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| cid:image001.png@01D27AFB.3D00AC80 | **Offshore Petroleum Regulator for Environment & Decommissioning**  **Department for Energy Security & Net Zero**  AB1 Building  Crimon Place  Aberdeen AB11 1BJ  **E:** [opred@energysecurity.gov.uk](mailto:opred@energysecurity.gov.uk)  [**www.gov.uk/beis**](http://www.gov.uk/beis) |
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| **17 July 2023** |  |

**THE OFFSHORE PETROLEUM ACTIVITIES (OIL POLLUTION PREVENTION AND CONTROL) REGULATIONS 2005 No. 2055**

**Post Implementation Review Survey 2023**

Dear operator/owner

As part of its regulatory requirements in respect to the Offshore Petroleum Activities

(Oil Pollution Prevention and Control) Regulations 2005 (“the 2005 OPPC Regulations”), OPRED is required to undertake a periodic post implementation review of the 2005 OPPC Regulations.

As part of this review, we are seeking information from industry, and in particular holders of OPPC permits, to respond to a survey seeking information relating to the OPPC permitting regime and the 2005 OPPC regulations.

We would appreciate as comprehensive a response as possible to better inform the review but would request that responses are sent back by **25th August 2023**.

Please send responses to [opred@energysecurity.gov.uk](mailto:opred@energysecurity.gov.uk).

**OPPC PIR Survey**

**Introduction and background**

The Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (“the 2005 OPPC Regulations”) were introduced to replace and update the limited powers available under the Prevention of Oil Pollution Act 1971 (“POPA”). The POPA definitions of oil did not capture all oils that were discharged offshore, nor were there effective powers to monitor, investigate and enforce against all oil discharges. The aim of the 2005 OPPC Regulations were to effectively implement OSPAR Recommendation 2001/1 for the Management of Produced Water from Offshore Installations as well as address the limitations of POPA. This was to be achieved by introducing a permitting regime for the discharge of oil by introducing a more robust, effective and efficient approach to the management of oil discharges and to meet a 15% reduction in dispersed oil discharges in produced water from offshore oil and gas (“hydrocarbon”) installations. The 15% reduction was to be achieved by 2006 compared to a 2000 baseline. The regulations also included the power to create a UK Trading Scheme which aimed to minimise the costs of achieving this reduction.

The UK Trading Scheme was created under this regulation in 2006 but subsequently revoked in June 2008 following a consultation with the offshore hydrocarbons industry.  The underlying reason for revoking the UK Trading Scheme was the inherent complexity that was associated with operating the Scheme which, in reality, did not lead to any further substantive tangible benefits in terms of reducing / controlling produced water discharges over and above those that could be more directly achieved through the permitting regime and related conditions attached to permits established under the 2005 OPPC Regulations.

The 2005 OPPC Regulations prohibit the discharge of oil to sea from offshore hydrocarbon installations other than in accordance with the terms and conditions of a permit and require offshore operators to apply for permits for all planned discharges of oil in the course of all relevant offshore energy activities, including well operations, production operations, pipeline operations, and decommissioning operations.

The Offshore Petroleum Activities (Oil Pollution Prevention and Control) (Amendment) Regulations 2011 amended the 2005 OPPC Regulations. They amended the definition of “offshore installation” to include all pipelines, and to introduce the concept of a ‘release’ to cover all unintentional oil discharges resulting from accidental spills, leaks or non-operational releases.  They also extended information-gathering powers so that information could be obtained from a wider range of persons and in relation to a wider range of incidents, simplified the permitting process for varying permits or transferring them to other operators, provided additional powers to take appropriate enforcement action in relation to unintentional oil discharges and made minor amendments to the fee charging powers relating to the Charging Scheme created under regulation 6 of the 2005 OPPC Regulations.

The Charging Scheme included provisions for the review of fees in consultation with the offshore hydrocarbons industry.  In this context, the Charging Scheme for the 2005 OPPC Regulations has been separately updated in more recent years to reflect changes introduced by subsequent amendments (from 2016 onwards) to the Pollution Prevention and Control (Fees) (Miscellaneous Amendments and Other Provisions) Regulations 2015 plus the fee charging provisions of other specific Regulations.

The 2005 OPPC Regulations were also amended in 2010, 2013, 2016 and 2020 by**:**

* The Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010 which extended the provisions of the 2005 OPPC Regulations to offshore gas and carbon dioxide unloading and storage operations (in addition to oil and gas activities).
* Regulation 38(1)(b) of the Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013 revoked regulation 19 of, and Schedule 1 to, the 2005 OPPC Regulations.
* The Energy (Transfer of Functions, Consequential Amendments and Revocation) Regulations 2016 which introduced provisions recognising the functions undertaken by the Oil and Gas Authority and a requirement to review the 2005 OPPC Regulations.
* The Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020 which made consequential amendments to regulation 5A(5) of the 2005 OPPC Regulations.

