

# Smoky Coal Ban in Kilkenny City and Environs & Waterford City Environs

## *Guidelines for Fuel Merchants*



- The Air Pollution Act, (Marketing, Sale, Distribution and Burning of Specified Fuels) Regulations 2012, as amended have set out low smoke zones within which the **marketing, sale, distribution and burning of specified bituminous coal is prohibited**. In Kilkenny these areas are **Kilkenny City and Environs** and part of the **Environs of Waterford City** (within the functional area of Kilkenny County Council).

### **Low Smoke Zones**

- **Kilkenny City & Environs**
  - The Electoral Divisions of:  
Kilkenny No.1 Urban, Kilkenny No.2 Urban and Kilkenny Rural
  - In the Electoral Division of Dunmore, the townlands of Baun and Loughermans
- **Waterford City Environs**
  - The Electoral Division of Kilculliheen
  - In the Electoral Division of Aglish, the townlands of Ballygriffin and Granny
  - In the Electoral Division of Dunkitt, the townlands of Ballynamona, Blossomhill, Cloone, Dunkitt, Killaspy, Mullinabro and Strangsmill
  - In the Electoral Division of Rathpatrick, the townlands of Kilmurry, Luffany and Rathpatrick
- A map of the Low Smoke Zones may also be viewed on Kilkenny County Council's website at:  
[http://www.kilkennycoco.ie/eng/Services/Environment/Air\\_Quality/Smoke\\_Control\\_Legislation/](http://www.kilkennycoco.ie/eng/Services/Environment/Air_Quality/Smoke_Control_Legislation/)

## Specified Bituminous Fuel

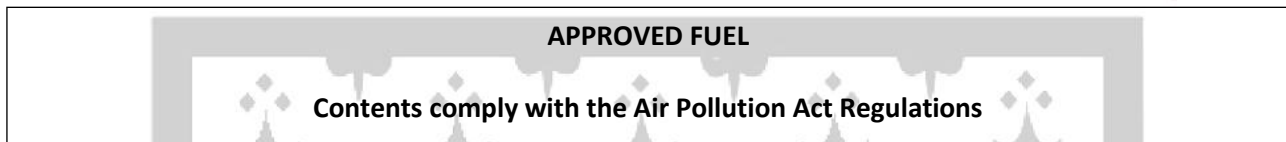
- “*Specified Fuel*” means-
  - (a) Any bituminous coal,
  - (b) Any admixture of solid fuel containing bituminous coal,
  - (c) Any manufactured fuel containing bituminous coal where such manufactured fuel contains more than 14% volatile matter by weight on a dry ash-free basis save where such fuel 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.
- A member of the public (regardless of where they live or intend to burn the fuel) cannot purchase ‘*specified*’ bituminous fuel from a premise inside the restricted areas.
- It is an offence for anyone living inside a restricted area to burn ‘*specified*’ bituminous fuel within the restricted areas.
- Kilkenny County Council’s Environment Section is responsible for enforcing these regulations and routinely carry out spot checks on:
  - Fuel suppliers (wholesale and retail)
  - Coal lorries, coalmen etc.
  - Solid fuel retailers including shops, petrol station forecourts etc.
  - Householders inside the restricted area.
- **Anyone offering ‘*specified*’ bituminous fuel for sale from within a Low Smoke Zone is breaking the law and risks prosecution by Kilkenny County Council and fines of up to €5000 and/ or up to six months imprisonment upon conviction in the District Court.**
- **Fixed payment notices (or ‘on the spot fines’) have been introduced for alleged offences relating to the marketing, sale and distribution of prohibited fuels in specified areas. Persons found to be marketing, selling or distributing prohibited fuels in breach of the Regulations are now liable for a fixed payment notice of between €250 and €1,000 depending on the offence.**

