product shall hold a current certificate of conformity verifying that the fuel complies with the standards and specifications set out in these Regulations, issued by a certification body following an independent audit by them under Regulation 9A, and including the registration number issued by the Agency to the bagging operator.

(2) The packaging of low smoke biomass products shall have printed on it a notice in the form set out in Schedule 6 to these Regulations.

(3) The records to be kept and maintained by bagging operators relating to biomass products shall be sufficient to enable the certification body to determine compliance with the requirements of these regulations, including, *inter alia*, the biomass content of low smoke biomass product, smoke emission rate, and include at a minimum, those specified in Schedule 7

Assessment

9.(1) The requirements of Regulation 7(1)(a) shall be satisfied by compliance with:

(a) a relevant standard or code of practice of a national standards body or equivalent body in another EU Member State, an EFTA State or Turkey,

(b) any relevant international standard recognised for use in another EU Member State, an EFTA State or Turkey , or

(c) any relevant technical regulation with mandatory or *de facto* mandatory application for marketing or use in, another EU Member State, an EFTA State or Turkey

insofar as the standard, code of practice, technical regulation or process in question enables the sulphur content of coal to be certified in an equivalent manner.

(2) The sulphur content of a solid fuel shall be determined by the method for the time being specified in International Standard reference ISO 351.

(3) The gross calorific value shall be determined by the method for the time being specified in International Standard reference ISO 1928 and the moisture level for the purposes of expressing gross calorific value on a moist ash-free basis shall be the level corresponding to moisture holding capacity as determined by the method for the time being specified in International Standard reference ISO 1018.

(4) The volatile matter content shall be determined by the method for the time being specified in International Standard reference ISO 562.

(5) The smoke emission rate of a manufactured fuel shall be determined by the method for the time being specified in British Standard 3841.

(6) The ash content of a solid fuel shall be determined by the method for the time being specified in International Standard reference ISO 1171.

(7) The method to be used for calculating analyses of fuels to different bases shall be the method for the time being specified in International Standard reference ISO 1170.

(8) A laboratory or test facility may carry out any test, examination or analysis of any sample of fuel taken pursuant to these Regulations in accordance with the methods specified in this Regulation.

Certification

9A For the purposes of establishing compliance with the standards, specifications and procedures set out in these Regulations, a bagging operator shall be audited on an annual basis by a certification body.

Enforcement

10. (1) These Regulations shall be enforced by a local authority within its functional area.

(2) Each local authority shall submit annual returns to the Agency, in such form as the Agency may specify, detailing activities relating to the implementation and enforcement of these regulations in their functional areas.

(3) The local authority may authorise in writing any person, hereinafter referred to as an "authorised person", for the purposes of the enforcement of these Regulations.

(4) An authorised person may be authorised by more than one local authority for the purpose of the enforcement of these Regulations in a Low Smoke Zone than spans more than one functional area.

(5) Every authorised person shall be furnished with a certificate of his or her authorisation and when exercising any power provided by or under these Regulations, the authorised person shall, if requested by any person affected, produce the certificate to that person.

(6) An authorised person may, in respect of any vehicle or any premises which, in his or her opinion, is being used in connection with the placing on the market, sale or distribution of solid fuel—

(a) inspect and take samples of any solid fuel on the vehicle or at the premises,

(b) inspect such records or such documents as the authorised person, having regard to all the circumstances, considers necessary for the purposes of these Regulations, or

(c) require from the owner or occupier of the premises or from any other person on the premises, or require from the owner of a vehicle, such information as the authorised person, having regard to all the circumstances, considers necessary for the purposes of these Regulations.

(d) in the cases where the solid fuel is bituminous coal, require from the owner or occupier of the premises or from any other person on the premises, or require from the owner of a vehicle, the registration number issued by the Agency to the bagging operator or solid fuel supplier that supplied the product.

(7) An authorised person may stop any vehicle which the authorised person reasonably suspects is being used in connection with the placing on the market, sale or distribution of solid fuel for the purpose of inspecting records or inspecting and taking samples of solid fuel.

(8) A person shall not obstruct an authorised person in the exercise of his or her powers under these Regulations or wilfully withhold any information which the authorised person requires.

(9) A retailer selling bituminous coal, approved fuel or low smoke biomass product shall display a copy of the current certificate of conformity issued to the bagger of that product pursuant to an audit under Regulation 9A.

