

Guidance on “Significant Modifications” under the COMAH regulations

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27th September 2018



The COMAH Regulations - Ireland

- The Chemicals Act (Major Accident Hazards Involving Dangerous Subs) Regulations 2015, S.I. 209 of 2015

implement the Seveso 111 Directive (2012/18/EU)

- Regulation 12 **Modification of an installation**, establishment or storage facility

12. (1) An operator shall review and where necessary update—

- (a) the notification under Regulation 8;
- (b) the MAPP and safety management system under Regulation 10; and
- (c) the safety report under Regulation 11;

prior to the modification of an installation, establishment, the operator shall inform the Central Competent Authority of the details of any update arising thereunder in advance of any such modification

The COMAH Regulations - Ireland

- **Regulation 24 Technical advice on land-use planning**

The Central Competent Authority shall **provide technical advice** in response to a notice sent by a planning authority under Part 11 of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001), requesting technical advice on the effects of a proposed development on the risk or consequences of a major accident in relation to the following types of developments within the consultation distance notified in paragraph (1)—

(a) the siting and development of new establishments;

(b) **modifications to establishments of the type described in Regulation 12(1);**

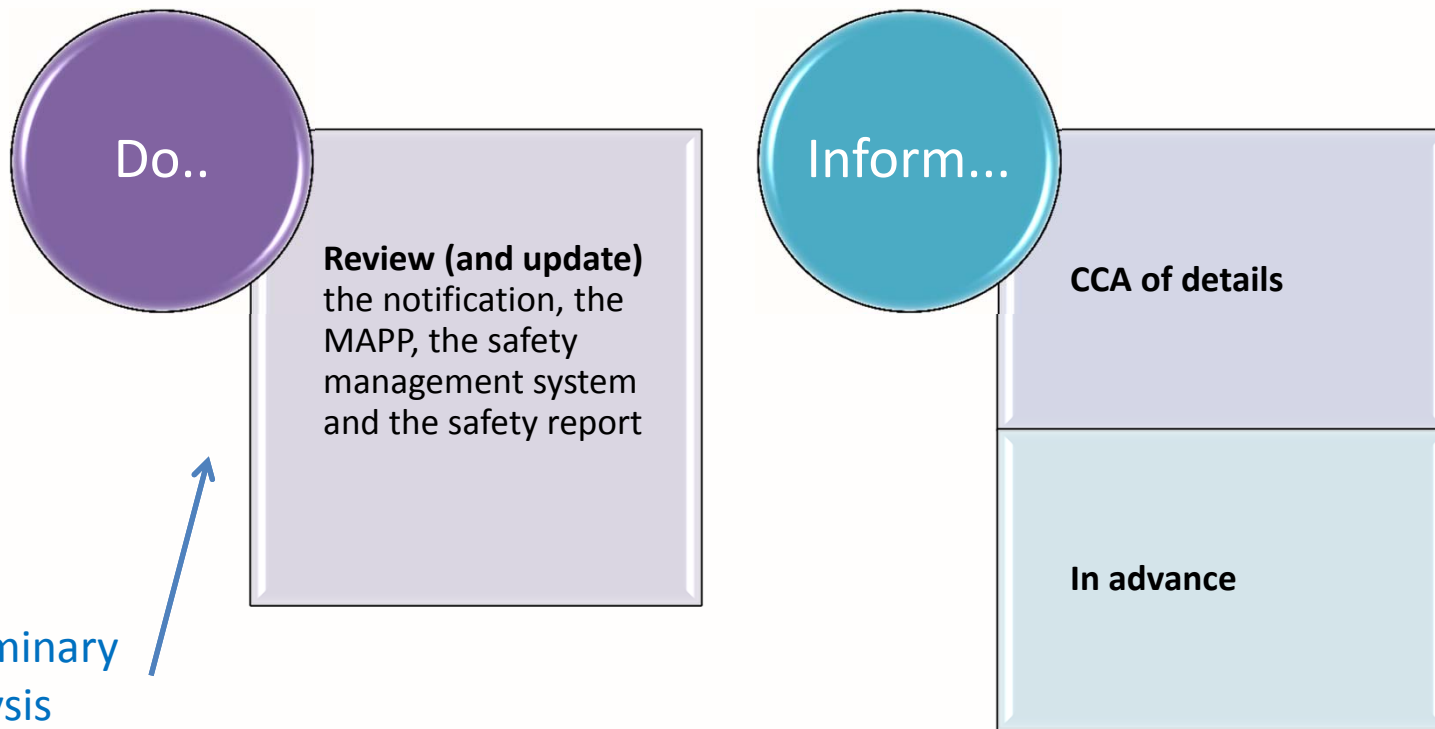
Significant Modifications

- The term '**significant modification**' is not used in either the Directive or the COMAH Regulations but is commonly used to describe the modifications encompassed by Regulation 12.
- So a guidance document has been produced to provide greater clarity in this area and to make clear when the CCA will refer a modification to the Planning Authority (PA), in accordance with Regulation 24(5).
- Public Consultation process was utilised and expert **Technical Working Group** established comprising CCA and Establishments Representatives and Technical Consultants

Terms of Reference

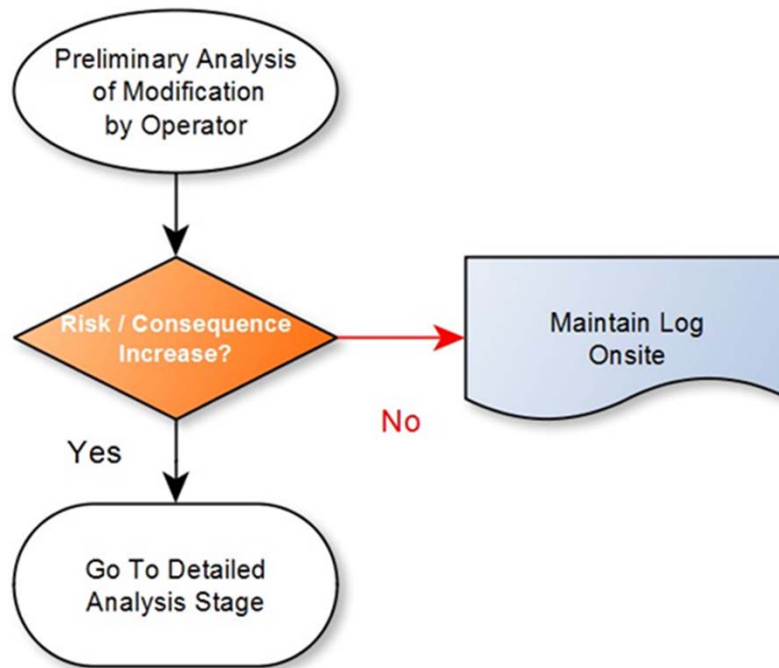
- Set out the legislative background in clear and concise manner.
- **Develop a flowchart to describe the process the operator should follow when considering if a change is significant.**
- Develop clear examples illustrating the application of the system.
- Publish short guide - that includes outcome from above - to HSA website.

Actions to take.....