**Demographic Questions**

1. Organisation name

2. Organisation size

a. < 50 employees

b. 50-99 employees 

c. 100-249 employees 

d. 250 + employees 

3. Organisation type

a. Production Installation Operator & Well Operator

b. Well Operator only

c. Non-Production Installation Owner

d. Other

If Other, please describe the type of organisation you belong to

4. How many of the following does your organisation either own and or operate?

Production Installations Non-Production Installations

a. 1

b. 2-4

c. 5-10

d. 10-15

e. 16-20

f. 21-30

g. 30+

h. Not Applicable

5. Would you be willing to be contacted by OPRED to discuss any of your responses for purposes of clarification?

Yes

No

If Yes, please provide contact details (name, e-mail, phone number).

**PART A - Policy Objective Questions**

Please state to what extent you agree or disagree with the following statements.

**Question 1**

Oil discharges requiring permits under the 2005 OPPC Regulations cover all discharges of oil to sea other than those regulated by the Offshore Chemical Regulations 2002, The Merchant Shipping (Prevention of Oil Pollution) Regulations 2019, and The Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020.

Strongly Agree

Agree

Neither Agree or Disagree

Disagree

Strongly Disagree 

If you Disagree or Strongly Disagree, please provide details of what oils are being discharged that are presently excluded from the current definition and explain whether they should or shouldn’t be included.

**Question 2**

The other definitions in the 2005 OPPC Regulations (as amended) remain appropriate and are clearly enough understood.

Strongly Agree

Agree

Neither Agree or Disagree

Disagree

Strongly Disagree 

If you Disagree or Strongly Disagree, are there changes and/or clarifications you feel should be made? If so, what would they be?

**PART B – Permitting System**

The 2005 OPPC Regulations (as amended) introduced a system of permits to replace the exemptions issued under the Prevention of Oil Pollution Act 1971.

**Question 3**

The current system of oil discharge permitting, controls and limits the amount of oil discharged to sea from offshore installations.

Strongly Agree

Agree

Neither Agree or Disagree

Disagree

Strongly Disagree 

If you Disagree or Strongly Disagree, please provide supporting comments.

**Question 4**

The current system of oil discharge permitting is the best approach for limiting the discharge of oil to sea from offshore installations.

Strongly Agree

Agree

Neither Agree or Disagree

Disagree

Strongly Disagree 

If you Disagree or Strongly Disagree, please provide supporting comments or other options for limiting the discharge of oil to sea.

**PART C - Inspection Powers**

The 2005 OPPC Regulations (as amended) introduced more wide-ranging powers for OPRED’s Offshore Environmental Inspectors to monitor and investigate all oil discharges whether lawful or unlawful.

**Question 5**

Regulation 12 of the 2005 OPPC Regulations (as amended) details the powers of Inspectors appointed by the Secretary of State, the aim of which was to introduce more wide-ranging powers for OPRED’s Offshore Environmental Inspectors to

* monitor;
* investigate; and
* enforce

the legislative requirements relating to oil discharges, including accidental oil spills.  These powers remain appropriate for enforcing the 2005 OPPC Regulations (as amended).

Strongly Agree

Agree

Neither Agree or Disagree

Disagree

Strongly Disagree 

If you Disagree or Strongly Disagree, please provide supporting comments.

**PART D - UK Trading Scheme**

The 2005 OPPC Regulations (as amended) introduced the power to create a UK Trading Scheme which aimed to minimise the costs of achieving a 15% reduction in oil discharges in produced water.  The UK Trading Scheme was developed in 2006 but subsequently revoked in June 2008.

**Question 6**

The revocation of the UK Trading Scheme was the correct decision.

Strongly Agree

Agree

Neither Agree or Disagree

Disagree

Strongly Disagree 

If you Disagree or Strongly Disagree, please provide supporting comments.

**Question 7**

Regulations 10 & 11 of the 2005 OPPC Regulations (as amended) respectively provide for allowance trading and a registry to support such trading of dispersed oil in produced water discharged to sea.  The UK Trading Scheme was revoked in June 2008 at the request of industry when it was identified that there would be a surplus of allowances, that a change in the required analytical method further increased the surplus and that the 15% reduction in discharges was being achieved by other means. Do you feel that the reintroduction of oil discharge trading and a registry would be viable options at some point in the future?

Yes

No

Other (please give details)

Please provide supporting comments and explanation.

