



Department  
of Energy &  
Climate Change

# Guidance Notes

The Offshore Petroleum Activities (Oil Pollution  
Prevention and Control) Regulations 2005 (as  
amended)

April 2014

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## ABOUT THIS GUIDANCE

This revised Guidance is issued by the Department of Energy and Climate Change and comes into force on 7 October 2013. It is addressed to companies involved in offshore exploration and production activities who have the potential to discharge or release oil. Such activities are regulated under the Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (as amended 2011) (OPPC).

### 1 INTRODUCTION

**1.1** Discharges of oil may occur as a consequence of certain offshore oil and gas exploration and production activities and incidents may occur which result in the release of oil to sea. It is appropriate that such discharges and releases are carefully controlled and/or responded to in order to minimise any effect on the environment.

**1.2** The objective of the Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (as amended 2011) (OPPC) is to introduce robust controls of oil discharges from offshore oil and gas installations. To achieve this, these Regulations include:

- a) a permitting system for oil discharges and provisions to enable recovery of the associated costs via permit fees; and
- b) the powers to inspect, investigate and take enforcement action in response to oil releases and discharges.

**1.3** Article 9 of the Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010 (as amended) applies these Regulations to installations or pipelines established or maintained for the additional offshore energy-related activities of natural gas unloading and storage and carbon dioxide storage. The Regulations are applied to those activities with a modified geographical scope related to the devolution settlements. This Guidance therefore also applies to gas storage and unloading activities undertaken in the reserved area that are the responsibility of the Secretary of State for Energy and Climate Change (“the Secretary of State”).

## 2 CONTACTS

**2.1** The OPPC Regulations are administered by the Department of Energy and Climate Change (DECC), Energy Development Unit, based in Atholl House, Aberdeen.

**2.2** The postal address and facsimile number are detailed below:

Department of Energy and Climate Change  
Energy Development Unit  
Offshore Environment and Decommissioning  
4<sup>th</sup> Floor, Atholl House  
86-88 Guild Street  
ABERDEEN  
AB11 6AR

Fax: 01224 254019

**2.3** For policy, technical or general advice on these Regulations, associated guidance, applications and permits, contact:

[offshore.inspectorate@decc.gsi.gov.uk](mailto:offshore.inspectorate@decc.gsi.gov.uk)

**or**

applicants may wish to contact their assigned DECC Offshore Environmental Inspector directly.

**2.4** For administrative advice contact:

[offshore.inspectorate@decc.gsi.gov.uk](mailto:offshore.inspectorate@decc.gsi.gov.uk)

Telephone: 01224 254138

## 3 DEFINITIONS

### 3.1 Definition of Oil

**3.1.1** The Regulations define oil as follows:

“Oil” means any liquid hydrocarbon or substitute liquid hydrocarbon, including dissolved or dispersed hydrocarbons or substitute hydrocarbons that are not normally found in the liquid phase at standard temperature and pressure, whether obtained from plants or animals, or mineral deposits, or by synthesis.

**3.1.2** This definition is designed to capture all produced hydrocarbons, including condensate, and all oils that are used in the course of offshore exploration and production activities and other activities associated with gas storage and unloading.

**3.1.3** Notwithstanding the above, these Regulations will not apply to the discharge of hydrocarbons or substitute hydrocarbons that are the subject of a permit issued under The Offshore Chemicals Regulations 2002 (as amended 2011) (see Paragraph 4.2), nor will they apply to hydrocarbons or substitute hydrocarbons that are regulated by The Merchant Shipping (Prevention of Oil Pollution) Regulations 1996 (amended 2000) and the Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Regulations 2008 (see Annex B).

### 3.2 Other Definitions

**3.2.1** Definitions of other terms used in the Permit and these Guidance Notes are set out below (where applicable, these definitions are the same as those used in the Regulations):

Act	means the Petroleum Act 1998 (as amended).
Discharge	in relation to oil means any intentional emission of the oil from an offshore installation into the relevant area.
Dispersed oil	means hydrocarbons as determined according to the reference method of analysis given in section 7.2 of the OSPAR Recommendation 2001/1 and as measured using the OSPAR GC-FID Reference method, or any alternative method correlated to this method and approved by DECC Inspectorate.
Host offshore installation	means an offshore installation that processes fluids from a number of separate oil, gas or condensate fields including tied back facilities.
MAT	Master Application Template – Terminology used within the Portal application process. This is the part of the application that contains the details of the operator, field, wells etc... The MAT supports any number of SATs as described below