Evidence

11. (1) Where an authorised person takes a sample of any solid fuel from any vehicle or premises pursuant to these Regulations, the authorised person shall—

(a) forthwith notify an appropriate person that a sample has been so taken and give a receipt in respect of the sample to the appropriate person, and

(b) at the time of taking the sample, attach to the sample's container or packaging, as appropriate, a label specifying the date on which the sample was taken and an appropriate identification number for that sample.

(2) In this Regulation "appropriate person" means the owner or occupier of, or any other person who appears for the time being to be in charge of, the premises at which the sample is taken, or the owner of a vehicle from which the sample is taken.

(3) Any evidence given or to be given in respect of any test, examination or analysis of any sample of solid fuel taken pursuant to these Regulations shall identify such sample by reference to its identification number and shall in relation to that sample be evidence, without further proof, of the result of the test, examination or analysis, until the contrary is shown.

(4) Each local authority shall carry out, or cause to be carried out—

(a) such inspections as it deems necessary or as may be required by the Agency for the purposes of verifying compliance with these Regulations; and

(b) such sampling and analysis of products as it deems necessary or as may be required by the Agency for the purposes of paragraph (a).

Offences

12. A person who contravenes a provision of these Regulations shall be guilty of an offence under section 11 of the Air Pollution Act, 1987 (No. 6 of 1987).

Revocation

13. The following are revoked

(a) The Air Pollution Act, 1987 (Marketing, Sale and Distribution of Fuels) Regulations 1998 (S.I. No. 118 of 1998);

(b) The Air Pollution Act, 1987 (Marketing, Sale and Distribution of Fuels) (Amendment) Regulations 2000 (S.I. No. 278 of 2000),

(c) The Air Pollution Act, 1987 (Marketing, Sale and Distribution of Fuels) (Amendment) Regulations 2003 (S.I. No.111 of 2003),

(d) The Air Pollution Act, 1987 (Marketing, Sale and Distribution of Fuels) (Amendment) Regulations 2004 (S.I. No. 713 of 2004),

(e) The Air Pollution Act, 1987 (Marketing, Sale and Distribution of Fuels) (Amendment) Regulations 2011 (S.I. No. 270 of 2011), and

(f) The Air Pollution Act, 1987 (Marketing, Sale and Distribution of Fuels) (Amendment) (No.2) Regulations 2011 (S.I. No. 714 of 2011).

SCHEDULE 1

LOW SMOKE ZONES WHERE THE BAN ON THE SALE, MARKETING, DISTRIBUTION AND BURNING OF SPECIFIED FUEL APPLIES

LOW SMOKE ZONE OF DUBLIN

The city of Dublin.

The county of Dún Laoghaire-Rathdown.

The county of Fingal.

The county of South Dublin.

LOW SMOKE ZONE OF CORK

The city of Cork together with the included areas in the county of Cork.

The included areas in the county of Cork are:—

The Electoral Divisions of:—

Ballincollig	Bishopstown	Blarney
Caherlag	Carrigaline (Cork Rural)	Carrigrohane Beg
Douglas	Inishkenny	Lehenagh
Monkstown Rural	Monkstown Urban	Ovens
Rathcooney	St. Mary's	

In the Electoral Division of Ballygorman, the townlands of:-

Grange	Killumney
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In the Electoral Division of Carrigtohill, the townlands of:-

Ballycurreen	Killacloyne	Killahora
Johnstown		

In the Electoral Division of Carrigaline (Kinsale Rural), the townlands of:-

Commeen Kilnaglery

In the Electoral Division of Kilpatrick, the townland of Knocknalurgan.

In the Electoral Division of Liscleary, the townlands of:-

Ballea Kilmoney

In the Electoral Division of Matehy, the townlands of:-

Cloghphilip Cloghroe Coolflugh
Dromin Killeen Loughane East

In the Electoral Division of Riverstown, the townlands of:-

Hermitage Killacloyne Killydonoghoe
Riverstown Sarsfieldscourt Templeusque

In the Electoral Division of Whitechurch, the townlands of:-

Carhoo Coolowen Kilcronan
Monard Rathpeacon

LOW SMOKE ZONE OF LIMERICK

The city of Limerick together with the included areas in the county of Limerick and the included areas in the county of Clare.