**PART E - Impact Assessment Questions - Costs**

The Regulatory Impact Assessment (RIA) in 2005 estimated the costs of introducing the permitting regime for the discharge of oil both for Government and for Industry.  Costs for industry took account of initial costs to submit the initial permit application and then annual costs for maintenance / updating the permit application.  The following questions ask about the costs for submitting new permits and updating / maintaining existing permits for your organisation.  We're only asking here for the costs you incurred directly rather than any fees charged by OPRED.

Questions 8 - 13 apply to companies that have been operating on the UKCS prior to 2020

Questions 14 - 19 apply to companies new to the UKCS since 2020.

Questions 20 onwards are for both sets of companies.

**Part E.1 For companies that have been operating on the UKCS prior to 2020:**

**Question 8**

What is the average cost to your organisation for **each new** OPPC Oil Life Permit (OLP) application submitted to the Department for review and approval?

Less than £1,500 per OLP

£1,500 - £4,000 per OLP

£4,001 - £8,000 per OLP

£8,001 - £12,000 per OLP

Greater than £12,000 per OLP

**Question 9**

What is the average cost to your organisation for maintaining / varying each existing OPPC OLP permit?

Less than £1,500 per OLP

£1,500 - £4,000 per OLP

£4,001 - £8,000 per OLP

£8,001 - £12,000 per OLP

Greater than £12,000 per OLP

**Question 10**

For the average costs given in Questions 8 & 9, how many OPPC OLP permits does that cost apply to?

**Question 11**

What is the average cost to your organisation for **each new** OPPC Oil Term Permit (OTP) application submitted to the Department for review and approval?

Less than £1,500 per OTP

£1,500 - £4,000 per OTP

£4,001 - £8,000 per OTP

£8,001 - £12,000 per OTP

Greater than £12,000 per OTP

**Question 12**

What is the average cost to your organisation for maintaining / varying each existing OPPC OTP permit?

Less than £1,500 per OTP

£1,500 - £4,000 per OTP

£4,001 - £8,000 per OTP

£8,001 - £12,000 per OTP

Greater than £12,000 per OTP

**Question 13**

For the average costs given in Question 11 & 12, on average how many OPPC OTP permits does that cost apply to annually?

**Part E.2 - For companies new to the UKCS since 2020:**

**Question 14**

What is the average cost to your organisation for **each new** OPPC Oil Life Permit (OLP) application submitted to the Department for review and approval?

Less than £1,500 per OLP

£1,500 - £4,000 per OLP

£4,001 - £8,000 per OLP

£8,001 - £12,000 per OLP

Greater than £12,000 per OLP

**Question 15**

What is the average cost to your organisation for maintaining / varying each existing OPPC OLP permit?

Less than £1,500 per OLP

£1,500 - £4,000 per OLP

£4,001 - £8,000 per OLP

£8,001 - £12,000 per OLP

Greater than £12,000 per OLP

**Question 16**

For the average costs given in Questions 14 & 15, how many OPPC OLP permits does that cost apply to?

**Question 17**

What is the average cost to your organisation for **each new** OPPC Oil Term Permit (OTP) application submitted to the Department for review and approval?

Less than £1,500 per OTP

£1,500 - £4,000 per OTP

£4,001 - £8,000 per OTP

£8,001 - £12,000 per OTP

Greater than £12,000 per OTP

**Question 18**

What is the average cost to your organisation for maintaining / varying each existing OPPC OTP permit?

Less than £1,500 per OTP

£1,500 - £4,000 per OTP

£4,001 - £8,000 per OTP

£8,001 - £12,000 per OTP

Greater than £12,000 per OTP

**Question 19**

For the average costs given in Question 17 & 18, on average how many OPPC OTP permits does that cost apply to annually?

**PART F - Policy Questions**

The following questions relate to the policy objectives of the 2005 OPPC Regulations (as amended). Please state the extent to which you agree or disagree with the following statements.

**Question 20**

There are no unintended consequences or unexpected outcomes to the way in which the 2005 OPPC Regulations (as amended) have been introduced and are being applied.

Strongly Agree

Agree

Neither Agree or Disagree

Disagree

Strongly Disagree 

If you Disagree or Strongly Disagree, please provide supporting comments.

**Question 21**

The OPPC ‘permitting’ regime and other associated regulatory requirements was the most appropriate way to comply with the OSPAR Recommendation 2001/1 target of achieving a 15% reduction in the quantity of oil discharged to sea in 2006 compared to 2000.

Strongly Agree

Agree

Neither Agree or Disagree

Disagree

Strongly Disagree 

If you Disagree or Strongly Disagree, please provide supporting comments.

**Question 22**

The 2005 OPPC Regulations (as amended) are an effective regulation for controlling discharges of oil to sea (for instance, by driving continuous improvement in reducing such discharges) and minimising the environmental impact of those discharges.

Strongly Agree

Agree

Neither Agree or Disagree

Disagree

Strongly Disagree 

If you Disagree or Strongly Disagree, please provide supporting comments.