Offshore Installation	<p>means an installation or pipeline which is used for the purposes of, or in connection with, any activity in respect of which the Secretary of State exercises functions under the Petroleum Act 1998 (as amended). 'Installation' includes any floating structure or device maintained on a station by whatever means.</p> <p>By virtue of article 9 of the Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010 (as amended), the Regulations also apply to installations and pipelines established for gas storage and unloading activities under Part 1 of the Energy Act 2008</p>
Operator	means any person who operates an offshore installation. See 5.2 and 5.3 below
Permit	means an authorisation granted by the Secretary of State pursuant to the Regulations to discharge oil.
Permit holder	means the holder from time to time of a permit.
Pollution	means the introduction by man, directly or indirectly, of substances or energy into the relevant area which results, or is likely to result, in hazards to human health, harm to living resources and marine ecosystems, damage to amenities or interference with other legitimate uses of the sea.
Produced water	means water which is produced during oil, gas or condensate production operations and includes formation water, condensation water, re-produced injection water and water used for desalting oil.
Regulations	means the Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (as amended).
Release	in relation to oil means the emission (other than by way of a discharge) of oil from an offshore installation into the relevant area.
Relevant Area	<p>means that area (together with places above and below it) comprising –</p> <ul style="list-style-type: none"> <li>(a) those parts of the sea adjacent to England from the low water mark to the landward baseline of the United Kingdom territorial sea;</li> <li>(b) the United Kingdom territorial sea apart from those areas comprised in Scottish controlled waters and Welsh controlled waters; and</li> <li>(c) those areas of sea in any area for the time being designated under section 1(7) of the Continental Shelf Act 1964.</li> </ul> <p>It should be noted that, in the context of these Regulations, the relevant area includes those areas beneath the seabed, and an</p>

	Oil Discharge Permit will therefore be required for the injection, or re-injection, of discharge streams containing oil.
SAT	Subsidiary Application Template – Terminology used within the Portal application process. This is the part of the application that relates to specific permitting regimes and includes templates for e.g. applications for Consent to Locate, Chemicals Discharge and Oil Discharge Permits.
Scottish controlled waters	means any waters which are controlled waters within the meaning of section 30A(1) of the Control of Pollution Act 1974.
Standard Industry Conditions (SIC)	means the Standard Industry Conditions for The Offshore Petroleum Activities (Oil Pollution Prevention & Control) Regulations 2005 (As amended)", located at <a href="https://itportal.decc.gov.uk/pets/oppc/sic">https://itportal.decc.gov.uk/pets/oppc/sic</a>
System / Sub-system	<p>A process resulting in the discharge of oil as shown in the table in Section 8.1 of this Guidance. The available Systems are Wells, Production, Displacement, Sand and Scale, Subsea and Miscellaneous. The sub-systems will be more specific aspects of each of these.</p> <p><i>Note – this replaces the use of Schedules formerly employed in OPPC Permits.</i></p>
Tie-back	means a discrete offshore drilling or production centre that is not located at the host offshore installation and serves a separate field from that already served by the host offshore installation
Welsh controlled Waters	means those parts of the territorial sea adjacent to Wales which are controlled waters within the meaning of section 104 of the Water Resources Act 1991

## 4 WHEN IS A PERMIT REQUIRED?

**4.1** The Regulations prohibit the discharge of oil into the relevant area otherwise than in accordance with the terms and conditions attached to a Permit issued to cover the discharge. Operators of installations (see Section 5) must therefore identify all oil discharges from offshore installations to the relevant area, and an application must be submitted to DECC for an Oil Discharge Permit to cover those discharge streams. Specific information relating to activities which may give rise to a discharge requiring a Permit are detailed in Annex A.

**4.2** Oil Discharge Permits will not be required for the discharge of hydrocarbons or substitute hydrocarbons that are the subject of a Permit issued under The Offshore Chemicals Regulations 2002 (as amended 2011). The use and potential discharge of chemicals such as low toxicity oil-based drilling fluids, synthetic-based drilling fluids and lubricants added to water-based drilling fluids will therefore be permitted under The Offshore Chemicals Regulations 2002 (as amended).

**4.3** Oil Discharge Permits will not be required for the discharge of oils that are controlled under the Merchant Shipping (Prevention of Oil Pollution) Regulations 1996 (amended 2000) and the Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Regulations 2008.

**4.4** All discharges of oil subject to these Regulations, must be suitably permitted prior to any discharge. In this respect an assessment of any proposed discharge must be undertaken to determine whether the discharge may or may not contain oil. If a discharge will not contain oil it is not subject to these Regulations and no Oil Discharge Permit is required.

**4.5** Following application and consideration by DECC, an Oil Discharge Permit will either be granted, further information may be requested or a Permit application may be refused. If granted, the Permit will include conditions which must be met. If refused, the reason for the refusal will be provided. It should be noted that Permits will not be granted in connection with operations or processes that, under normal circumstances, should not give rise to a discharge of oil to sea.

## 5 WHO CAN APPLY FOR A PERMIT?

**5.1** Oil Discharge Permits will normally only be issued to the operator of the acreage or the field. DECC will therefore usually only grant a Permit to a company appointed by the licence group or, if there is only one company on the licence, the licensee. However, DECC may also grant a Permit to a company appointed in respect of a single activity, for example a company appointed to operate the drilling of a well under “farm-in” or “earn-in” arrangements. The Permit Holder will be legally responsible for ensuring that the conditions in that Permit are adhered to.

**5.2** It is acknowledged that in some cases a company other than the Permit Holder may be responsible for undertaking the works. This could be the owner of the installation; the duty holder of the installation; a company contracted to "operate" the installation; or a company contracted to undertake specific works on behalf of the operator of the acreage or the field.

**5.3** Any company appointed by the operator of the acreage or the field may prepare and submit an Oil Discharge Permit application, but the application must be made in the name of the operator of the acreage or the field and any Permit issued will be in the name of that operator.

