HSWA

QUICK GUIDE

Keeping your service station compliant with the hazardous substances regulations

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Te Kāwanatanga o Aotearoa
New Zealand Government

WORKSAFE
Mahi Haumaru Aotearoa

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ACKNOWLEDGEMENTS

WorkSafe would like to acknowledge and thank the stakeholders who have contributed to the development of this guidance.

1.0 Introduction

What does this guide cover?

This guide will help you, as the PCBU (person conducting a business or undertaking), understand how to comply with the Health and Safety at Work (Hazardous Substances) Regulations 2017 (the Regulations) for hazardous substances at your service station. This guide will also help you or your staff prepare for your compliance certifier's visit to issue your site with the necessary compliance certificates.

There are references to certain Regulations and HSWA sections to help you understand them.

References to petrol in this guide also include ethanol and methanol blends of petrol (for example, biofuels and E85).

This guide does not cover all of your obligations under the Health and Safety at Work Act 2015 (HSWA) or the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 which you must still comply with.

You may also have other responsibilities in addition to those covered in this guide, such as those in the Resource Management Act 1991 and the Building Act 2004

For example, how a service station must manage drainage from its site.

R Relevant part of the Regulations

H Relevant part of HSWA

2.0 Know your substances

Safety data sheets

A safety data sheet (SDS) contains important information including, first aid, safe storage, how to clean up spills and what safety gear (personal protective equipment) should be worn when using a substance.

You must have an SDS for every hazardous substance in your service station. Ask your supplier for one if it is missing or is more than five years old.

You must make sure that a current SDS or a condensed version of the SDS is readily accessible to workers, emergency services and anyone else who may be exposed to a hazardous substance in your workplace.

You will need the SDS for completing your inventory. See WorkSafe's guidance Safety data sheets in the workplace

R Regulation 2.11

Inventory

You must have a list (inventory) of the types and quantities of hazardous substances you have at your service station site, including hazardous substances you have in your retail area or workshop. Your inventory must be readily accessible to emergency services. It is also required when applying for a location compliance certificate.

You can use WorkSafe's online hazardous substance calculator to create your inventory. The calculator will also tell you most of the controls you need to put in place to manage your hazardous substances.

See WorkSafe's guidance Inventory requirements for hazardous substances

R Regulation 3.1

Stock reconciliation of bulk fuels

It is important to ensure that the stock holdings are reconciled frequently. This should be undertaken at least daily. The process of stock reconciliation will indicate if there is a discrepancy between the tanker deliveries, fuel pumped to customers and the tank levels. Frequent stock reconciliation is necessary to confirm integrity of the hardware.

In the event of a discrepancy, it is necessary to establish the cause. Frequently this may be simple error, so all records should be checked in the first instance.

Refer to section 17 of the Underground Petroleum Storage Systems (UPSS) on the WorkSafe web site and also to Supplement 1 of this document, also on the WorkSafe web site.

R Regulation 17.85

3.0
Training of workers

Appropriate training for workers

Every worker who uses, handles, or stores a hazardous substance at your workplace must have the knowledge and practical experience to do so safely.

You must provide information to workers about work involving hazardous substances taking place at your site. Workers need to know where to find information about each hazardous substance, including the hazards and about safe handling and storage of them.

Workers must be trained and have an appropriate amount of practical experience under direct supervision on:

- the health risks and safety issues associated with the hazardous substances
- how to safely use, handle, store and dispose of the hazardous substances
- the safe use of equipment used to manage the hazardous substances, including personal protective equipment
- their obligations under the Regulations
- their responsibilities and actions to be taken in an emergency involving the hazardous substances.

You must make sure training provided is understood by your workers.

This must include vulnerable workers such as those with a disability or workers who speak English as a second language.

You will need to keep training records. When you get your location compliance certificate, your compliance certifier will review your training records as part of the certification process.

See WorkSafe's guidance Information, training and instruction for workers handling hazardous substances

R Regulation 4.5

Workers dispensing petrol and diesel

Workers dispensing petrol and diesel must be suitably trained so that they are aware of the risks and what to do in an emergency, such as a spillage or a fire.

Workers need to know about the hazards of petrol and diesel, and how to safely manage those hazards to protect people and the environment.

Workers also need to demonstrate practical skills and knowledge of the operating equipment and know what to do in an emergency.

Access industry training and on-the-job training. See Petroleum Convenience Compliance New Zealand (PCCNZ)

PROVE KNOWLEDGE AND COMPETENCE

Get a written record describing the method used to assess skills and knowledge about the substances.

Have this record signed by a supervisor or course provider.

Workers dispensing LPG

Filling LPG (liquid petroleum gas) cylinders

An LPG cylinder must only be filled by a person with an approved filler certificate or a LPGA filler certificate.

> If a customer needs a cylinder filled and there are no qualified fillers available, the cylinder must not be filled.

For more information, see the section Approved filler compliance certificate of this guide.

Handling LPG exchange cylinders

Workers handling LPG cylinders that are provided through a bottle exchange scheme do not need to be approved fillers but must be adequately trained in the safe handling and storage of the cylinders.

Filling LPG cars

Vehicles running on LPG do not need to be filled by an approved filler. Self-serve customers at a service station may fill their own vehicles. However, the supplier should make sure that:

- the stationary container system is fitted with an emergency shutdown system
- the dispensing unit is clearly identified and displays a clear set of filling instructions
- the dispenser hose has a self-sealing hose break coupling.

Availability of staff

You can work out the availability of competent staff by doing a risk assessment, or similar assessment, considering the:

- service station's hours of operation
- skills and competencies of workers, and
- types of hazardous substances onsite.

4.0 Storing hazardous substances

Storing hazardous substances correctly is an important part of protecting people at your service station site.

At your service station, petrol and diesel will be stored in below-ground stationary tanks. LPG will be stored in tanks or as exchange cylinders. Packages of hazardous substances may be stored in your retail area and workshop.

While it may be easy to keep your petrol, diesel and LPG separate on the forecourt, you need to consider what is held in both your retail area and workshop. Check your SDS (usually section 7) to find out what substances should not be stored together.

You must make sure information in this section is available to your workers and they are trained on how to store hazardous substances.

Storing incompatible substances

Not all hazardous substances can be stored together safely. Different types of substances can cause a fire or explosion if they come into contact with each other.

These substances are usually described as 'incompatible' and it is important to store them separately to stop them from mixing if they leak or spill.

Your SDS will tell you which substances and materials should be separated from each other. Remember to check your retail store and workshop.

Note

The most important things to remember about incompatible substances is to keep:

- your flammables away from your oxidisers, and
- flammable liquids and flammable gases separate.

R Regulation 10.5

R Regulation 12.5

R Regulation 12.26

R Regulation 13.29

Storing flammable liquids

Flammable liquids are highly hazardous and you must store them correctly to minimise the risk of a fire or explosion. Your storage requirements will depend on what hazardous substances are on site and how much.