The included areas in the county of Limerick are:-

The Electoral Divisions of:-

Ballycummin Limerick South Rural

In the Electoral Division of Ballysimon, the townlands of:-

Ballybrennan Ballysimon Ballysimon (Dickson)
Ballysimon (Staunton) Ballysimon Commons Coolyhenan
Drombanny Dromroe Garryglass

Kilbane	Killonan	Knockananty
Milltown	Newcastle	Newtown
Peafield	Sreelane	Towlerton

In the Electoral Division of Ballyvarra, the townlands of:-

Ballyclogh	Casteltroy	Garraun
Garraunykkee	Rivers	Woodstown

In the Electoral Division of Roxborough, the townlands of:-

Bohereen	Ballyclogh	Ballysheedy West
Derrybeg	Derryknockane	Rathurd
Rootiagh	Routagh	Roxborough

The included areas in the county of Clare are:-

The Electoral Division of Ballyglass.

In the Electoral Division of Cappavilla, the townlands of:-

Clooncarhy	Derryfada	Garraun
Gilloge	Strawickeen	

LOW SMOKE ZONE OF GALWAY

The city of Galway together with the included areas in the county of Galway.

The included areas in the county of Galway are:-

The Electoral Divisions of:-

Ballintemple	Barna	Carrowbrowne
Galway Rural		

LOW SMOKE ZONE OF WATERFORD

The city of Waterford together with the included areas in the county of Waterford and the included areas in the county of Kilkenny.

The included areas in the county of Waterford are:-

The Electoral Divisions of:-

Ballynakill Killoteran Kilbarry

In the Electoral Division of Faithlegg, the townland of Ballygunnertemple.

In the Electoral Division of Tramore, the townland of Knockeen.

The included areas in the county of Kilkenny are:-

The Electoral Division of Kilculliheen.

In the Electoral Division of Aglish, the townlands of:-

Ballygriffin Granny

In the Electoral Division of Dunkitt, the townlands of:-

Ballynamona Blossomhill Cloone
Dunkitt Killaspy Mullinabro
Strangsmill

In the Electoral Division of Rathpatrick, the townlands of:-

Kilmurry Luffany Rathpatrick

LOW SMOKE ZONE OF ARKLOW

The town of Arklow and its environs in the county of Wicklow, comprising the following areas:-

The Electoral Divisions of:-

Arklow No.1 Urban Arklow No.2 Urban

In the Electoral Division of Kilbride, the townlands of:-

Coolboy Kilbride Killiniskyduff

Seabank

In the Electoral Division of Arklow Rural, the townlands of:-

Ballyraine Lower

Ballyraine Middle

Ballyraine Upper

Money Little

LOW SMOKE ZONE OF ATHLONE

The town of Athlone and its environs in the county of Westmeath and the county of Roscommon, comprising the following areas:-

In the county of Westmeath:-

The Electoral Divisions of:-

Athlone East Urban

Athlone West Urban

Athlone East Rural

Moydrum

In the county of Roscommon:-

The Electoral Division of Athlone West Rural.

LOW SMOKE ZONE OF BRAY

The town of Bray and its environs in the county of Wicklow, comprising the following areas:-

The Electoral Divisions of-

Bray No.1

Bray No. 2

Bray No. 3

Rathmichael

In the Electoral Division of Kilmacanoge, the townlands of:-

Ballymorris

Ballynamuddagh

Ballywaltrin

Bray Commons

Fassaroe

Giltspur

Hollybrook

Irishtown

Kilbride

Kilcroney	Killarney	Kilruddery Demesne East
Kilruddery Demesne West	Oldcourt	Springfield
Wingfield		

LOW SMOKE ZONE OF CARLOW

The town of Carlow and its environs in the county of Carlow and the county of Laois, comprising the following areas:-

In the county of Carlow:-

The Electoral Divisions of:-

Carlow Urban	Carlow Rural	Graigie Urban
Ballinacarrig		

The included area of the administrative county of Laois is:-

The Electoral Division of Graigue Rural.

LOW SMOKE ZONE OF CELBRIDGE, LEIXLIP AND MAYNOOTH

The towns of Celbridge, Maynooth and Leixlip and their environs in the county of Kildare, comprising the following areas:-

The Electoral Division of Celbridge.

The Electoral Division of Leixlip.

