



# Ban on Bituminous Coal in Kilkenny City and Environs & Waterford City Environs



## Guidelines for Fuel Merchants

- The Air Pollution Act, 1987 (Marketing, Sale and Distribution of Fuels) Regulations 1998 to 2003 have set out areas within which the marketing, sale and distribution of 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).

- The **Restricted Areas** are:

### Kilkenny City & Environs -

- ⇒ All areas within the Borough Boundary.
- ⇒ All areas within the Kilkenny Ring Road.
- ⇒ Springmount, Wetlands, Margaretsfields, Poulgour, Drakelands Lower, Kilcreene, Palmerstown, Loughmacask, Lousybush, Raheennagaun, Coolgrange, Oldpark, Talbotsinch, Bleechgreen, Friarsinch, Dunmore.

### Waterford City Environs -

- ⇒ The townlands of Abbeylands, Christendom, Mountsion and Newtown.
- ⇒ Part of the townlands of Belmont, Rathculliheen & Rochshire.

- Any member of the public (regardless of where they live or intend to burn the fuel) can not purchase banned fuels from a premise inside the restricted areas.
- All fuel traders supplying solid fuels inside the restricted area are expected to have an adequate range of acceptable smokeless fuels for sale.
- Kilkenny County Council's Environment Section is responsible for enforcing these regulations and routinely carry out spot checks on:
  - all fuel suppliers (wholesale and retail)
  - all coal lorries, coalmen etc.
  - all solid fuel retailers including shops, petrol station forecourts etc.

- A trader offering banned fuels for sale from a premise within the area is breaking the law and risks prosecution by Kilkenny County Council for non-compliance with the regulations.
- The marketing, distribution and sale of banned fuel can attract a fine of up to €1270 and/ or up to six months imprisonment upon conviction in the District Court.

## Banned Fuel

### The Regulations State that:

(1) A person or body shall not place on the market, sell or distribute within a restricted area—

(a) any bag, bale or other unit of sale of solid fuel having a sulphur content greater than 2% by weight on a dry ash-free basis,

(b) any coal having a gross calorific value greater than, or equal to, 24 Megajoules per kilogram on a moist ash-free basis which contains more than 14% volatile matter by weight on a dry ash-free basis,

(c) any admixture of the coal referred to in paragraph (b) of this sub-article with any other coal or fuel, or

(d) any manufactured fuel containing the coal referred to in paragraph (b) of this sub-article 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.

- Bags of smokeless fuels sold legitimately in a restricted area must be sealed with the following notice printed on the bag:

**SMOKELESS FUEL**

**Contents comply with the Air Pollution Act Regulations**

- 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 non-smokeless fuel to people living outside the restricted area?*

No. If the point of sale is inside the restricted area it is an offence to sell, market or distribute the non-smokeless product to anyone, regardless of where the person is living or intends to burn the fuel.

- *Can I store non-smokeless fuel within the restricted area?*

Yes - non-smokeless fuel intended for distribution outside the restricted area, can be stored at a depot within the area. However, a register of all non-smokeless 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 non-smokeless fuel to customers living outside the restricted area?*

You can only transport non-smokeless fuel from within the restricted area 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 statement of the quantity of fuel and the name and address of the supplier of that fuel, and
- ⇒ a statement of the destination of the fuel and the name and address of the person(s) 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, 1997 (Marketing, Sale and Distribution of Fuels) Regulations, 1998 - 2003.**

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.