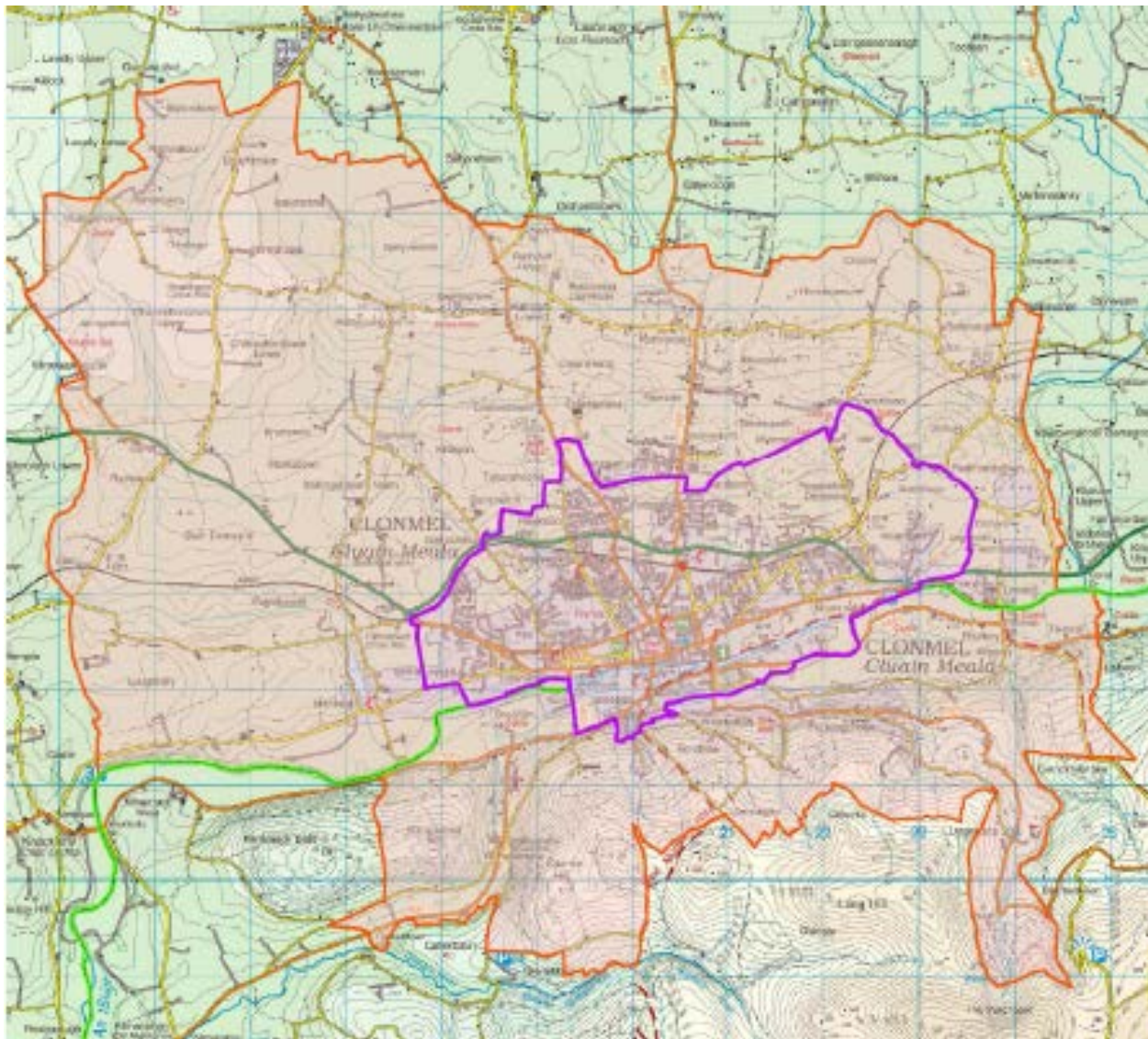


## Smoky Coal Ban Clonmel and Environs Information for the Householder/ Retailer

AIR POLLUTION ACT (Marketing, Sale, Distribution and Burning of Specified Fuels)  
Regulations 2012



### 1. Why has the Smoky Coal ban come into Clonmel?

In the 1990's legislation was introduced to control the sale of bituminous or "smoky" coal in Ireland. Initially introduced in Dublin, it has over the years been extended to other cities and towns throughout Ireland. As a result of recent regulations, there are now over 25 areas where the sale and burning of smoky coal is banned. Seven new towns were included with effect from May 2013, which exceed the designated minimum population threshold of 15,000, following Census 2011. The ban will include the burning of bituminous or smoky coal as well as the marketing, sale and distribution of it within the ban area. The purpose of the solid fuel regulations 2012 is to improve the environment, particularly air quality, and to protect human health from the harmful emissions which result from the burning of bituminous or smoky coal.