## Low Smoke Fuels

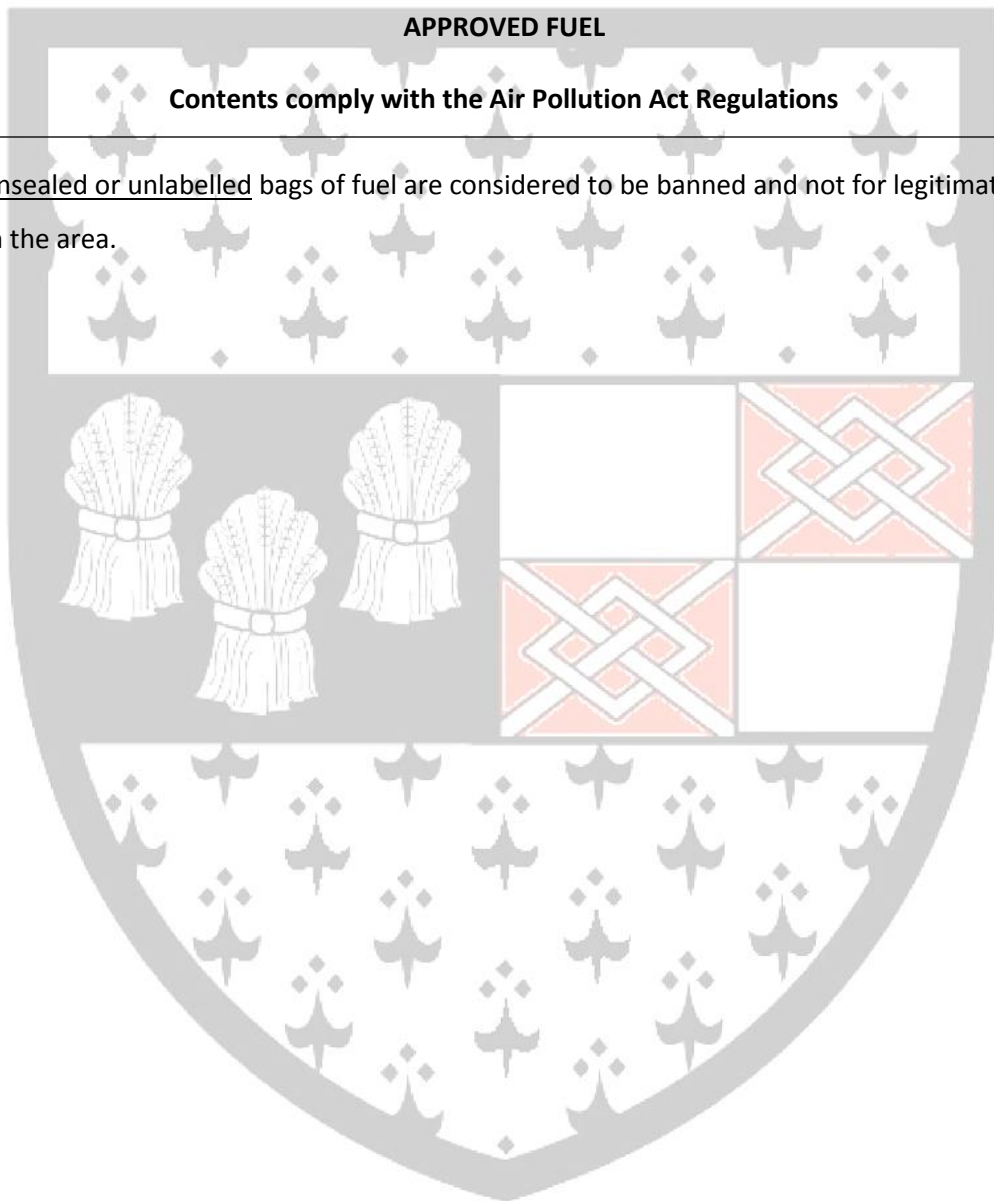
- Bags of Low Smoke Fuels sold legitimately in a restricted area must be sealed and have the following notice printed on the bag:



- From the 31<sup>st</sup> August 2016 Low Smoke Fuels must have the following notice printed on the bag:



- Any unsealed or unlabelled bags of fuel are considered to be banned and not for legitimate sale within the area.



## Frequently Asked Questions

○ **Can I sell 'specified' bituminous fuel to people living outside the Low Smoke Zone?**

- No. If the point of sale is inside the Low Smoke Zone it is an offence to sell, market or distribute 'specified' bituminous fuel to anyone, regardless of where the person is living or intends to burn the fuel.

-Yes. If the transaction takes place outside the Low Smoke Zone and the specified fuel is delivered outside of the Low Smoke Zone.

○ **Can I advertise the sale of 'specified' bituminous fuel from inside the Low Smoke Zone?**

-No. It is an offence to market the sale of 'specified' bituminous fuel inside a Low Smoke Zone.

○ **Can I store 'specified' bituminous fuel within a Low Smoke Zone?**

-Yes. 'Specified' bituminous fuel intended for distribution outside a Low Smoke Zone, can be stored at a depot within the area. However, a register of all 'specified' bituminous fuel stored and its movements in and out of the depot must be kept. The regulations give details of this register, which will be subject to inspection by Kilkenny County Council Enforcement Staff.

○ **Can I deliver 'specified' bituminous fuel to customers living outside a Low Smoke Zone?**

-You can only transport 'specified' bituminous fuel from within a Low Smoke Zone to outside the area provided:

- at least one metric tonne is being transported at any one time, and
- the vehicle is not being used at the same time within the restricted area for the sale or distribution of any other fuels, and
- the owner of the vehicle carries on the vehicle:
  - 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
  - a record of the destination or destinations of the 'specified' fuel and the name and address of the person or persons purchasing the fuel.

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**This leaflet is for guidance only and should be read in conjunction with the Air Pollution Act, 1997; Air Pollution Act (Marketing, Sale, Distribution and Burning of Specified Fuels) Regulations 2012, as amended.**

For further details you can contact the Environment Section of Kilkenny County Council on 056 779 4470 or the Department of Environment, Heritage and Local Government on 1890 20 20 21.