**5.4** Where there are assets tied-back to an installation, the operator of the acreage or the field in which the tied-back facilities are located will usually only be required to obtain a separate Permit if there are direct discharges from the tied-back facilities. Discharges made or mediated via the “host” installation will normally be included in the relevant Permits relating to the "host" installation. Under these circumstances the holder of the host installation Permit would have to apply to vary the relevant Permit to include details of any new assets or activities.

**5.5** It should be noted that the Permit Holder has overall responsibility for activities carried out under the Permit and therefore third party obligations should be appropriately managed in accordance with any contract or interface documents with the Permit Holder in order to ensure compliance with the Permit Conditions.

## 6 HOW TO APPLY FOR A PERMIT

6.1 To apply for an Oil Discharge Permit you will need an account on the UK Oil Portal (UKOP). To get this you will need to contact the portal team at [UKOP@decc.gsi.gov.uk](mailto:UKOP@decc.gsi.gov.uk). The system may be accessed through the Department website (UK Portal) [www.og.decc.gov.uk](http://www.og.decc.gov.uk) and access to the applications is via password control and verification.

6.2 Oil Discharge Permit applications are made on a Subsidiary Application Template (SAT) in the UKOP PETS system. The SAT application is initiated from the relevant MAT. Guidance on PETS submissions can be found at:

<https://www.gov.uk/oil-and-gas-uk-oil-portal#portal-environmental-tracking-system-pets>

The following steps are required to complete an Oil Discharge Permit application in the Oil Portal:

6.2.1 Completion of Table 1 which contains fields to populate for information such as oil source, discharge route, sample point etc... The requirements of these fields should be self-explanatory though hover guidance is also available within the application table. The completion of this table will result in auto-population of Table 2 within the Permit which details the sampling and monitoring requirements.

6.2.2 For an application for the discharge of produced water, Table 1 of the Oil Discharge Permit application form contains cells into which a forecast of the produced water volume to be discharged and the average oil in water concentration for the year of the application and the two following years is required to be entered. This will auto calculate an annual tonnage which is transposed to the Permit.

6.2.3 For applications for other oil discharges a calculation or estimation of the oil to be discharged will need to be entered for the current year or the duration of the operation. The forecast data should match any figures submitted as part of any other permit application or submission to DECC. During the course of the year in question if it is likely that the Permitted tonnage will be exceeded the applicant must submit a variation application which must include a justification for the higher than forecast discharge.

6.2.4 An assessment of the impact of the proposed oil discharge must be included in the Environmental Statement included in the relevant MAT. Note: this is separate to an assessment of the impact of any potential oil releases.

6.3 Completion of the Oil Discharge Permit application involves the uploading of supporting documents. The up-loads are made to the "Attachments" Tab in the Oil Discharge Permit SAT application.

6.3.1 The Attachments screen requires that either an upload is made or a justification of why an upload was not made is entered into the Justification box to allow the application to progress.

6.3.2 Where the required upload information has already been provided within other submissions of that Permit clear reference to these must be provided within the justification section of the relevant upload. Where an upload is not applicable to the application this should be stated in the justification section.

6.3.3 On assessment an Inspector may require the submission of further information to clarify or complete the application.

6.3.4 The uploads must provide details as described below for all the systems/sub-systems entered. The document uploads that are required are:

- (i) Best Available Techniques assessment
- (ii) Treatment Process and Operation Design
- (iii) Schematic Diagrams, Process Flow Diagrams, Piping and Instrumentation Diagrams
- (iv) Drainage Sampling Feasibility Study
- (v) Produced Water Meter Uncertainty Report
- (vi) Framework for identification and management of Environmentally Critical Elements and Equipment with implementation timescales.

**(i) Best Available Technique (BAT) Assessment**

**(i)1** The application must include an assessment of Best Available Techniques (BAT) and Best Environmental Practices (BEP) and provide an assessment to justify the measures proposed to minimise pollution and limit discharges. This must include details of alternative technologies investigated, cost benefit studies undertaken to support the selected technology and any planned treatment improvement programs.

**(i)2** Details of any improvement programmes planned to reduce the oil content of the discharge stream should be provided. The assessment must also provide details of any potential environmental impacts associated with the oil discharge if not provided elsewhere in the application (reference to the environmental impact assessment in the Master Application Template may be made if appropriate).

**(i)3** For applications associated with existing discharge streams the demonstration of BAT and BEP should focus on how the existing equipment is being managed to minimise oil discharged. Where there is no intention to upgrade equipment to match the performance of

more modern technologies a justification should be included within the assessment. This should include a description of the alternative technologies and techniques that could be applied but have been discounted, and should include details of the reason these improvements were discounted.

**(i)4** For new applications the BAT element of the assessment must include consideration of the most recent technologies and justify the selected option. Details of alternative disposal or treatment options considered but discounted should be included.

**(i)5** For new installations reference to the requirements of OSPAR 2001/1 (i.e. zero discharge of oil in produced water) should have been made at the design phase. This should be included in the BAT justification.