Petrol and diesel for dispensing pumps will be stored in below-ground stationary tanks – you need compliance certificates for these.

For more information, see the section Stationary container system compliance certificate of this guide.

Access to petrol and LPG

Petrol and LPG, when left unattended, must be secured from access by people other than those that have your permission to access them. Some ways you can do this include:

- having locks on LPG filling stations that only an approved filler can access
- having locks on LPG exchange cages that only trained staff can access
- making sure stationary tanks can only be accessed by approved people.

Petrol may be accessed by the public at dispensing pumps of staffed and unattended service station sites, to allow them to fill up their vehicle or container. When the public are not permitted to use the dispensing pumps, such as after the site has closed for the day, they must be disabled and locked.

For more information about unattended refuelling sites, see WorkSafe's guidance Managing fuel-related risks at unattended refuelling sites

Hazardous areas

A hazardous area surrounds a place where flammable substances are used, handled or stored and where flammable vapours may be present. Within these areas, you need to take special precautions to prevent unintended ignition so that a fire or explosion does not occur.

At service stations, hazardous areas usually apply to petrol and LPG. Diesel is less flammable and does not require a hazardous area.

You will usually need to establish hazardous areas at:

- dispensers
- dip, fill-points and vents of below-ground stationary tanks
- above-ground tanks, LPG cylinder-filling and storage areas
- LPG Cylinder storage cabinets
- above-ground interceptors.

Establishing a hazardous area

Hazardous areas must be established and recorded on your site plan.

Hazardous areas for service stations must comply with Australian/New Zealand Standard *AS/NZS 60079.10.1:2009 Explosive atmospheres – Classification of areas – Explosive gas atmospheres*.

Tank wagons delivering flammable gases or liquids create hazardous areas during the transfer process, and these should be recorded on your site plan.

Management of hazardous areas

Managing hazardous areas is important in preventing the risk of ignition or explosion.

Hazardous areas must be protected from ignition sources, including electrical equipment, electric vehicle charging stations, mobile phones, naked flames and hot surfaces.

Any electrical device or instrument installed in a hazardous area must be correctly rated for the zone – this is required under the Electricity (Safety) Regulations 2010. You must keep a verification dossier for your electrical equipment which includes reports from four-yearly inspections by a licensed electrical inspector.

You will need to make these reports available for review as part of the location compliance certificate assessment.

For more information about the requirements of the Electricity (Safety) Regulations 2010, see WorkSafe's webpage Energy Safety

R Regulation 10.6

Storing LPG cylinders

LPG cylinders stored in a cage for a bottle exchange scheme:

- must be stored more than 1m away from a drain
- must be stored more than 1m away from any opening into a building (if there is up to 100kg of LPG) with no openings below the top of any cylinder
- must be stored more than 2m away from any building (if there is more than 100kg but not more than 300kg of LPG) **or**, if there is a building(s) within 2m of the cylinders, the cage or walls of the building(s) behind and 2m either side of the cylinders are constructed of fire-resistant materials and are vapour tight, and the building does not have any opening located within 2m of any cylinder or below the top of the cylinders
- may be stored in the same area as an LPG stationary tank, but should be stored more than 3m away from the tank and pipework
- must be secured against unauthorised access.

No electrical equipment or ignition sources can be located within the hazardous area for the cylinders.

You should mark out an area on the forecourt that meets these requirements, so the cage is always put in the same place each day.

Separation requirements

Separation requirements are the minimum distances required from your hazardous substances to protected and public places. These are important when designing a service station.

You need to consider these separation requirements:

- Separation from protected places – hazardous substances must be a minimum distance from dwellings, buildings and factories.
- Separation from public places – hazardous substances must be a minimum distance from places that are open to, and frequented by, the public, including public roads.

Typical elements that need to be separated from protected places and public places include above ground storage tanks, fill points (for both above ground and below ground tanks), LPG cylinder storage areas and stations where LPG cylinders are filled.

Separation requirements do not apply to hazardous substances stored in below ground tanks (other than their fill point).

To find out what separation distances apply to your hazardous substances, see WorkSafe's webpage Separation distances

What is a protected place?

A protected place includes a place:

- where people reside (for example, a house)
- of worship, a public building, a school or college, a hospital, a child care facility, or a theatre
- where large numbers of people regularly gather (for example, a sports ground)
- where people are regularly employed (for example, a workplace).

A protected place may be within or outside the boundary of the service station.

A protected place does not include a small office or building associated with the service station.

What is a public place?

A public place is any place, other than a private property or a protected place, open to the public and where the public are often present and includes public roads. For more information, see WorkSafe's policy clarification What we mean by 'protected place' and 'public place'

Size of separation distance

The minimum separation distance depends on:

- the hazard classifications of the substance, and
- the quantity of the substance held.

The separation distances for petrol, diesel and LPG will be different depending on your site, so talk to your fuel provider to find out what applies to you.

Other sources of energy

The traditional fuels of petrol and diesel are being supplemented by other energy sources, including electricity and hydrogen. These other energy sources have quite different requirements and care must be taken to ensure no conflicts arise with the existing fuels. Electric vehicle charging needs to take place outside any hazardous areas while the technology used in hydrogen refuelling stations is different in nature and quite specific to that fuel.

5.0 Signage

Signs where petrol, diesel and LPG are stored

You must clearly display signs immediately next to LPG tanks and near petrol and diesel pumps.

These signs need to be clear, visible and easy to read at the point of refuelling.

Signs where hazardous substances are stored in a building

For your retail area and workshop, you only need to display signs if you store large amounts of hazardous substances. Use the hazardous substances calculator or see Schedule 3 of the Regulations to find out if you exceed the thresholds for your substances.

For information on the types of signage required, see WorkSafe's webpage Hazardous substance signage

R Regulation 2.5

6.0 Secondary containment systems

A secondary containment system is designed to hold liquid which leaks from a storage container. The system must be able to hold the leaked liquid, and you must be able to recover the substance from it.

You must have a secondary containment system for all below-ground stationary tanks or containers holding petrol or diesel, and for above-ground stationary tanks or containers holding more than 1000L of petrol or 10,000L of diesel.

LPG does not need a secondary containment system.

Below-ground stationary tanks

Common secondary containment systems for below-ground stationary tanks include double-skin stationary tanks or a stationary tank in a watertight pit. The system must be able to hold at least the total amount of all hazardous substances that are within the tank(s).

Tanks of 60,000L capacity or less installed prior to 1 July 2006, if they are not compliant with the current Regulations, may be managed in accordance with the Safety at Work (Hazardous Substances – Management of pre-2006 existing stationary container systems up to 60,000L) Safe Work Instrument 2017. Tanks installed prior to 1 July 2006 which exceed 60,000L capacity, or are located in a high-risk place, may need to have a compliance plan approved by WorkSafe.