Preliminary Analysis

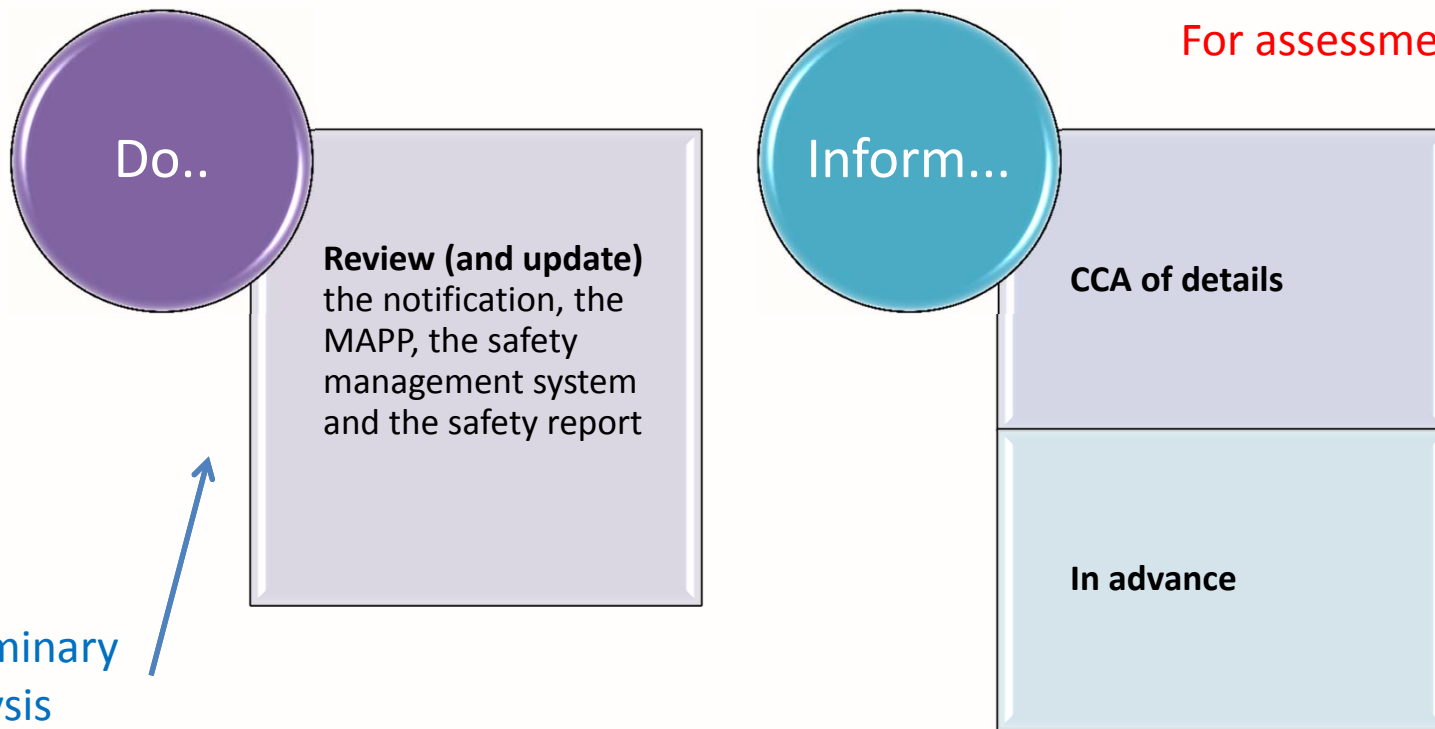
The process begins with the operator performing a preliminary analysis



If and only if the preliminary analysis indicates the change is potentially significant will a **Detailed Analysis** be required

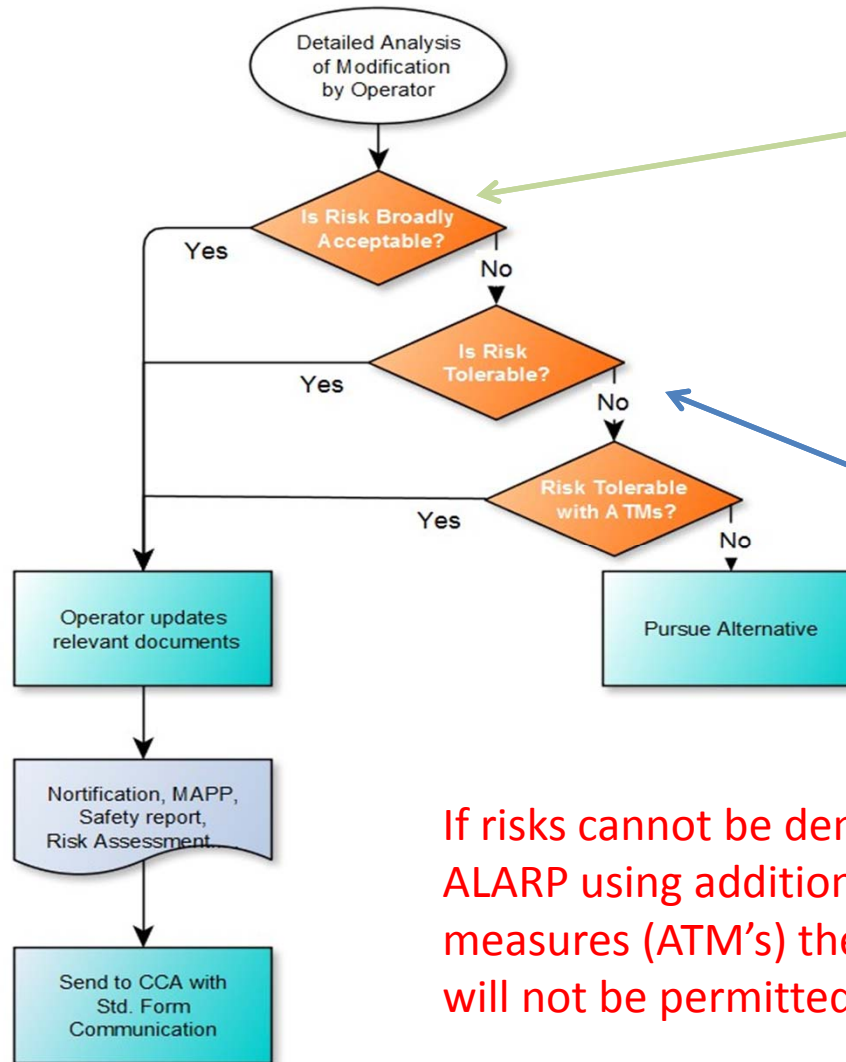
Actions to take.....