**(i)6** Reference should be made by applicants to OSPAR's "Background Document concerning Techniques for the Management of Produced Water from Offshore Installations" 2013.

## **(ii) Oil Treatment Process and Operation Description**

**(ii)1** The application must include a description of the process / treatment systems designed to minimise the oil content of the discharge stream.

**(ii)2** This should include a detailed description of all process equipment and how it is operated to minimise the discharge of oil from each system. This should include data such as treatment specifications and relevant system capacities.

**(ii)3** Reference should also be made to any treatment of the discharge stream immediately prior to discharge, to prevent the formation of surface sheens.

**(ii)4** The upload should include details of the discharge stream sampling facilities and current sampling and analysis strategies for periods of normal and abnormal operation.

**(ii)5** Details must also be included of discharge facilities including details of:

- a)** control and alarm systems to prevent over-filling;
- b)** caisson monitoring,
- c)** injection / re-injection facilities (including well information, details of any monitoring undertaken and a projection of system up-time):

**(ii)6** Applications relating to the discharge of produced water should be accompanied by monthly average dispersed oil concentrations for the previous twelve months. For discharge streams other than produced water applicants should confirm whether routine sampling and analysis is feasible, and should present the results of any relevant analyses. Where possible, the latter should include monthly average oil concentrations for the previous twelve months or, if this is unavailable, data relating to the six most recent discharge operations. Where analytical data is submitted in support of an application the date of the sampling and analyses should be included.

**(ii)7** Table 1 in the Oil Discharge Permit SAT contains cells for the entry of forecast Produced Water discharge information. This comprises the forecast for volume to be discharged and yearly average Oil in Water concentration for the calendar year of the application and the following two calendar years. This should be based on the previous twelve months production data and produced water analysis results. If not based on this a justification will be required. The Table will auto calculate the tonnage for the years being forecast. Only the tonnage will appear in the Permit.

**(ii)8** For co-mingled discharge streams it will be necessary to confirm how the the aggregate dispersed oil content and discharge quantity will be measured or calculated

*NOTE – the Portal based Oil Discharge Permit application systems requires you to update these forecasts during the month of January each year. This is required by condition 1.5 of the Permit. You should note that if you submit an application to vary the Permit in the latter months of the year you will still need to make an updated forecast in the following January.*

**(ii)9** In the case of Normally Unattended Installations (NUI), Permit Holders will also be required to confirm the frequency of planned maintenance visits and how the sampling and analysis requirements will be managed.

### **(iii) Schematic Diagrams, Process Flow Diagrams (PFDs), Piping and Instrumentation Diagrams (P&IDs)**

**(iii)1** Schematics highlighting all relevant process equipment should be uploaded to support the application.

### **(iv) Drainage Sampling Feasibility Study**

**(iv)1** This upload field requires the inclusion of a study which demonstrates the feasibility of sampling drainage discharges.



**(v) Produced Water Meter Uncertainty Report**

**(v)1** For produced water system only a report must be uploaded in relation to the method used to measure or calculate the volume of produced water discharged which demonstrates that the required  $\pm 10\%$  measurement uncertainty is being met.

**(vi) Environmentally Critical Elements (ECE) Management**

**(vi)1** As per DECC's letter to industry 20/09/11 there is a requirement for operators to identify ECE and include these within their maintenance management system.

For the purposes of OPPC Applications, applicants must provide a summary of how Environmentally Critical Elements (ECE) related to the proposed operation are being identified and managed on the installation.

While all systems with the potential for a release or non-compliant discharge to sea must be managed appropriately, DECC would expect a higher priority to be given to those systems with the potential to release or discharge larger volumes of hydrocarbons taking into account location of the installation, potential for transboundary incidents, local environmental sensitivities, nature of the hydrocarbons released, etc. Operators are therefore expected to identify for each of their installations those elements, equipment and components, which should they fail, could potentially give rise to larger volume releases / non-compliant discharges from the installation as DECC will regard these as ECE. Operators may refer to the Energy Institute guidance on the identification and management of ECE entitled 'Guidelines on the Identification and Management of Environmentally Critical Elements'.

For the purposes of OPPC, as a minimum DECC would consider the following elements, equipment and components, which should prevent or mitigate a release / non-compliant discharge to the environment, to be ECE:

Elements, equipment and components associated with process control to prevent an oil release or discharge from drains, produced water and other OPPC permitted systems or hydrocarbon containing systems which may be assessed to be significant;

- Level control / indication / alarms
- Overfill protection & alarms
- Isolation valves
- Pressure relief systems
- Pipework / vessel integrity

While operators are still required to meet permit compliance, through appropriate management of equipment e.g. produced water meters, oil in water analysers, etc., DECC does not consider these to be ECE as a failure of these items will not result in additional oil being discharged / released to sea.

All OPPC applications should therefore be supported with a statement which summarises the process by which the operator has identified ECEs relevant to the operation in question and how the maintenance of such ECEs is assured.

If this process is still under development the uploaded statement should provide a timetable for the introduction of systems to manage ECE relevant to the OPPC application.