Above-ground stationary tanks

The predominant form of secondary containment systems for above-ground stationary tanks is a compound with bund walls. There are also double skin-tanks.

These systems must be able to hold at least 110 per cent of the capacity of the largest stationary tank within the secondary containment system, unless the tank is compliant with the Reduced Secondary Containment for Certain Above Ground Stationary Tanks – Safe Work Instrument 2017.

Any drain valve from a secondary containment system must be secured shut and only opened as a controlled activity under supervision.

R Regulations 10.30 and 17.99

Interstitial monitoring

It is necessary to regularly monitor the interstitial space of double skin tanks. Regular monitoring of this space will indicate whether there is a failure in either the inner skin or outer skin of the tank. The results of the monitoring should be provided to the compliance certifier who verifies compliance for the purposes of issuing a compliance certificate.

Where a failure does occur, it must be immediately remedied.

7.0 Emergency preparation

Emergency response plan (ERP)

An ERP is a detailed plan that includes information about your site and actions to be taken by people responsible for responding to an emergency.

You must have an ERP for your service station and make sure it is carried out in an emergency.

You should seek your workers' input on the plan and it must be tested so your workers, emergency services and others who are responsible for carrying out the plan know what to do in an emergency to manage it effectively.

Your plan can be part of other emergency management documentation you keep.

Train people responsible under the plan

You must train every person responsible for carrying out a part of the plan about what to do in an emergency. They also need to know where safety and first aid equipment is stored and how to use it.

You must keep records of this training and make sure they are available for inspection by a WorkSafe inspector or compliance certifier.

Test your plan

To show that the ERP works and is effective you must test it at least once a year, and within three months of any change to your plan. You must, so far as is reasonably practicable, update the plan in response to results of a test to make sure it works and is effective.

You must keep records of these tests and the results for at least two years, and make sure they are available for inspection by a WorkSafe inspector or compliance certifier.

Plan details

Your ERP must be specific to your site, and for each reasonably foreseeable emergency must include:

- actions to be taken to warn people of the emergency and how they can protect themselves
- actions to be taken to help or treat injured people
- actions to be taken to manage the emergency and re-establish controls to manage the risk
- identification of each person with responsibility under the plan, including:
  - their contact details
  - skills they must have
  - any special training needed
  - actions they are expected to take
- how to obtain information about hazardous properties of substances that may be involved and how to control them

- how to contact emergency services
- a list of emergency equipment and facilities, including their purpose and location
- what action to take and in what order
- an inventory
- your site plan.

It must also include:

- details of fire extinguishers and any extra fire-fighting equipment or facilities provided for a fire
- how liquids, liquefied oxidising substances or organic peroxide will be retained to prevent contact with any incompatible substance.

R Regulation 5.7

Emergency situations

Your ERP must cover your response to every reasonably foreseeable emergency that could happen with any of your hazardous substances and should cover situations such as:

- small and large flammable liquid spills, for example:
  - overfilling a customer's fuel tank
  - a person driving away with the dispenser nozzle still in the vehicle
  - damage to pipework or a dispenser (for example, a customer crashing into a petrol pump)
  - a dispenser nozzle failing to close
  - a stock reconciliation showing a significant discrepancy
  - a leaking dispenser
  - a person being splashed with fuel
- small and large flammable liquid fires, for example:
  - a fire in fuel-handling equipment or in a vehicle being filled
  - a fire in a building
  - a person sustaining burns.

If your service station stores LPG, your plan might also cover:

- a leak from the stationary tank or a customer's vehicle fill point
- a fire adjacent to the stationary tank
- a person receiving a burn from contact with LPG
- damage to pipework or a stationary tank
- a cylinder leak
- a cylinder fire.

Plan review

Your plan may be reviewed by Fire and Emergency New Zealand (FENZ) to check if their role under your plan is achievable and consistent with their operational policies.

FENZ may make specific recommendations and you must, so far as is reasonably practicable, follow these recommendations and amend your plan.

For more information, see Fire and Emergency New Zealand – Emergency response plans

Availability of the plan

Your plan needs to be easily accessible to emergency services and every person with a responsibility under the plan.

You should also consider sharing this plan with sensitive neighbours, such as maraes, schools, childcare and aged care facilities.

R Regulation 5.10

Plan template

Use WorkSafe's emergency management flipchart as a template for an ERP.

R Regulations 5.7–5.13

Unattended refuelling sites

Whether your service station has workers or not, the ERP requirements are the same.

For an unattended refuelling site, the main purpose of the ERP is to prevent immediate harm by providing enough information so people on site can:

- take appropriate actions when an incident happens and evacuate to a safe place
- call for help that will be provided in a timely manner.

Your plan can be presented in a way that considers the absence of workers at your site. The plan should be as practical as possible and have instructions that are easily read so there is quick action in an emergency.

Signage on-site is required so members of the public can respond appropriately to an incident. Please see the sign example image.

EMERGENCY PROCEDURES

PUMP FAILURE

- Stop using pump
- Call – (insert phone number here)

FUEL SPILL

- Stop using pump
- Press EMERGENCY STOP BUTTON
- Eliminate all ignition sources, stop engines, turn off mobile phones
- Do not clean up the spill
- Call – (insert phone number here)

FIRE

- Stop using pump
- Press EMERGENCY STOP BUTTON
- RING 111
- Put out fire using a fire extinguisher IF SAFE TO DO SO

YOU ARE SPLASHED WITH FUEL

- Stop using pump
- Press EMERGENCY STOP BUTTON
- RING 111

Site name and address (for the 111 Communications Centre)

FIGURE 1: Example signage for unattended site

For more information, see Section 6 of WorkSafe's guidance Managing fuel-related risks at unattended refuelling sites

Emergency Services Information Summary

FENZ will respond to any 111 call from a site involving spills, fire or injury involving hazardous substances.

In an emergency, FENZ need quick and easy access to accurate information about the service station site and the hazardous substances held at the site, so they can respond quickly and safely.

FENZ have developed an Emergency Services Information Summary that shows ERP information relevant to Fire and Emergency services in a simple template. This includes the:

- location of the site
- location of equipment at the site, such as emergency shutdowns
- location of fuel storage and dispensers
- location of drainage
- location of firefighting water supplies
- ERP procedures, such as signage, and instructions for customers and workers.

You should use the template to create a summary for your sites (both attended and unattended) and submit them to FENZ so they have the information they need to respond to an emergency at your site, or readily available digitally at the site, for example by prominently displaying a QR code that links to it.

The information in the summary will be held by FENZ against the site address, so it can be accessed electronically by crews on their way to an incident. It should also be readily available in hard copy at the site.

For more information on the Emergency Services Information Summary and to download the template see Fire and Emergency New Zealand – Emergency Services Information Summary for Service Stations

Does the summary replace an ERP?

No, preparing a summary does not replace an ERP.