Having completed the preliminary Analysis the operator then carries out the Detailed analysis and submits to the CCA For assessment



Preliminary Analysis

Detailed Analysis



Broadly acceptable – fatality risk $< 1 \times 10^{-6}$ or equivalent environmental standard

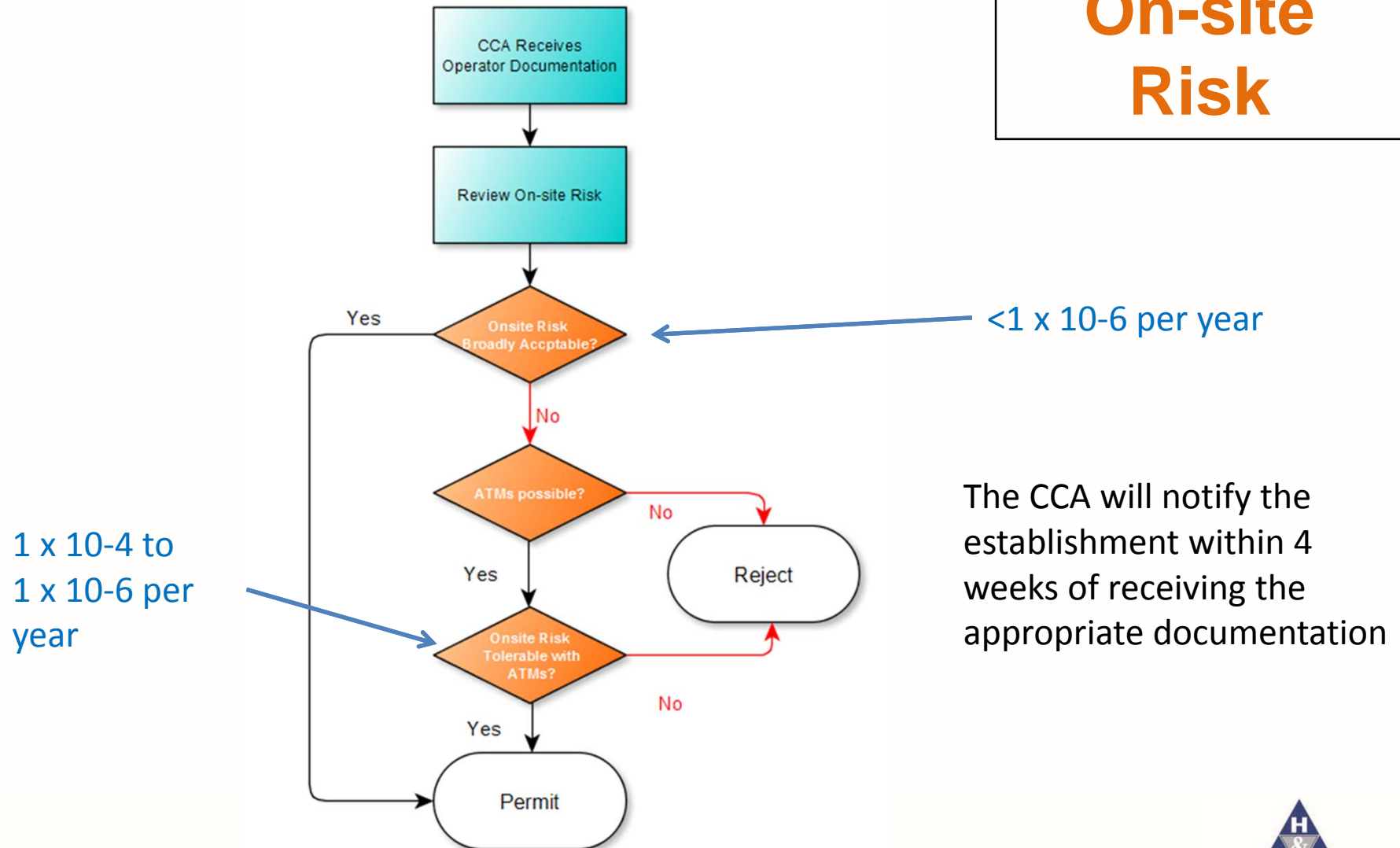
Risk Tolerable – 1×10^{-4} and 1×10^{-6} to a level as low as reasonably practicable