## **6.4 Application Submission**

**6.4.1** It is an offence knowingly or recklessly to make a statement known to be false or misleading in a material particular where such a statement is made in connection with, or for the purpose of, any application for a Permit, the renewal of a Permit or the variation of a Permit under The Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (as amended). Operators should therefore carefully check the information provided prior to submission of the application, to ensure that the details provided are correct. Operators should also ensure that they have attached or appended any relevant documents referred to in the application.

**6.4.2** Applications must be submitted to DECC at least 28 days before the Permit is required to ensure that consideration of the application does not delay the proposed activity.

**6.4.3** DECC is aware that some operations may have to be carried out at short notice. Under such exceptional circumstances the applicant must contact the Offshore Inspectorate to discuss the urgency of the application. Applicants should be aware that consideration and granting of Oil Discharge Permit applications at short notice may not always be possible. Applications subject to public notice requirements will not be approved during the public notice period.

**6.4.4** Where there are multiple oil discharge systems from the same installation applicants should submit one Oil Discharge Permit application which details each separate discharge system. The Oil Discharge Permit granted will include a Table detailing each specific discharge system and will contain legally binding conditions.

## 6.5 Applications Subject to Public Notice

**6.5.1** The public notice provisions in regulation 5A only apply to new Oil Discharge Permit applications - applications for the renewal or variation of a Permit will not be subject to the public notice requirements. An application will not be subject to the public notice requirements in the circumstances set out in regulation 5A(5) of the Regulations. In particular, most applications for time limited Permit for drilling operations, pipeline operations, commissioning or decommissioning operations, or well intervention/work-over operations would be excluded from the public notice requirements under regulation 5A(5) (however applicants should satisfy themselves whether this is the case).

**6.5.2** All applications that are subject to public notice requirements will be acknowledged in writing and the acknowledgement letter will include details about the public notice procedure. This will include the Departmental contact name and reference number to be inserted in the public notice.

**6.5.3** The notice should be published in newspapers that will come to the attention of any persons likely to be interested or affected; DECC will indicate how this requirement can be met. A suggested version of a notice is appended at Annex C. The notice will state where a copy of the application can be viewed or obtained, and provide dates during which time the copy can be viewed or obtained, and comments can be submitted to the Secretary of State. Applicants can make a reasonable charge for the provision of a copy of the application, calculated by reference to the cost of printing and distributing copies, up to a maximum of £10. Any comments received by DECC on behalf of the Secretary of State will be reviewed and may be sent to the applicant shortly after the end of the public notice period for comment.

**6.5.4** There is no requirement for statutory consultation with other government departments or agencies in relation to oil discharge Permit applications. However, DECC may wish to take advice from third parties when considering whether to grant a particular application. For example, it may be appropriate to seek advice from the relevant statutory conservation bodies if the discharge will be undertaken close to land, or close to a relevant site as defined in The Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001(as amended), or to seek advice from the relevant fisheries agencies if the discharge will be undertaken within a particularly sensitive fish or shellfish spawning area, or to seek advice from the relevant authorities if the discharge will be undertaken in waters adjacent to areas under their jurisdiction.

## 6.6 Permit Production

**6.6.1** On approval by the inspector this will generate the Permit tables which re-iterate the information provided by the applicant in the application table. The Permit is legally bound to a further document called Standard Industry Conditions that apply to all Oil Discharge Permit holders. This document is located at the following link on the Oil Portal :<https://itportal.decc.gov.uk/pets/oppc/sic>

**6.6.2** Permits will be issued directly via the DECC Oil and Gas Portal system.

## **6.7 Transitional Arrangements to the Portal System October 2013 to March 2014**

**6.7.1** The existing “Life” and “Term” OPPC Permits will be migrated into the new Oil and Gas Portal based system as follows:

**6.7.2** Paper-based “Term” applications and variations which were received before 6 pm on 4th October 2013 will be processed and administered using the paper-based systems until any relevant approval expires. Variations to these permits should be made using the paper-based system.

**6.7.3** Paper-based “Life” applications / variations which were received before 6 pm on 4th October will be processed and administered using the paper-based systems until any requested approval is granted.

**6.7.4** All requests for variations to a “Life” permit must now be made using the Oil Portal system; this means the operator will have to transfer the existing application to PETS.

**6.7.5** All other existing “Life” permits will have to be transferred to PETS before April 2014. It is expected that existing “Life” Permits should be transferred to the Portal system at the same time as the first variation is made to the associated production chemical permit (PON15D).

**6.7.6** All new Permit applications must now be made using the Oil Portal system.

**6.7.7** The issue of a new Oil Discharge Permit under the PETS system means that EEMS returns will be made against that new Permit number from the date of coming into force (stated in Condition 1.1. of that Permit). However, there may still be returns that will be required to be made against the previous Life Permit for all discharges that were made prior to this date.

## 7 DURATION OF PERMITS

**7.1** The following general principles apply in relation to the duration of permits

**7.1.1** Applications for an Oil Discharge Permit made under a Production Operation MAT will have no end date.

**7.1.2** Applications for an Oil Discharge Permit made under other types of MAT e.g. Wells, Subsea etc. will be time bound and have an end date.