However, the summary can form an appendix to an ERP for the site and it will contain all the relevant information FENZ looks for when reviewing an ERP. It therefore provides an effective and efficient means of meeting the intent of the Regulations to make ERPs 'available' to emergency services (in respect of FENZ specifically).

They can also be used as a tool to help train workers about the site, the hazardous substances at the site and what needs to be done in an emergency.

FENZ retains the ability under the Regulations to review ERPs and make recommendations as appropriate.

Fire extinguishers and hydrant systems

You must have at least two fire extinguishers available at your service station with a minimum 30B rating (you will find the rating on the label). They must be clearly visible and readily accessible.

R Regulation 5.5

If your site has 50kg or more of LPG you must have a fire extinguisher, a hydrant system or a hose reel that enables a water flow of at least 0.33L/sec or has a nominal bore of at least 19mm. The hose needs to be long enough to direct water to all parts of the site where the LPG is, including all sides of any stationary tank holding LPG.

If your tank has a capacity of more than 12,000L, you must use an automatically operated, permanently erected spray cage. The spray cage must be capable of delivering water to the entire surface of the tank at a rate of 600L per square metre an hour.

Talk to your LPG supplier about all the rules that apply to your LPG tanks.

R Regulations 5.3(3) and 17.40

Every fire extinguisher and hose reel needs to be serviced at regular intervals – check the manufacturer's recommendations.

Unattended stations

Permanently unattended dispensing stations, such as truck stops and unattended petrol stations, are not required to have fire extinguishers.

Spills

The spillage of fuels is a credible event at a service station. Plans must be in place to deal with the spill, staff must be trained for such an event and the necessary equipment must be in place.

Use the ERP checklist to plan your response to a spill.

Small spills

The most common spills will be of petrol, diesel or lube oil.

A spill kit may be enough to contain small spills, such as when a nozzle falls out while a car is being filled. You can purchase spill kits from safety equipment suppliers or you can make a kit to suit your needs.

Spill kit equipment depends on the hazardous substances you have and the amount that could be spilled. Your spill kit should contain:

- safety gear including gloves, goggles and gumboots
- spill handling equipment
- spill containment equipment, such as drain guards and drip pans
- absorbent material, such as sand or kitty litter. Sawdust is unsuitable as it will act as a fuel if a fire were to start, and
- a leak-proof disposal container to put the waste in once the spill has been cleaned up.

In may be appropriate to wash the spill or wash down the area where the spill occurred into the interceptor.

Read your SDS (usually section 6) for full information on how to handle spills.

Tell workers where the spill kits are kept and how to use them.

Large spills

Large spills can be caused from quick mechanical failures or slow leaks over time. Flammable vapours can linger and liquids can travel across paved areas, into storm water drains and across roads, contaminating waterways and the ground.

If there is a large spill you must initiate your ERP and call FENZ.

8.0 Site plans and records

Your service station must have a site plan (or plans) showing the location of all:

- buildings
- tanks used to store petrol, diesel and LPG
- storage areas for packages containing hazardous substances
- storage areas for gas cylinders
- secondary containment systems
- fire-fighting equipment and facilities
- fill-points and dispensers for LPG and petrol
- hazardous areas associated with hazardous substances.

Site plan details

Your compliance certifier will check the site plan to make sure it is accurate and contains the required information with enough detail. It must be drawn to scale so anyone who needs to use it can identify distances and any other relevant information about the location.

Records

In addition to the site plan you are required to retain records which demonstrate compliance with the stationary container system requirements. This includes design and construction details, cathodic protection test records (for tanks that have cathodic protection), stock reconciliation records, records of repairs and maintenance etc.

R **Regulations 17.80 and 17.81**

9.0 Compliance certificates

Compliance certificates are issued by compliance certifiers to show that users of hazardous substances are managing those substances according to the Regulations.

A compliance certifier is an independent service provider authorised by WorkSafe to issue compliance certificates. For a list of compliance certifiers, see WorkSafe's webpage Register of Compliance Certifiers

As a PCBU of a service station you will need compliance certificates for your:

- service station site with petrol or LPG
- LPG fillers
- stationary container systems.

Location compliance certificates

Petrol and LPG

Any service station with petrol or LPG must establish a hazardous substance location where the petrol or LPG is to be situated at the site. All hazardous substance locations must have a location compliance certificate. Diesel does not need a location compliance certificate.

R **Regulation 10.26**

Having a location compliance certificate means:

- you have notified WorkSafe of your hazardous substance locations and the maximum amount of hazardous substances you will have on your site
- workers handling petrol and LPG have received information, training and instruction in the safe management of hazardous substances located on site
- when the service station is not open for business petrol and LPG must be secured to prevent access by unauthorised people
- incompatible substances are properly segregated
- you have the appropriate signs in the right places
- up-to-date site plans are available
- there are enough fire extinguishers (see section 7.2)
- an appropriate emergency response plan is in place and has been tested
- secondary containment systems are in place
- your hazardous areas are established and are being managed
- your separation distances are met, and
- for LPG, fire-fighting systems (for example, a spray cage for large tanks) are in place.

Your location compliance certificate states which hazardous substances are on site and how much.

For more information, see WorkSafe's webpage Location compliance certificates

Frequency of certification for flammable substances

You need to renew your location compliance certificate for flammable substances every year, but you can apply to WorkSafe for an extension of the renewal period of up to three years. Talk to your compliance certifier about this.

Location of the certificate

You do not need to display the certificate, but you do need to make it available to a WorkSafe inspector if they ask to see it.

R Regulation 10.34

Getting ready for your location compliance check

Before issuing a location compliance certificate, the compliance certifier will check that you have:

- appropriate training records for all workers involved in the handling and management of hazardous substances at your site
- a list (inventory) of hazardous substances present at the service station
- an up-to-date SDS for each hazardous substance at your site
- a site plan of your workplace showing, for example:
  - all hazardous substance locations
  - hazardous areas
  - the location of your ERP
- fire extinguishers available and:
  - you have the correct number
  - you have the correct type, and
  - they are clearly visible and readily accessible
- stored your hazardous substances safely in areas that can be secured
- incompatible substances are stored separately
- separation distances needed are in place
- established, documented and managed hazardous areas
- an approved filler (LPG) available, if needed
- procedures in place to prevent a fire from starting
- signs in place
- prepared and tested an ERP
- secondary containment in place
- the right plans in place for spills (**Note**: When considering secondary containment and stock reconciliation, only workers who are trained in the task of checking fuel quantities (dip test and wet stock management) should be asked to show how they carry out these tasks by the compliance certifier, WorkSafe inspector or another authorised person)
- the right safety gear and clothing for all substances
- told WorkSafe where your workplace is and what classification of hazardous substances and amounts of those classifications are used and stored there (for newly established service stations).

Approved filler compliance certificate

Approved fillers and GasNZ LPG fillers

An LPG cylinder must only be filled by a person with an approved filler certificate or a GasNZ LPG filler certificate.