The Electoral Division of Maynooth.

In the Electoral Division of Donaghcumper, the townlands of:-

Backweston Park	Ballymadeer	Ballyoulster
Balscott	Celbridge Abbey	Commons Lower
Commons	Commons Upper	Coneyburrow
Coolfitch	Dangan	Donaghcumper

Elmhall	Loughlinstown	Newtown
Simmonstown	St Wolstans	Stacumny
Stacumny Cottage	Straleek	

LOW SMOKE ZONE OF CLONMEL

The borough of Clonmel and its environs in the county of South Tipperary and the county of Waterford, comprising the following areas:-

In the county of South Tipperary:-

The Electoral Divisions of:-

Clonmel East Urban	Clonmel West Urban	Clonmel Rural
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Inishlounaght

In the county of Waterford:-

In the Electoral Division of Kilmacomma, the townlands of-

Kilmacomma	Greenan
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In the Electoral Division of St. Mary's, the townlands of-

Croan Lower	Croan Upper	Glennagad
Kilgainy Lower	Kilgainy Upper	Knocklucas
Knocknagriffin	Lyranearla	Monacallee
Poulboy	Poulnagunoge	Scrothea East
Scrothea West	Spa	

In the Electoral Division of Gurteen, the townlands of-

Tikincor Lower	Tikincor Upper
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LOW SMOKE ZONE OF DROGHEDA

The borough of Drogheda and its environs in the county of Louth and the county of Meath, comprising the following areas:-

In the county of Louth:-

The Electoral Divisions of-

Fair Gate	St. Laurence Gate	St. Mary's
St. Peter's	West Gate	

In the county of Meath:-

The Electoral Division of St. Mary's.

In the Electoral Division of Julianstown, the following townlands:-

Betaghstown	Ministown	Ninch
Pilltown	Sevitsland	

LOW SMOKE ZONE OF DUNDALK

The town of Dundalk and its environs in the county of Louth, comprising the following areas:-

The Electoral Divisions of-

Dundalk Urban No.1	Dundalk Urban No.2	Dundalk Urban No.3
Dundalk Urban No.4	Dundalk Rural	Haggardstown

In the electoral Division of Castletown, the townlands of:-

Acarreagh	Balregan	Castletown
Donaghmore	Farrandreg	Newtownbalregan
Stranacarry	Tankardsrock	Tateetra
Thomastown		

LOW SMOKE ZONE OF ENNIS

The town and environs of Ennis in the county of Clare, comprising the following areas:-

The Electoral Divisions of-

Ennis No.1 Urban	Ennis No.2 Urban	Ennis No.3 Urban
Ennis No.4 Urban	Clareabbey	Doora
Ennis Rural	Spancelhill	

In the Electoral Division of Templemaley, the townlands of:-

Ballyallia	Ballymulqueeny	Cloonteen
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LOW SMOKE ZONE OF KILKENNY

The borough of Kilkenny and its environs in the county of Kilkenny, comprising the following areas:-

The Electoral Divisions of:-

Kilkenny No.1 Urban	Kilkenny No.2 Urban	Kilkenny Rural
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In the Electoral Division of Dunmore, the townlands of:-

Baun	Loughmerans
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LOW SMOKE ZONE OF NAAS AND SALLINS

The towns of Naas and Sallins and their environs in the county of Kildare, comprising the following areas:-

The Electoral Divisions of:-

Naas Urban	Naas Rural
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In the Electoral Division of Bodinstown, the townlands of:-

Bodinstown	Castlesize	Sallins
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In the Electoral Division of Kill, the townlands of:-

Johnstown	Kerdiffstown	Palmerstown
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LOW SMOKE ZONE OF SLIGO

The borough of Sligo and its environs in the county of Sligo, comprising the following areas:-

The Electoral Divisions of:-

Sligo East	Sligo North	Sligo West
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In the Electoral Division of Calry, the townlands of:-

Ballytivnan	Barroe	Carns
Carns (Duke)	Cleaveragh Demesne	Farranacardy
Hazelwood Demesne	Kiltycahill	Rathbraghan

Tonaphubble

In the Electoral Division of Drumcliff East, the townlands of:-

Ballinvoher	Lisnalurg	Shannon Eighter
Shannon Oughter	Teesan	

In the Electoral Division of Drumcliff West, the townland of Ballincar.