If risks cannot be demonstrated as ALARP using additional technical measures (ATM's) then modification will not be permitted by the CCA

Assessment Process – CCA

2 distinct phases

**On-site
Risk**



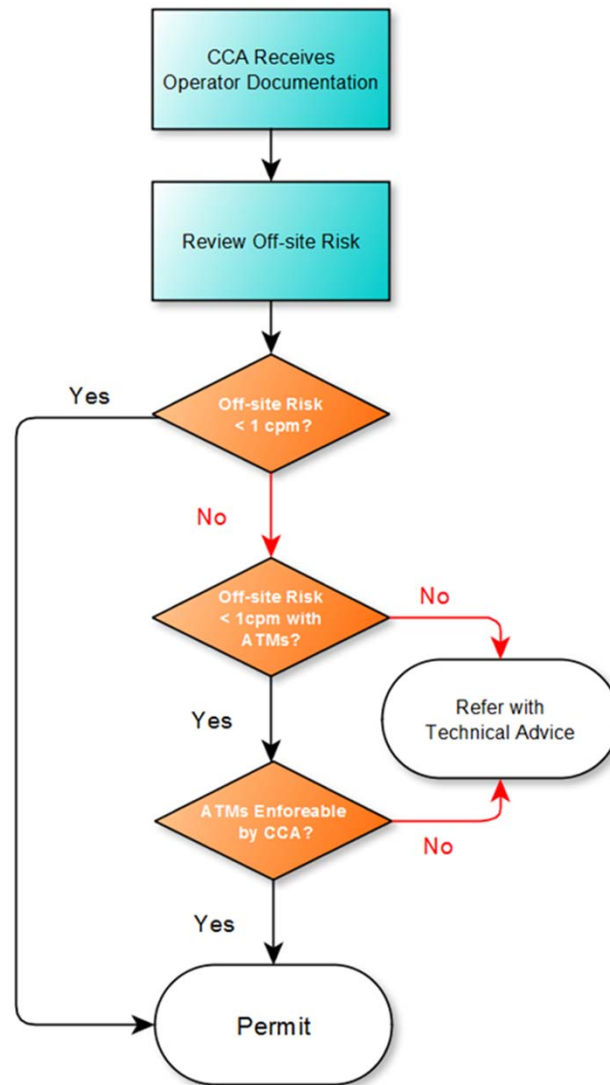
$<1 \times 10^{-6}$ per year

1×10^{-4} to
 1×10^{-6} per
year

The CCA will notify the establishment within 4 weeks of receiving the appropriate documentation

Assessment Process - CCA

**Off-site
Risk**



A separate environmental risk assessment will be broadly acceptable according to CDOIF methodology

Technical Examples

Guidance Document provides examples of what typically could be a Significant Modification and typical outcomes

- Changed contents of a storage vessel containing toxic liquid
- Introduction of a new process in the Pharmachem sector
- Warehouse change in inventory
- Inventory increase at a fuel terminal

Appendix 2 of Guidance Document

Details provided on the Modification Assessment procedure

- Types of changes to be assessed
- End Points to be used for modelling
- Documentation required
- Environment modelling end points / approach
- General principles of prevention / ALARP
- Additional Technical Measures
- Significance of on-site risk analysis

Thank you