Approved filler certificates are issued by compliance certifiers.

GasNZ LPG filler certificates are issued by GasNZ site trainers and allow the filler to fill LPG cylinders of less than 110kg water capacity.

There are several organisations who offer training and assessment of competence in the safe management of LPG. GasNZ operate a scheme to cover the approved filler certification requirements under the Regulations

GasNZ was formerly known as the LPG Association.

For more information, see WorkSafe's webpage Approved fillers

R Regulations 15.64–15.66

Stationary container system compliance certificate

A stationary container system is a stationary tank and its associated equipment, pipework and fittings, up to and including the dispensers.

Petrol and diesel

Stationary container systems containing petrol and diesel must have a stationary container system compliance certificate.

The certification of the system shows that it has been designed, constructed and installed according to the Regulations.

Your records should include the design and installation standards for your stationary container system components and your service records. These records can be drawings, a compliance certifier's report, or a design report. An equipment register is a helpful way to keep your records current. It's also helpful to include your as-built drawings and photos taken during installation with the record.

For more information, see WorkSafe's webpage Stationary container system compliance certificates

LPG

An LPG tank is pressure equipment that is required to have a current certificate of inspection issued by a recognised inspection body. The equipment must be operated safely and maintained in a safe condition.

The Health and Safety in Employment (Pressure Equipment, Cranes, and Passenger Ropeways) Regulations 1999 state other requirements. LPG tanks do not require a stationary container system compliance certificate.

Both the owner of the tank and the service station site operator should retain copies of the certificates of inspection.

Responsibility

You are responsible for making sure the stationary container systems at your service station site are certified, even if you do not own the system. For example, if the fuel supplier or another party owns and is responsible for the system it remains the service station owner's responsibility to make sure they are certified.

R Regulations 17.90 and 17.91

> If a stationary container system does not have a compliance certificate, you must not put hazardous substances into it.

Older tanks

Stationary container systems constructed before 1 July 2006 with a capacity no greater than 60,000L can be managed under the Health and Safety at Work *(Hazardous Substances – Management of pre-2006 existing stationary container systems up to 60,000L) Safe Work Instrument 2017*.

You can find this Safe Work Instrument (SWI) on WorkSafe's website Hazardous Substances – Safe Work Instruments

To comply with this SWI, your management procedures must cover events, such as routine stock control, and your system may need integrity testing or periodic checks of observation wells. If your system does not meet the requirements of this SWI, you should submit a compliance plan to WorkSafe. Your plan must explain how, and the time within which, the secondary containment system (or the operational procedures being applied) will be altered so that they comply. A compliance certifier must endorse your plan.

Approval of dispensers

Petrol and LPG dispensers must be approved types. A list of approved dispensers can be found on WorkSafe's website Record of dispensers and vapourisers

If your dispenser is not an approved type you must apply to WorkSafe to have it approved. For information on how to do this, see WorkSafe's webpage Dispensers

R Regulation 17.47

10.0
Your duties

Managing risks at your site

As well as getting the right certification and approvals, you are required to manage risks to health and safety associated with storing hazardous substances at your workplace.

For more information on managing the risks associated with hazardous substances see WorkSafe's guidance Hazardous substance risk management

H Section 36

R Regulation 3.2

Notification

You must notify WorkSafe as soon as possible after becoming aware that one of the following events has taken place as a result of the operation of your service station:

- a death
- a notifiable illness or injury, or
- a notifiable incident.

A notifiable illness or injury is one that requires (or would usually require) a person to be admitted to hospital for immediate treatment.

A notifiable incident is an unplanned or uncontrolled incident where someone's health or safety is seriously endangered or threatened. Examples of notifiable incidents are risks arising from:

- a substance escaping, spilling, or leaking
- an implosion, explosion or fire
- gas escaping
- electric shock
- the fall or release from height of any plant, substance, or thing
- damage to or collapse, overturning, failing or malfunctioning of any plant or structure.

To notify WorkSafe go to Notify WorkSafe

Safe plant and structures

You must, so far as is reasonably practicable, make sure that plant and structures, such as machinery, equipment and buildings are safely used, handled and stored.

H Section 36

Worker engagement, participation and representation (WEPR)

You must engage with your workers when you are:

- identifying hazards and assessing risk
- proposing changes that may affect workers' health and safety
- making decisions about:
  - ways to eliminate or minimise health and safety risks
  - procedures for resolving health or safety issues
  - whether facilities for workers' welfare (for example, tearooms) are adequate
  - procedures for engaging with workers
  - procedures for monitoring workers' health
  - procedures for monitoring workplace conditions
  - procedures for providing information and training for workers
- developing WEPR practices, including determining workgroups
- carrying out activities specified in regulations.

H Part 3

Worker duties

While at work, a worker must:

- take reasonable care for his or her own health and safety
- take reasonable care that they do not adversely affect the health and safety of other persons
- comply, as far as the worker is reasonably able, with any reasonable instruction that is given by you to allow you to comply with HSWA or its regulations, and
- cooperate with any reasonable policy or procedure of yours relating to health or safety at the workplace that has been notified to workers.

H Section 45

11.0
More information

Hazardous Substances Toolbox website

If you have a workshop attached to your service station, you will need to consider what hazardous substances are on site there as well. A Hazardous Substances Toolbox website has been created to help PCBUs who own or manage small businesses to work safely with hazardous substances and to comply with the Regulations.

On the Toolbox website, you will find:

The Hazardous Substances Calculator

The Hazardous Substances Calculator helps you create your inventory and tells you the controls you need to put in place.
www.hazardoussubstances.govt.nz

An inventory workbook

Gives you instructions for filling out your inventory and an inventory form. The form is set up so that you record all of the information needed to use the Hazardous Substances Calculator.
www.hazardoussubstances.govt.nz

Your practical guide to working safely with hazardous substances

Describes what you need to do to be safe around hazardous substances and includes useful tables and checklists.
www.hazardoussubstances.govt.nz

An emergency management plan template

Helps you set up your emergency response plan.
www.hazardoussubstances.govt.nz

Safe Work Instruments

Safe Work Instruments (SWIs) are documents issued by WorkSafe that define terms, prescribe matters, or make other provision in relation to any activity or thing, including listing standards, control of substances, and competency requirements stated in the Regulations.

SWIs can be found on WorkSafe's website Hazardous Substances – Safe Work Instruments

SWIs for service stations include:

- Filling of below ground stationary tanks by pumping – SWI 2017
- Management of pre-2006 stationary containers systems up to 60,000L – SWI 2017
- Markings for pipework connected to above ground stationary tanks – SWI 2017
- Design and construction of above ground stationary tank to ULC-ORD-C80.1-2000 – SWI 2017

Contacts

Your compliance certifier

Talk to your compliance certifier directly if you have questions specific to your service station.