## 2. Is there a problem with air pollution in Clonmel?

The HSE carried out air monitoring in Clonmel (PM<sub>10</sub>, PM<sub>2.5</sub>, PAH's & black smoke) as part of the STRIVE project led by the EPA. This monitoring has shown an unacceptably high number of exceedances for PM<sub>10</sub> (very fine particles of dust or particulate matter <0.01 millimetre in size), the main source of which is emissions resulting from the burning of smoky solid fuels. PM<sub>10</sub> is harmful to health owing to its ability to penetrate into the lungs and is associated with cardiopulmonary and respiratory disorders. EPA research shows that a ban on sale of bituminous coal improves local air quality with consequent health benefits. Emissions of PM<sub>10</sub> and PM<sub>2.5</sub> from smokeless coal are 15-20% less than that from bituminous coal (according to DEFRA emissions inventory for UK) therefore switching from bituminous coal to smokeless coal through the introduction of the coal ban would be expected to reduce particulate levels by this amount, which is broadly in line with EPA monitoring data.

## 3. Where can a retailer or member of the public see a map of the Smoky Coal Ban area?

Tipperary County Council has visited all retail premises and left copies of the map, poster and regulations at each premises. The map may also be viewed at [www.environ.ie/en/Environment/Atmosphere/AirQuality/SmokyCoalBan/](http://www.environ.ie/en/Environment/Atmosphere/AirQuality/SmokyCoalBan/).

## 4. What type of coal is banned?

Under Section 4 "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.

The solid fuel regulations 2012 regulations, including the smoky coal ban, are being enforced by Tipperary County Council. Under the Environment (Miscellaneous Provisions) Act 2011, breaches of regulations made under the Air Pollution Act, 1987, may lead to significant fines, if successfully prosecuted in court, of:

- **€5,000** on summary conviction.
- **€500,000** on conviction by indictment.

## 5. Can I save and burn my own turf?

Yes, you can continue to burn turf within the restricted area provided you do not cause excessive emissions. Peat (and wood) can cause excessive emissions depending on the quality of the fuel and the burning conditions. For example, peat that is high in moisture will emit more smoke than properly seasoned (dry) fuel. It is important that such solid fuel is properly prepared so that it does not emit excessive emissions which are prohibited.

Also fixed penalty notices or 'on-the-spot fines' up to a maximum of €1,000 can be issued to any person or body who breaches the solid fuel regulations 2012.

## 6. What types of solid fuels should I NOT burn?

In the main, bituminous or smoky coal is prohibited as is any mixed or mingled product containing smoky coal. Manufactured solid fuels, can contain a blend of bituminous coal provide that the fuel is smokeless (see above). Smoky coal is often referred to as 'Polish' or 'Premium' coal though it may not come from Poland. Blends of high sulphur petroleum cokes ('petcokes') with more than 50% petcoke or low ash content (below 2.5%) are to be avoided not only on environmental but also on safety grounds. You should purchase blended fuels from legitimate solid fuel traders only.

## 7. What types of solid fuels can I burn?

The following solid fuels can be marketed and sold. However, the quality of certain fuels like wood and peat will determine how much smoke they emit (see above):

### **Smokeless coal products -**

- Unblended:** ovoids or manufactured nuggets or anthracites.
- Blended:** ovoids/ petroleum cokes, ovoids/ coal nuggets, coal nuggets/ petcokes
- Peat:** (turf, loose and baled briquettes)
- Wood:** (kindling, logs, etc)

## 8. Does the law state that only smokeless fuel can be burned, marketed, sold or distributed within the Clonmel area?

Yes, bags of smokeless fuel can be sold within the ban area, bags must be sealed and have a notice printed on the bag "Smokeless Fuel, Contents comply with Air Pollution Act Regulations".

## 9. Can a retailer sell bituminous coal to customers from outside the ban area?

The point-of-sale must not be inside the ban area. The transaction must take place outside the ban area and delivered outside the ban area or the transaction can be done by credit / debit card online or by phone and delivered outside the ban area.

## 10. Can a coal company from outside the ban area advertise smoky coal for sale within the area?

No, advertising within the Clonmel area will have to specify smokeless fuel only in Clonmel.

## 11. Can a retailer 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 by the retailer. The regulations give details of this register, which will be subject to inspection by Tipperary County Council Enforcement Staff.

## 12. Can a retailer 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.

## 13. “I am complying with the regulations but I know others that are not, what is Tipperary County Council going to do about those not complying? ”

Tipperary County Council's Environment Section is responsible for enforcing these regulations and routinely carries 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.

## 14. What if a member of the public buys smoky coal outside the ban area and burns it inside the ban area?

There is a ban on the burning of smoky coal inside the restricted area to compliment the ban on the sale, marketing or distribution of smoky coal in the restricted area.

**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.**

For more information contact Tipperary County Council –

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Tipperary County Council, Civic Offices, Clonmel, Co. Tipperary	Tipperary County Council, Civic Offices, Nenagh, Co. Tipperary	

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