

Oil and Gas Decommissioning – SEPA Regulation and Guidance

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Discussion

- Licencing
- Transfrontier Shipment of Waste (TFS)
- Radioactive Substances
- Duty of Care
- Mercury

Licensing

- SEPA regulates the process of oil and gas decommissioning onshore:
 - Waste, Radioactive Substances, Hazardous Waste
 - Statutory consultee on DP's
 - Transfrontier Shipment of Waste
- New SEPA guidance on regulation of offshore oil and gas decommissioning waste

PPC Permits	4
WML Exemptions	4
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RSA Permits	4
PPC Application in progress	1

Transfrontier Shipment of Waste (TFS)

- Waste cannot be sent outwith UKCS for disposal (except in limited circumstances). Waste must be consigned for recovery (including recycling)
- Hazardous waste cannot be sent outwith OECD countries for disposal or recycling.
- Any movement of hazardous or mixed waste must be notified to SEPA
- TFS requirements cover waste exports from/imports to the UK (SEPA regulator for Scotland and Scottish Waters)

Transfrontier Shipment of Waste

- Operators must apply to SEPA for a permit/notification which is approved by SEPA and country of destination
- Full inventory of materials is required
- Proof of contract is required for recovery of waste and a financial guarantee must be in place for contingencies
- Process takes time, and early engagement with SEPA is essential

TFS – Illegal Shipments

- Export of notifiable (mixed or hazardous waste) is illegal without a proper consent in place
- Can result in enforcement action from SEPA and other relevant authorities in countries of transit and destination
- Can result in repatriation of waste to country of origin

Radioactive Substances -NORM

- A radioactive substance permit is issued for operators dealing with radioactive substances
- Waste shipments for the purpose of disposal are prohibited (there are exceptions)
- Shipment to other countries is only allowed where waste management facilities in those countries meet the same standards as are required within the European Union (EU)
- UK Government Policy includes a presumption that NORM is repatriated back to the UK for disposal

Radioactive Substances - NORM

- Applications to SEPA must be supported by an assessment of all waste management options. SEPA will liaise with relevant country to ensure we are agreed with the arrangements.
- Operator must give due regard to UK Government Policy and justify why NORM is being exported
- Repatriation of residual NORM scale back to the UK following treatment of contaminated metals is likely to be considered an import for disposal under the Waste Shipment Regulations. Cases will be assessed on a case by case basis by relevant Government departments

Duty of Care

Environmental Protection Act 1990, s.34(1) - the legal framework for duty of care

The Scottish Government's Duty of Care Code of Practice:

“Your Duty of Care as a producer of waste extends along the entire chain of management of the waste. The Duty is not discharged on handing over the waste to the next holder. You should take reasonable steps to make sure the waste will be managed correctly and legally”

Duty of Care

Environmental Protection Act 1990, s.34(1) - the legal framework for duty of care

- Key points -
- Take all measures reasonable in the circumstances to prevent illegal management of waste you produce
- Illegal management includes fly-tipping, unauthorised transport, delivery to sites without appropriate authorisation, and illegal landfilling
- Prevent the escape of waste – ensure secure storage and transport
- Ensure waste is only transferred to an authorised person

Duty of Care

- Fulfil your Duty of Care by only using legitimate, authorised contractors
- Ask for waste carrier registration numbers to check road hauliers are authorised and check legitimacy on our website
<http://apps.sepa.org.uk/rocas/>
- Ask for destination site licence numbers and a copy of the Waste Management Licence or Permit to check the site can accept your waste

Mercury

- New Regulations came into force in 2017 (Regulation (EC) No.2017/852)
- Ban on export of metallic mercury outside EU
- Certain mercury containing wastes can be shipped for recovery within OECD
- Contact Transfrontier@sepa.org.uk