WorkSafe New Zealand

Visit our website worksafe.govt.nz

Fire and Emergency New Zealand

For information on emergency response plans see fireandemergency.nz

For guidance on emergency response plan preparation see fireandemergency.nz

Appendix 1: Health and Safety at Work Act duties

The Health and Safety at Work Act 2015 (HSWA) is New Zealand's key work health and safety law.

All work and workplaces are covered by HSWA unless they have been specifically excluded. For example, HSWA does not apply to the armed forces in certain situations.

HSWA sets out the work health and safety duties that duty holders must comply with.

There are four types of duty holder under HSWA:

- a person conducting a business or understanding (PCBU)
- an officer
- a worker
- an 'other person' at the workplace.

Most duties under HSWA relate to **how** work is carried out. However some duties are linked to **where** work is carried out: the workplace.

A **workplace** is a place where work is being carried out or usually carried out for a business or undertaking. It includes any place where a worker goes or is likely to be while at work section 20 of HSWA

DUTY HOLDER	WHO THEY ARE?	EXAMPLES	WHAT ARE THEIR DUTIES?	FOR MORE INFORMATION
Person Conducting a Business or Undertaking (PCBU)	A person conducting a business or undertaking (PCBU) may be an individual person or an organisation	– a business – a self-employed person – partners in a partnership – a government agency – a local council – a school or university.	A PCBU has many duties. Key duties are summarised below. **Primary duty of care** section 36 of HSWA A PCBU must ensure, so far as is reasonably practicable, the health and safety of workers, and that other persons are not put at risk by its work.	Introduction to the Health and Safety at Work Act 2015 Appendix 2 of this guidance for an explanation of 'so far as is reasonably practicable'
	The following **are not** PCBUs: – officers – workers – other persons at a workplace – volunteer associations that do not have employees – home occupiers (such as home owners or tenants) who pay someone to do work around the home section 17 of HSWA		**Managing risks** section 30 of HSWA Risks to health and safety arise from people being exposed to hazards (anything that can cause harm). A PCBU must manage work health and safety risks. – A PCBU must first try to **eliminate** a risk so far as is reasonably practicable. This can be done by removing the source of harm – for example, removing faulty equipment or a trip hazard. – If it is not reasonably practicable to eliminate the risk, it must be **minimised** so far as is reasonably practicable.	Identifying, assessing and managing work risks Appendix 5 of this guidance
			Overlapping duties: working with other PCBUs section 34 of HSWA A PCBU with overlapping duties must, so far as is reasonably practicable, consult, cooperate and coordinate activities with other PCBUs they share duties with.	Appendix 3 of this guidance

DUTY HOLDER	WHO THEY ARE?	EXAMPLES	WHAT ARE THEIR DUTIES?	FOR MORE INFORMATION
			Involving workers: worker engagement, participation and representation Part 3 of HSWA A PCBU must, so far as is reasonably practicable, engage with their workers (or their workers' representatives) about health and safety matters that will directly affect the workers. A PCBU must have worker participation practices that give their workers reasonable opportunities to participate in improving health and safety on an ongoing basis.	Appendix 4 of this guidance
Upstream PCBU	A PCBU in the supply chain	– a designer – a manufacturer – a supplier – an importer – an installer, constructor, or commissioner.	**Upstream PCBU** sections 39–43 of HSWA An upstream PCBU must ensure, so far as is reasonably practicable, that the work they do or the things they provide to other workplaces do not create health and safety risks.	Introduction to the Health and Safety at Work Act 2015
Officer	A specified person or a person who exercises significant influence over the management of the business or undertaking section 18 of HSWA	– a company director – a partner or general partner – a chief executive.	**Officer** section 44 of HSWA An officer must exercise due diligence that includes taking reasonable steps to ensure that the PCBU meets their health and safety duties.	Introduction to the Health and Safety at Work Act 2015
Worker	An individual who carries out work for a PCBU section 19 of HSWA	– an employee – a contractor or sub-contractor – an employee of a contractor or sub-contractor – an employee of a labour hire company – an outworker (including homeworker) – an apprentice or trainee – a person gaining work experience or on work trials – a volunteer worker.	**Worker** section 45 of HSWA A worker must take reasonable care of their own health and safety, and take reasonable care that they do not harm others at work. A worker must cooperate with reasonable policies and procedures the PCBU has in place that the worker has been told about. A worker must comply, as far as they are reasonably able, with any reasonable instruction given by the PCBU so the PCBU can meet their legal duties.	Introduction to the Health and Safety at Work Act 2015
Other person at the workplace	An individual present at a workplace (not a worker)	– a workplace visitor – a casual volunteer (not a volunteer worker) – a customer.	**Other person at the workplace** section 46 of HSWA An 'other person' has a duty to take reasonable care of their own health and safety, and not adversely affect the health and safety of anyone else. They must comply with reasonable instructions relating to health and safety at the workplace.	Introduction to the Health and Safety at Work Act 2015

Appendix 2: So far as is reasonably practicable

section 22 of HSWA

Certain PCBU duties (the section 36–43 duties including the primary duty of care) must be carried out 'so far as is reasonably practicable'.

What to consider when deciding what is 'reasonably practicable'

Just because something is possible to do, does not mean it is reasonably practicable in the circumstances.

Consider:

- What possible actions can be taken to ensure health and safety?
- Of these possible actions, at a particular time, what is reasonable to do?

Think about the following questions.

WHAT IS KNOWN ABOUT THE RISK?

- How likely is the risk to occur?
- How severe is the illness or injury that might occur if something goes wrong?
- What is known, or should reasonably be known, about the risk?

WHAT IS KNOWN ABOUT POSSIBLE CONTROL MEASURES?

- What is known, or should reasonably be known, about the ways (control measures) to eliminate or minimise the risk?
- What control measures are available?
- How appropriate (suitable) are the control measures to manage the risk?
- What are the costs of these control measures?
- Are the costs grossly disproportionate to the risk? Cost must only be used as a reason to not do something when that cost is grossly out of proportion to the risk.

While PCBUs should check if there are widely used control measures for that risk (such as industry standards), they should always keep their specific circumstances in mind. A common industry practice might not be the most effective or appropriate control measure to use.

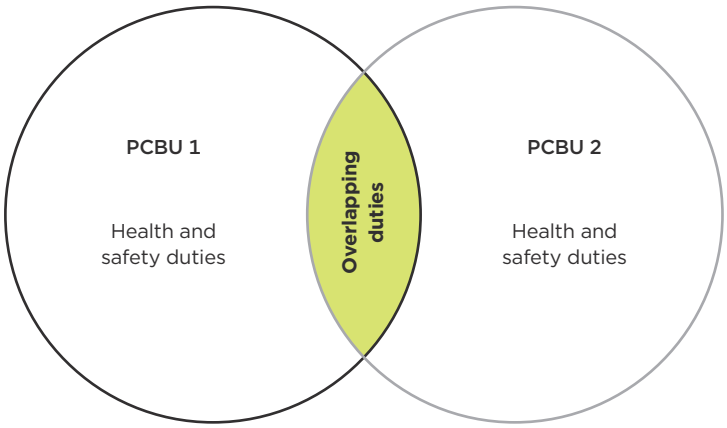
If PCBUs are not sure what control measures are appropriate, WorkSafe recommends getting advice from a suitably qualified and experienced health and safety professional.