In the Electoral Division of Kilmacowen, the townlands of:-

Ballydoogan	Ballyfree	Carrowroe
Derrydarragh	Tonafortes	Tullynagracken North

Tullynagracken South

In the Electoral Division of Knockaree, the townlands of:-

Barnasrahy	Cummeen	Drinaghan
Finisklin	Knappagh More	Lissawully
Rathonoragh	Scardan More	

LOW SMOKE ZONE OF TRALEE

The town of Tralee and its environs in the county of Kerry, comprising the following areas:-

The Electoral Division of Tralee Urban.

That part of the Electoral Division of Tralee Rural that lies north of the L-6515.

In the Electoral Division of Ballyseedy, the townlands of:-

Ballingowan Caherweesheen Camp

In the Electoral Division of Blennerville, that part of the townlands of Curragraigue and Tonavane that lie north of the N86 and L-6515.

In the Electoral Division of Clogherbrien, the townlands of:-

Ballyenaghty Bawnboy Clogherbrien

Kerries East

In the Electoral Division of Doon, the townlands of:-

Garrane Listellick South

In the Electoral Division of Ratass, the townlands of:-

Ballinorig South Ballinorig West Ballybeggan

Dromthacker

LOW SMOKE ZONE OF WEXFORD

The borough of Wexford and its environs in the county of Wexford, comprising the following areas:-

The Electoral Divisions of:-

Wexford No.1 Urban Wexford No.2 Urban Wexford No.3 Urban

Wexford Rural

In the Electoral Division of Ardcavan, the townlands of:-

Ardcavan	Ardcolm	Ballycrane
Ballymartin	Ballytramon	Ballywish
Burgess	Castlebridge	Craanagam
Craanatore	Crosstown	Ferrybank North
Ferrybank South	Glassganny	Glebe
Kilmisten	Knottown	Oldtown
Pollregan	Tincone	

In the Electoral Division of Artamon, the townlands of:-

Ballyboggan Lower	Ballyboggan Upper	Ballyregan (Fairhill)
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In the Electoral Division of Carrick, the townland of Newtown.

In the Electoral Division of Drinagh, the townlands of:-

Blackhorse	Drinagh North	Drinagh South
Kellystown	Rochestown	Roughmead
Sinnotstown	Starvehall	Whitestown Lower
Whitestown Upper		

In the Electoral Division of Rathaspick, the townland of Moorfields.

SCHEDULE 2

LOW SMOKE ZONES WHERE THE BAN ON THE SALE, MARKETING, DISTRIBUTION AND BURNING OF SPECIFIED FUEL APPLIES WITH EFFECT FROM 01 MAY 2013

LOW SMOKE ZONE OF GREYSTONES

The town of Greystones and its environs in the county of Wicklow, comprising the following areas:-

The Electoral Divisions of:-

Greystones Delgany

In the Electoral Division of Kilcoole, the townlands of:-

Charlesland Drummin East Farrankelly

Priestsnewtown Stilebawn

LOW SMOKE ZONE OF LETTERKENNY

The town of Letterkenny and its environs in the administrative county of Donegal, comprising the following areas:-

The Electoral Divisions of:-

Letterkenny Urban Letterkenny Rural

In the Electoral Division of Ballymacool the townlands of:-

Ballyconnelly Ballymacool Bomany

Conwal Creeve Glebe Creeve (Smith)

Kirkstown Magheran Rockhill

Tullygay

In the Electoral Division of Castlewray the townlands of:-

Ardarawer Ballymaleel Bogay

Camblestown	Castlebane	Castlewray
Cornagil	Deenystown	Glebe
Greenhill	Kiltyoy	Knockybrin
Lanehead	Lisnanees Lower	Lisnanees Upper
Loughnagin	Magheranan	Roughpark
Woodland		

In the Electoral Division of Coravaddy the townlands of:-

Carrygally	Coaghmill	Cullion
Lismonaghan	Scribly	Woodpark

In the Electoral Division of Edenacarna the townlands of-

Killyclug	Killylastin
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In the Electoral Division of Gortnavern the townlands of:-

Ballaghderg	Coolboy Little	Curraghlea
Ellistrin Little	Fallard (Calhame)	Gorthnavern

In the Electoral Division of Magheraboy the townlands of:-

Dromore	Drumany
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LOW SMOKE ZONE OF MULLINGAR

The town of Mullingar and its environs in the county of Westmeath, comprising the following areas:-

The Electoral Divisions of:-

Mullingar North Urban	Mullingar South Urban	Mullingar Rural
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In the Electoral Division of Belvidere, the townlands of:-

Lynn	Srahenry	Tullanisky
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In the Electoral Division of Castle, the townlands of:-

Clongawny Marlinstown Marlinstown Bog

In the Electoral Division of Hopestown, the townlands of:-

Kilpatrick Rathcolman

In the Electoral Division of Tullaghan, the townland of Walshestown South.