**Question 23**

There are no further changes required to the 2005 OPPC Regulations (as amended).

Strongly Agree

Agree

Neither Agree or Disagree

Disagree

Strongly Disagree 

If you Disagree or Strongly Disagree, please provide supporting comments.

**Question 24**

Do you believe that meeting the objectives of the 2005 OPPC Regulations (as amended) for controlling oil discharges to sea could be achieved as effectively via a system that imposes less regulation?

Yes

No

Other (please provide details)

If Yes or Other, please provide supporting comments.

**PART G – Specific questions relating to regulations 3A - 18**

The following questions relate to specific articles within the OPPC 2005 regulations.

**Question 25**

Regulation 3A of the 2005 OPPC Regulations (as amended) states**:**

*No person shall-*

*(a) release any oil; or*

*(b) allow such a release to continue*

Do you consider this regulation to be a prohibition on releases which is sufficiently clear?

Strongly Agree

Agree

Neither Agree or Disagree

Disagree

Strongly Disagree 

 If you Disagree or Strongly Disagree, please provide supporting comments.

**Question 26**

Regulation 4 of the 2005 OPPC Regulations (as amended) allows for the Secretary of State to attach conditions to permits in order to ensure that discharges are appropriately monitored, that discharges are minimised and that measures are taken to prevent incidents affecting the environment or where they occur minimise the consequences.  The current regulation and permit conditions are suitable for both permit compliance and prevention of pollution.

Strongly Agree

Agree

Neither Agree or Disagree

Disagree

Strongly Disagree 

If you Disagree or Strongly Disagree, please provide supporting comments.

**Question 27**

Regulation 5A (Publicity for permit applications) of the 2005 OPPC Regulations (as amended) describes public notice requirements whereby the permit applicant shall make available to the public a copy of the oil discharge application during business days at an address in the UK. During the Covid-19 pandemic this process was temporarily amended via legislation to allow the applicant to make the application available on a publicly-accessible website and made provision for a copy of the permit to be made available by post free of charge or electronically. This amendment was time limited and fell away on 4th September 2021 at which point the previous public notice arrangements came back into effect.

Do you believe that the current process for the publicity of OPPC permit applications, which has reverted to the pre-Covid (2011) regulations, remains suitable for the provision of information to the public for relevant proposed oil and gas activities involving the discharge of oil?

Strongly Agree

Agree

Neither Agree or Disagree

Disagree

Strongly Disagree 

If you Disagree or Strongly Disagree, please provide supporting comments.

**Question 28**

Regulation 7 of the 2005 OPPC Regulations (as amended) sets out the process whereby the Secretary of State can review the terms and conditions attached to a permit.  The current process remains suitable.

Strongly Agree

Agree

Neither Agree or Disagree

Disagree

Strongly Disagree 

If you Disagree or Strongly Disagree, please provide supporting comments.

**Question 29**

Regulation 11A of the 2005 OPPC Regulations (as amended) sets out provisions for the Secretary of State to gather information following an incident resulting in a discharge of oil that breach the terms of a permit; an incident resulting in a release; or any other incident involving oil where there has been, or may be, any significant effect on the environment by means of pollution.  This regulatory provision is sufficient to gather all necessary information resulting from a non-compliance or a release.

Strongly Agree

Agree

Neither Agree or Disagree

Disagree

Strongly Disagree 

If you Disagree or Strongly Disagree, what additional requirements do you think there should be?

**Question 30**

Regulations 13 and 14 of the 2005 OPPC Regulations (as amended) describe processes for the serving of Enforcement and Prohibition Notices.  It is clear from the regulations when Enforcement Notices and Prohibition Notices might be used.

Strongly Agree

Agree

Neither Agree or Disagree

Disagree

Strongly Disagree 

If you Disagree or Strongly Disagree, what additional clarification is required?

**Question 31**

Regulations 13 and 14 of the 2005 OPPC Regulations (as amended) describe processes for the serving of Enforcement and Prohibition Notices.  It is clear from the regulations who Enforcement Notices and Prohibition Notices can be served on.

Strongly Agree

Agree

Neither Agree or Disagree

Disagree

Strongly Disagree 

If you Disagree or Strongly Disagree, what additional clarification is required?

**Question 32**

The current 2005 OPPC Regulations (as amended) encourage reduction in oil discharges / releases and maintenance of systems for the prevention of pollution.

Strongly Agree

Agree

Neither Agree or Disagree

Disagree

Strongly Disagree 

If you Disagree or Strongly Disagree, what changes would be required to encourage this behaviour?

**Question 33**

Is there anything else you would like to raise relating to the 2005 OPPC Regulations (as amended) that has not been covered in this survey?

Yes

No

If Yes, then please raise them here.