For more information, see our guidance Reasonably practicable

Appendix 3: Working with other PCBUs – overlapping duties

section 34 of HSWA

More than one PCBU can have a duty in relation to the same matter. These PCBUs have overlapping duties – this means that the duties are shared between them.



Duties regularly overlap:

- in a shared workplace (for example, a building site or a port) where more than one business has control and influence over the work on site.
- in a contracting chain, where contractors and subcontractors provide services to a head contractor or client and do not necessarily share the same workplace.

A PCBU must, so far as is reasonably practicable, consult, cooperate and coordinate activities with all other PCBUs they share duties with so that all PCBUs can meet their joint responsibilities.

A PCBU cannot transfer or contract out of their duties, or pass liability to another person.

However a PCBU can make an agreement with another PCBU to fulfil specific duties. Even if this occurs, all PCBUs are still responsible for meeting their legal duties.

EXAMPLE

A local hotel contracts out housekeeping services to an agency. The hotel and agency both have a duty to ensure the health and safety of the housekeeping workers, so far as is reasonably practicable. This includes the duty to provide first aid facilities.

The agency reaches an agreement with the hotel – if their workers need first aid while working at the hotel they can use the hotel's first aid facilities.

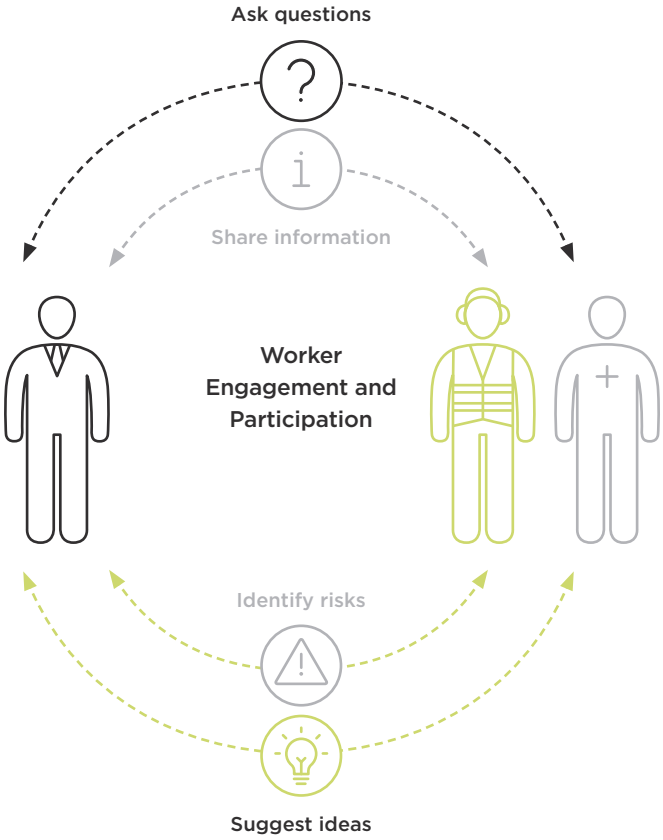
For more information, see our guidance Overlapping duties

Appendix 4: Worker engagement, participation and representation Part 3 of HSWA

Engage with workers and enable their participation

A PCBU has two main duties related to worker engagement and participation:

- to engage with workers on health and safety matters that affect or are likely to affect workers, so far as is reasonably practicable, and
- to have practices that give workers reasonable opportunities to participate effectively in the ongoing improvement of work health and safety.



A PCBU can engage with workers by:

- sharing information about health and safety matters so that workers are well-informed, know what is going on and can contribute to decision-making
- giving workers reasonable opportunities to have a say about health and safety matters
- listening to and considering what workers have to say at each step of the risk management process
- considering workers' views when health and safety decisions are being made
- updating workers about what decisions have been made.

A PCBU must engage with workers during specified times, including when identifying hazards and assessing risks.

A PCBU must have clear, effective, and ongoing ways for workers to suggest improvements or raise concerns.

Worker representation

Workers can be represented by a Health and Safety Representative (HSR), a union representing workers, or a person that workers authorise to represent them (for example, a community or church leader, or another trusted member of the community).

HSRs and Health and Safety Committees (HSCs) are two well-established methods of participation and representation. If workers are represented by an HSR, worker engagement must also involve that representative.

For more information

WORKSAFE GUIDANCE

Good practice guidelines

Worker engagement, participation and representation

Interpretive guidelines

Worker representation through Health and Safety Representatives and Health and Safety Committees

Pamphlets

Worker representation

Health and Safety Committees

Health and Safety Representatives

Appendix 5: Managing risk section 30 of HSWA

Risks to health and safety arise from people being exposed to a hazard (a source or cause of harm).

A PCBU must first try to **eliminate** a risk if this is reasonably practicable. If it is not reasonably practicable to eliminate the risk, it must be **minimised** so far as is reasonably practicable.

A PCBU must engage with workers and their representatives:

- when identifying and assessing risks, and
- when making decisions about how to eliminate or minimise the risks using appropriate control measures.

Follow the steps below to identify, assess and manage work health and safety risks.

STEP 1: IDENTIFY HAZARDS THAT COULD GIVE RISE TO WORK RISKS

With your workers, identify what could harm the health or endanger the safety of one or more workers or others (such as visitors, or bystanders).

STEP 2: ASSESS WORK RISKS

With your workers, identify and assess the risks arising from each work hazard. Ask:

- Who might be exposed to the hazard?
- What could happen?
  - How severe could the resulting injuries be?
  - How could people's health be affected?
  - How likely are these consequences?

Decide which risks to deal with immediately. For example, risks with potentially significant consequences such as serious injury or death, chronic ill-health, or those with a high likelihood of occurring.