**7.1.3** There may be certain circumstances when a short term or one off operation is to take place for a production installation and in this case it is prudent to apply using a separate time bound SAT for that operation under the relevant MAT for the installation. For example, a single choke replacement operation where a small amount of oil would be discharged may be better covered under a separate Permit (rather than amending the main installation permit). Should, however, there be a repeated need for this activity to be permitted it is possible to add this discharge point to Table 1 of the Platform Permit and avoid the need for an end date.

## 8 CONDITIONS ATTACHED TO PERMITS

### 8.1 Discharge Systems and sub-systems

Discharge systems and sub-systems are arranged as follows in the Portal based Oil Discharge Permit application system:

System	Sub-system
Wells	Drill Cuttings
	Drill Fluids
	Well Intervention
	Well Test
	Well Clean Up
	Well Abandonment
	Other
Production	Produced Water >2te dispersed oil p.a.
	Produced Water <2te dispersed oil p.a.
	Batch
	Other
Displacement	Other
Drainage	Other
Sand and Scale	Offline
	Online
	Other
Subsea	Pipeline
	Other
Miscellaneous	Other

### 8.2 Permit Conditions

**8.2.1** The Permit will contain conditions specific to the operation being undertaken. In addition there are regulatory conditions and Interpretation of Terms applicable to all Permit Holders that are contained in the Standard Industry Conditions document. This is tied to the Permit via Condition 5.1 of the Permit. Any contravention of an SIC must be reported as a non-compliance against Permit Condition 5.1 using the non-compliance reporting forms.

**8.2.2** Each Permit is reviewed and granted on a case-by-case basis. It is the responsibility of the Permit Holder to identify all legal requirements associated with specific Permit Conditions and to have systems and procedures in place to enable full compliance.

### 8.3 General Guidance on Permitted Concentration and Quantity of Dispersed Oil

**8.3.1** OSPAR Recommendation 2001/1 requires all installations to achieve a 30 mg/l performance standard for oil in produced water discharged to sea and this is included in the Oil Discharge Permits as a regulatory limit.

**8.3.2** The concentration of dispersed oil in produced water discharges as averaged over a monthly period must not exceed 30mg/l, whereas the maximum permitted concentration must not exceed 100mg/l at any time.

**8.3.3** The quantity of dispersed oil in produced water discharged must not exceed 1 tonne in any 12 hour period.

**8.3.4** Where international regulatory limits exist for specific discharge streams, these will be enforced through the Permit Conditions. As an example the PARCOM Recommendation (1986) relating to a 40 mg/l performance standard for platforms is applicable, and remains in force for discharges of displacement water, drainage water and ballast water. This standard has therefore been included in the Permit Conditions as a regulatory limit.

**8.3.5** Where a direct regulatory limit does not exist for a discharge stream, for example Sand and Scale Discharges, Pipeline Discharges or any discharge downhole, the applicant should provide either an estimated maximum concentration of oil within the discharge stream or an estimate of the maximum mass of oil to be discharged (discharge stream dependant – see Permit application). This figure should be estimated using data from discharges previously made and taking into consideration the best available techniques to limit the amount of oil discharged. This figure shall be reviewed and, where approved, will form part of the Conditions of the Permit. Where the figure estimated is not approved, further discussions will be held with the applicant to determine a suitable alternative figure.

### 8.4 Sampling and Analysis of Discharges

**8.4.1** Sampling and analysis requirements will depend upon the nature of the permitted operation and will be detailed in the Permit. In most cases, the sampling and analysis requirements will be detailed in the Permit together with information relating to the associated reporting requirements. However, it is recognised that under exceptional circumstances sampling of the discharge may not be possible and as a result there may be no sampling or analysis requirements. In these circumstances it will be necessary to quantify the discharges by estimation, the full details of which must be included in the Permit application.

**8.4.2** The DECC document “Methodology for the Sampling and Analysis of Produced Water and Other Hydrocarbon Discharges” provides specific information on the methods and techniques to be used when carrying out sampling and analyses of discharges. Permit

Holders must ensure that they meet the requirements of this methodology to ensure compliance with the Permit.

**8.4.3** Environmental monitoring requirements will be assessed on a case-by-case basis. Where monitoring is considered to be appropriate, the requirements will be discussed and agreed with the Permit Holder and detailed in the Permit.

## **8.5 Maintenance of Records and Submission of Permit Returns**

**8.5.1** The Standard Industry Conditions include requirements to maintain records of operations covered by the respective Permit. The information to be included in these records is detailed in the SIC Table A. Table B contains details of the expected frequency of Permit returns.

**8.5.2** The normal reporting route for Permit returns will be via the OGUK/DECC Environmental Emissions Monitoring System (EEMS) database, and reporting forms and guidance are provided on the EEMS system to accommodate Oil Discharge Permit reporting requirements. Any additional or alternative reporting requirements will be detailed in the specific Permit.

**8.5.3** Where a permitted operation has not been undertaken and/or a discharge of oil has not occurred, a zero discharge notification must be made in order to comply with the Permit's reporting requirements.



## 9 VARIATION OF PERMITS

**9.1** Permit holders have an obligation to regularly review their Permit applications and their Permits to ensure that they accurately reflect the operations being carried out. If any changes are required, for example to take account of a treatment process modification, or to add additional activities, or discharge streams, Permit Holders must apply for a variation before the activity commences.