LOW SMOKE ZONE OF NAVAN

The town of Navan and its environs in the county of Meath, comprising the following areas:-

The Electoral Divisions of:-

Navan Urban Navan Rural

In the Electoral Division of Ardraccan the townlands of:-

Gainstown Hanlonstown Liscartan

LOW SMOKE ZONE OF NEWBRIDGE

The town of Newbridge and its environs in the county of Kildare, comprising the following areas:-

The Electoral Divisions of:-

Droichead Nua (Newbridge) Urban Morristownbiller

In the Electoral Division of Droichead Nua (Newbridge) Rural, the townlands of:-

Blackrath and Athgarvan Greatconnell Walshestown

In the Electoral Division of Ladytown, the townlands of:-

Ladytown Moortown Newhall

In the Electoral Division of Oldconnell, the townlands of:-

Littleconnell Morristown Upper Oldconnell

Tankardsgarden

LOW SMOKE ZONE OF PORTLAOISE

The town of Portlaoise and its environs in the county of Laois, comprising the following areas:-

The Electoral Divisions of:-

Portlaoighise (Maryborough) Urban Portlaoighise (Maryborough) Rural

In the Electoral Division of Borris, the townlands of:-

Ballytegan	Clonreher	Gorteen
Kyleclonhobert	Rathnamanagh	Rossleaghan

In the Electoral Division of Clondarrig, the townlands of:-

Boghlone	Clonboyne	Clonroosk
Clonroosk Little	Pallas Big	

In the Electoral division of Kilcolmanbane, the townland of Ballymackan.

In the Electoral Division of Shaen, the townlands of:-

Ballydavis	Derrygarran
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LOW SMOKE ZONE OF WICKLOW AND RATHNEW

The towns of Wicklow and Rathnew and their environs in the county of Wicklow, comprising the following areas:-

The Electoral Division of Wicklow Urban.

In the Electoral Division of Wicklow Rural, the townlands of:-

Ashtown (Arklow Barony)	Ashtown (Newcastle Barony)	Ballybeg
Ballyguile Beg	Ballyguile Mor	Ballynerrin

Ballynerrin Lower

Ballynerrin Upper

Bollarney Murragh

Bollarney North

Broomhall

Burkeen

Commons

Dunbur Head

Dunbur Lower

Glebe

Hawkstown Lower

Hawkstown Upper

Merrymeeting

Knockrobin

Tinakelly

In the Electoral Division of Glenealy, the townlands of:-

Milltown North

Milltown South

Newrath

Rossana Lower

SCHEDULE 3

Form of notice referred to in regulation 5(2)(b) - Mark or Logo requirements for Approved Fuel

The notice referred to in Regulations 5(2)(b) shall, in the period up to and including 31 August 2017, conform to either the requirements of A or B below, and in the period after 31 August 2017, conform to the requirements of B below:

A. The notice shall bear, in letters at least 2 centimetres high and in a form which is clearly legible—

(i) the name and address of the person who packed the bag, and

(ii) the text "SMOKELESS FUEL — Contents comply with the Air Pollution Act Regulations"

B. The notice shall:

(I) Be:

(i) Printed as part of the packaging;

(ii) Non-detachable;

(iii) Of a minimum height of 80mm;

(iv) Undistorted;

(v) Either colour, or black and white, on a contrasting background;

(vi) Tamperproof; and

(II) Include the following:

(i) Such logo, in such format as may be prescribed pursuant to obtaining a certificate of conformity;

(ii) The name of the bagging operator;

(iii) The current EPA Registration Number of the bagging operator in the form "EPA REG No F00XX-0X" supplied by the Environmental Protection Agency;

(iv) In a form which is clearly legible on the front of the packaging the text "APPROVED FUEL"; and

(III) Be accompanied by, in letters at least 2 centimetres high in a form which is clearly legible, the text "Contents comply with the Air Pollution Act Regulations".