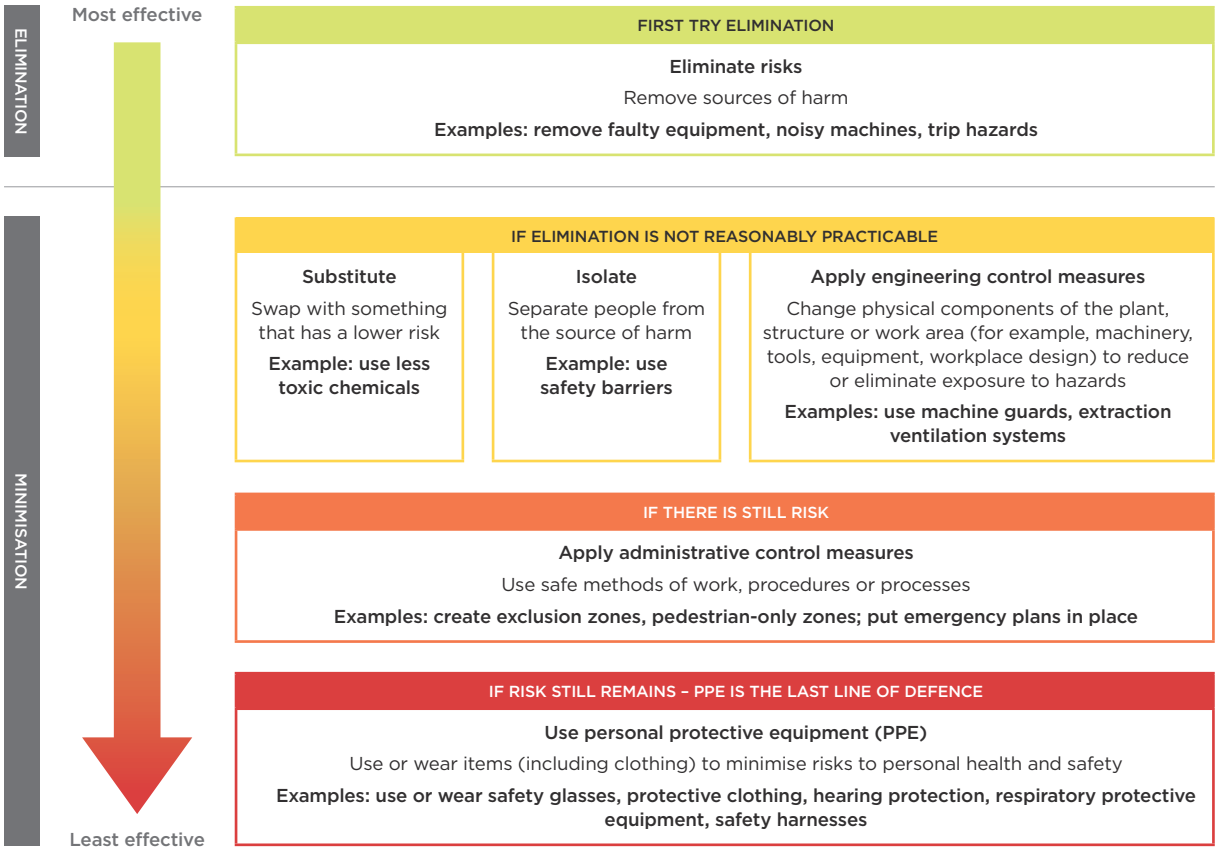
STEP 3: DECIDE HOW TO MANAGE EACH RISK

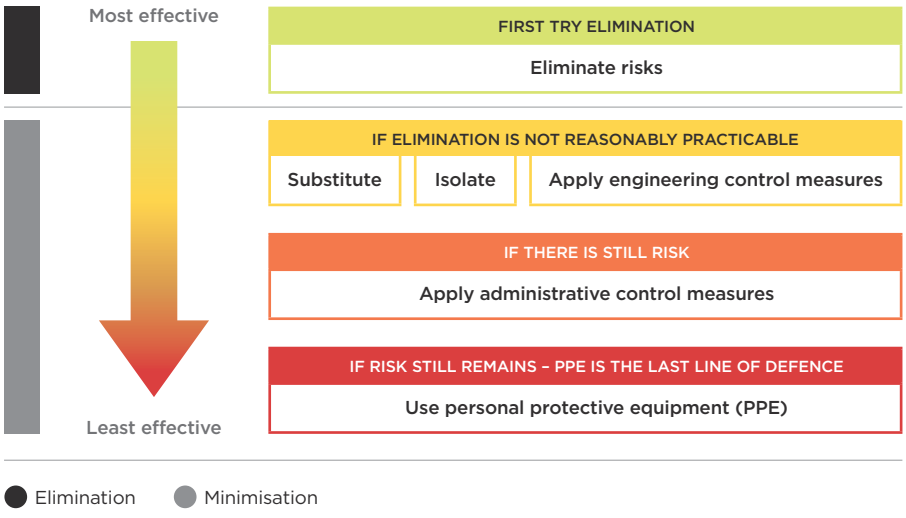
With your workers, decide how to manage work risks.

Multiple control measures may be needed to deal with a given risk. Give preference to control measures that protect many workers at the same time (for example, safety barriers, safety nets).

A PCBU can use the following hierarchy of control measures to work out the most effective control measures to use.

Hierarchy of control measures





First try to eliminate

First try to eliminate the risk, if this is reasonably practicable. This can be done by removing the source or cause of harm (such as faulty equipment, a noisy machine or a trip hazard).

Then try to minimise

If it is not reasonably practicable to eliminate the risk, the risk must be minimised so far as is reasonably practicable.

Minimise the risk using one or more of the following actions:

- substitute/swap with something that has a lower risk
- isolate the hazard by separating people from the source of harm
- apply engineering control measures (where physical components of the plant, structure or work area are changed to reduce or eliminate exposure to hazards).

If the risk still remains after taking one or more of the actions above, try to minimise the risk with administrative control measures (safe methods of work, procedures or processes).

If there is still risk, use personal protective equipment (PPE) to minimise the risk. PPE is the least effective control measure, and should only be used when other control measures alone cannot adequately manage the risk.

STEP 4: PUT CONTROL MEASURES IN PLACE

As soon as possible after a decision is made about the control measures, a PCBU should:

- put the control measures in place
- instruct and train workers (including new workers) about the control measures, including why it is important to use them and how to apply them.

STEP 5: REVIEW AND IMPROVE CONTROL MEASURES

Control measures should remain effective, be fit-for-purpose, be suitable for the nature and duration of the work, and be used correctly.

With your workers, regularly monitor control measures to confirm that the measures are effective.

You should review control measures:

- when a new risk is identified
- when there is a change at the workplace or to the work
- when workers or their health and safety representative ask for a review
- when there is evidence that control measures may not be working effectively to manage the risk (for example, when you receive monitoring results or a report following an incident investigation).

Use guidance from WorkSafe or others (for example, industry associations) to help to identify, assess, and manage risks, and review control measures. If you need help, WorkSafe recommends getting advice from a suitably qualified and experienced health and safety professional.

For more information, see our guidance: Identifying, assessing and managing work risks

Notes

Disclaimer

This publication provides general guidance. It is not possible for WorkSafe to address every situation that could occur in every workplace. This means that you will need to think about this guidance and how to apply it to your particular circumstances.

WorkSafe regularly reviews and revises guidance to ensure that it is up-to-date. If you are reading a printed copy of this guidance, please check worksafe.govt.nz to confirm that your copy is the current version.

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