**9.2** Requests for variations must be submitted to DECC via the Oil Portal at least 28 days prior to the start of the variation to the permitted activity. If a variation is required in a shorter timescale the offshore inspectorate must be contacted to discuss this prior to submission of the application. DECC is aware that some operations may have to be carried out at short notice. Applicants should be aware that consideration and granting of Variations to Oil Discharge Permits at short notice may not always be possible.

**9.3** Permit Holders will be advised of the outcome of requests for Permit variations. Where requests are granted DECC will issue a consolidated Permit that will refer to the amended or new application. Permit Holders must make themselves aware of any revised terms and conditions and comply with them accordingly. Where requests are refused the Permit Holder will be provided with an explanation and required to continue to comply with the terms and conditions of the existing Permit.

**9.4** Annual updates are required each January of the oil discharge forecasts for the following systems; produced water, displacement water and sand and scale. This update will be in the form of a variation application.

**9.5** Portal Variation Applications:

**9.5.1** Separate Guidance is available on how to use the Oil Portal to make a variation to an Oil Discharge Permit. Changes within uploaded documents should be highlighted in yellow to ensure applications can be assessed as quickly as possible. It will not be possible to highlight changes to Table 1 though any changes here should be described in the "Update Summary" box in the application.

**9.6** Variations to extend the end date on time limited Permits cannot be made after the expiry of the Permit. In these circumstances a new application will be required.

**9.7** Under no circumstances will a permit variation be back dated.

## 10 TRANSFER OF PERMITS

**10.1** When an asset that is the subject of any Oil Discharge Permit is to be sold or assigned to a new operator it will be necessary to transfer the current applications and Permits to the new operator. The Secretary of State's consent in writing must be obtained before a Permit is transferred.

**10.2** For specific information on the process to be followed for transfer of Oil Discharge Permits and all other environmental applications, permits, consents and approvals associated with the offshore installation refer to the "Change of Operator guidance":

<https://www.gov.uk/oil-and-gas-operatorship>.

**10.3** The transfer process as detailed in Section 10.2 may require the original Oil Discharge Permit Holder or the proposed new Permit Holder to supply additional information to support the application for transfer, and to assist DECC in determining whether consent should be given to the proposed transfer. This will be requested in writing.

**10.4** When the proposed Oil Discharge Permit Holder receives the copies of the current Permits etc... and related applications from the existing Permit Holder, they must review the documents to determine whether there are any aspects that could prevent them from undertaking the activities in compliance with the existing Permit terms and conditions. If such aspects are identified, the proposed Permit Holder should contact DECC at the earliest opportunity.

**10.5** In order to enable DECC to determine whether consent to transfer the Oil Discharge Permit(s) should be granted, the new Permit holder must identify whether any amendments are required to take account of the new Permit holder's details, operating practices, procedures, policies or commitments as applicable. Should the new Permit holder require any amendment to the Permit application, the Permit or any of its conditions, they must submit an application for a Permit variation no more than eight weeks after the Permit transfer date (and before making any discharge which is not permitted under the existing Permit terms and conditions). All changes must be clearly highlighted in order to identify any deletions or additions to the original Permit application. Should DECC decide to refuse the application to vary the terms and conditions, DECC will give notice in writing and discussions will take place with the new operator.

**10.6** Should DECC wish to review the terms and conditions of any of the transferred Permit, they will contact the new Permit holder in writing and confirm their requirements. The latter may include submission of a new or amended application.

**10.7** Permit holders are reminded that DECC may revoke any existing Permit if the application contains or is supported by any information or statement which is false or misleading.

## 11 REVIEW OF PERMITS

**11.1** DECC Environmental Inspectors will monitor Permit holder compliance and the ongoing suitability of Permit terms and conditions. If it is considered necessary for any reason DECC may review the terms and conditions attached to a Permit and may vary them if they are no longer considered to be appropriate.

**11.2** Oil Discharge Permits may additionally be subject to a formal review. The frequency of this review will depend upon the nature of the operations and discharges covered by the Permit. The review process will be initiated by DECC, and may involve other government departments or agencies. The reviews will be carried out to ensure that the Permit and associated schedules are still appropriate, and will include an assessment of past performance and the Permit holder's record of compliance. The review process may involve discussions with the Permit holder, who will be required to provide any information requested by DECC.

**11.3** DECC has the power to vary a Permit. The Permit holder will be given at least 14 days notification of any proposed variation to a discharge Permit. It is envisaged that, in most cases, the variation will be the subject of discussions with the Permit holder and will be agreed before the Permit is varied. The Permit holder will be able to make written representations as to whether, and if so, how the terms and conditions should be varied, within the period prior to the variation coming into effect. DECC will consider all representations in determining whether or not to vary the terms and conditions. If no representations are received by that deadline the variation will have immediate effect. If representations are received they will be resolved by dialogue and confirmed in writing.

## 12 SURRENDER AND REVOCATION OF PERMITS

### 12.1 Surrender of Permits

**12.1.1** A Permit holder may surrender their Permit at any time by notifying DECC in writing detailing the date on which the Permit is to be surrendered. DECC will confirm in writing that the Permit has been surrendered.