For the purposes of this Schedule, a reference to the “Air Pollution Act Regulations” shall be construed as a reference to these Regulations.

SCHEDULE 4

Form of register referred to in Regulation 3(3) for the storing of specified fuel in Low Smoke Zones.

This section to be completed on the last day of every month

Date:

Name of business:

Location of premises:

VAT Registration number:

Quantity of fuel stored at premises (i) Coal:

(ii) Peat:

(iii) Petcoke:

(iv) Other:

This section to be completed on each occasion that specified fuel is transported from the premises

Date of transportation:

Name of person transporting specified fuel:

Address of person transporting specified fuel:

Vehicle registration number used to transport specified fuel:

Type and quantity of specified fuel transported:

Address to which specified fuel was transported:

Owner of premises to which specified fuel was transported:

This form is maintained for the purpose of recording instances of storage and transportation of specified fuel by, or on behalf of, a person or body whose premises is located within a Low Smoke Zone.

Schedule 5

Form of notice referred to in regulation 7(1)(e) - Mark or Logo requirements for Bituminous Coal

The notice referred to in Regulations 7(1)(e) shall, in the period up to and including 31 August 2017, conform to either the requirements of A or B below, and in the period after 31 August 2017, conform to the requirements of B below:

A. The notice shall bear, in letters at least 2 centimetres high and in a form which is clearly legible—

- (i) the name and address of the person who packed the bag, and
- (ii) the text "0.7% SULPHUR COAL"

B. The notice shall

(I) Be:

- (i) Printed as part of the packaging;
- (ii) Non-detachable;
- (iii) Of a minimum height of 80mm;
- (iv) Undistorted;
- (v) Either colour, or black and white, on a contrasting background;
- (vi) Tamperproof; and

(II) Include the following:

- (i) Such logo, in such format as may be prescribed pursuant to obtaining a certificate of conformity;
- (ii) The name of the bagging operator;
- (iii) The current EPA Registration Number of the bagging operator in the form "EPA REG No F00XX-0X" supplied by the Environmental Protection Agency;
- (iv) In a form which is clearly legible on the front of the packaging the text "0.7% SULPHUR COAL"; and

(III) Be accompanied by, in letters at least 2 centimetres high, the text "Contents comply with the Air Pollution Act Regulations"

For the purposes of this Schedule, a reference to the “Air Pollution Act Regulations” shall be construed as a reference to these Regulations.

Schedule 6

Form of notice referred to in Regulation 7A(2) – Mark or Logo requirements for Low Smoke Biomass Product

The notice referred to in Regulations 7A(2) shall:

- (I) Be:
 - (i) Printed as part of the packaging;
 - (ii) Non-detachable;
 - (iii) Of a minimum height of 80mm;
 - (iv) Undistorted;
 - (v) Either colour, or black and white, on a contrasting background;
 - (vi) Tamperproof; and

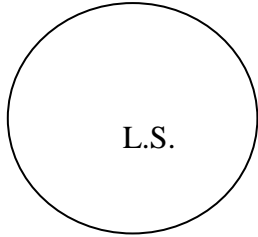
- (II) Include the following:
 - (i) Such logo, in such format as may be prescribed pursuant to obtaining a certificate of conformity;
 - (ii) The name of the bagging operator;
 - (iii) The current EPA Registration Number of the bagging operator in the form “EPA REG No F00XX-0X” supplied by the Environmental Protection Agency;
 - (iv) In a form which is clearly legible on the front of the packaging the text “50%” Biomass” where the biomass content is greater than or equal to 50%, or “30% Biomass” where the biomass content is between 30% and 50%, by weight on a dry matter basis.

Schedule 7

Records referred to in Regulations 5(7), 7(3) and 7A(3)

- (1) Records for traceability and compliance of fuels, within the scope of Regulations 5(7), 7(3) and 7A(3) shall be:
 - (i) Kept in appropriate media (e.g. paper and/or electronic form);
 - (ii) Retained for 6 years: and
 - (iii) Stored and/or archived to ensure satisfactory accessibility, legibility, and freedom from corruption or intentional alteration.

- (2) The types of records kept shall include, as a minimum, the following:
- (a) Delivery records for raw materials delivered to the bagger and/or producer, showing:
 - (i) The as delivered weight;
 - (ii) The certificate of analysis;
 - (iii) Traceability to certificate of analysis;
 - (iv) The delivery vehicle licence plate number or ship reference; and
 - (v) The date of delivery;
 - (b) Calibration and maintenance records for the weighbridges;
 - (c) Calibration and maintenance records for the weighing equipment and check weighing, where used;
 - (d) Records of investigations and timely corrective action following any weighing equipment malfunction or loss of accuracy;
 - (e) Production reports showing the number of bags filled including any bags which were discarded and any coal contained in filled bags which was returned to the stockpile(s);
 - (f) Annual stocktakes of raw materials and bagged coal on year end or nearest working day;
 - (g) Accreditation certificates to I.S. EN ISO/IEC 17025, or equivalent, as carrying out testing to the applicable standard, for all calibration contractors and analytical laboratories which carry out work relevant to the process;
 - (h) Coal treatment records (if any);
 - (i) Sales records for all fuel sold;
 - (j) Market surveillance feedback records (if any);
 - (k) Feedback and complaints records (if any); and
 - (l) in the case of manufactured biomass product:
 - (i) Production records confirming control parameters (quality); and
 - (ii) Records of production runs (duration, product, quantity) (manufactured biomass product).



Given under the Official Seal of the
Minister for the Environment,
Community and Local Government
August 2012.

Minister for the Environment,
Community and Local Government

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation.)

These Regulations revoke, and replace with some amendments, the Air Pollution Act, 1987 (Marketing, Sale and Distribution of Fuels) Regulations 1998-2011 relating to the ban on the marketing, sale and distribution of specified bituminous (or ‘smoky’) fuels within specified areas in Dublin, Cork, Limerick, Galway, Waterford, Arklow, Athlone, Bray, Carlow, Celbridge, Clonmel, Drogheda, Dundalk, Ennis, Kilkenny, Leixlip, Naas, Sligo, Tralee and Wexford.

These Regulations introduce a ban on the residential burning of specified bituminous fuels in private dwellings in specified areas to complement the existing ban on the marketing, sale and distribution.

The Regulations extend the Specified Area of Dublin to include the full administrative area of the counties of Dún Laoghaire-Rathdown, Fingal and South Dublin. The Regulations make boundary revisions that enlarge existing specified areas in the cities of Cork, Limerick, Galway and Waterford. The Regulations make further boundary revisions that enlarge existing specified areas in the boroughs/towns of Arklow, Bray, Celbridge, Drogheda, Dundalk, Ennis, Kilkenny, Leixlip, Naas, Sligo, Tralee and Wexford. Celbridge and Leixlip are now merged into a single specified area. The Regulations do not alter the boundaries in the existing specified areas in the boroughs/towns of Athlone, Carlow and Clonmel.

The Regulations also provide for the introduction of the ban on the marketing, sale, distribution and burning of specified bituminous fuels in specified areas of Greystones, Letterkenny, Mullingar, Navan, Newbridge, Portlaoise and Wicklow-Rathnew with effect from 1st May 2013.

The Regulations require that bags of solid fuel sold in specified areas where the ban applies must be sealed and have a printed notice in accordance with Schedule 3.

The Regulations require that all bituminous (‘smoky’) coal supplied for residential heating outside specified areas where the ban applies must have a sulphur content not greater than 0.7%. Coal bagging operators and fuel suppliers who supply smoky coal must register with the Environmental Protection Agency. There is an obligation on those placing smoky coal on the market outside specified areas to hold a record showing that the coal complies with the 0.7% maximum sulphur limit. Bags of smoky coal supplied as a unit of sale must be sealed.

The Regulations are enforced by authorised persons who have been certified by a local authority. An authorised person may hold certification from more than one local authority. Authorised persons may apply fixed payment notices of between €250 and €1,000 for alleged offences under certain provisions of these Regulations, as provided for under section 11 of the Environment (Miscellaneous Provisions) Act 2011. Failure to pay a fixed payment notice within 21 days may result in prosecution. Section 12 of the Air

Pollution Act 1987 provides for fines of up to €5,000 and/or imprisonment for up to six months on summary conviction.