**12.1.2** Permit holders are encouraged to surrender any Permits that are no longer required, for example where no further activities requiring a Permit are scheduled to take place.

**12.1.3** Before surrendering a Permit the Permit holder must ensure that all relevant requirements associated with the Permit or any of its terms and conditions, for example monitoring and reporting requirements, have been met.

### 12.2 Revocation of Permits

**12.2.1** If it comes to the notice of DECC that an application for an Oil Discharge Permit was misleading or false, or that any of the Permit conditions are being or have been breached, then the Regulations allow for the Permit to be revoked.

**12.2.2** If, after an investigation carried out in accordance with DECC's Environmental Inspectorate Enforcement Policy the decision is reached to revoke an oil discharge Permit a letter will be sent to the Permit holder stating the reasons for the revocation.

**12.2.3** If an Oil Discharge Permit is revoked the discharges must cease from the date of revocation. Should discharges continue after the date of revocation DECC will consider enforcement action.

**12.2.4** If the Permit holder wishes to appeal the decision to revoke an Oil Discharge Permit, the appeal process is as described in the DECC Enforcement Policy (see also Section 16). A copy of the DECC Enforcement Policy can be found at: <https://www.og.decc.gov.uk/environment/enforcement.htm>.

## 13 FEES

**13.1** For information on charging, please refer to the current charging scheme which can be found at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/446290/OPPC\\_2015 - 2016 Charging Scheme 16 July.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/446290/OPPC_2015_-_2016_Charging_Scheme_16_July.pdf)

## 14 RELEASE OF OIL

**14.1** Under the provisions of the Regulations a person may be guilty of an offence if they release any oil or allow any such release to continue.

**14.2** Incidents may occur during the course of offshore operations that result in the release of oil to sea. Operators must take all necessary measures to prevent incidents which may give rise to any release of oil to sea. Refer to Annex B4 for further information on incident types.

**14.3** Permits cannot be issued for releases. If a release takes place a Permit will not be issued for any subsequent, continual or intermittent discharge from the original point of release if any of the equipment or infrastructure is not being operated in accordance with normal operating practice or the intended design since DECC does not consider systemic oil releases to be an incidental or unavoidable part of an operation. Reporting requirements associated with releases are detailed in Section 15.

## 15 PROVISION OF INFORMATION

**15.1** The terms and conditions of a Permit will stipulate any information that must be provided to DECC or other authorities, and the required reporting procedure. For example, information that must be provided via the EEMS database and details of reporting procedures for any breaches of the Permit Terms and Conditions. Permit holders must have systems and procedures in place to ensure that these requirements are met.

**15.2** In addition to the Permit-specific information referred to above, the Secretary of State requires notification in relation to the following types of incidents:

**15.2.1** *Details of any breach of the Permit conditions:* Information must be forwarded to DECC using the relevant 'Regulatory Non-Compliance Notification Form'. This includes the breach of any of the conditions of the SICs which must be reported as non-compliances against condition 5.1 of the Permit.

**15.2.2** *Details of any discharge of oil without prior authorisation from DECC:* Where any oil is being discharged and either a Permit is not in place or the discharge is not included in any Permit previously granted to the Permit holder, information must be forwarded to DECC using the relevant 'Regulatory Non-Compliance Notification Form'

A copy of the non-compliance notification form and associated guidance is available on the DECC website at: <https://www.og.decc.gov.uk/environment/opaoppcr.htm>.

**15.2.3** *Details of any release of any oil into the sea:* Information must be forwarded to DECC and other relevant authorities using the ePON1 notification system, and in accordance with the PON1 Guidance.

*A copy of the guidance is available on the DECC website at: <https://www.og.decc.gov.uk/regulation/poms/index.htm>.*

**15.2.4** A PON1 notification may be required in addition to the reporting of a non-compliance should certain criteria be met. – see PON1 guidance as 15.2.3.

**15.3** Responsibilities for reporting releases must be agreed between operators of host and tie back facilities, these are normally included in the host platform Oil Pollution Emergency Plan and detailed within operators contract arrangements or interface documents. Permit holders of host facilities are typically responsible for reporting any regulatory Permit non-compliances or releases associated with the host platform or tie back facility. This should be detailed within operators contract arrangements or interface documents. Refer to Annex B4 for further information on incident types.

**15.4** Further guidance regarding the reporting of drainage discharges and releases can be found in Annex A.

## 16 INSPECTION, REGULATORY COMPLIANCE AND ENFORCEMENT

**16.1** The Regulations allow for the appointment of Inspectors whose responsibilities are to report to the Secretary of State on whether the requirements, restrictions or prohibitions imposed by the Regulations (including the conditions in any Permit) have been or are being complied with and to monitor the discharge and release of any oil to sea. The powers of the Inspectors appointed by the Secretary of State are detailed within regulation 12 of the Regulations.

**16.2** Under the Regulations DECC Environmental Inspectors are responsible for inspection of operator's activities, undertaking investigations and carrying out enforcement activities. All operators/Permit holders have an allocated DECC Environmental Inspector details of whom can be requested by contacting [offshore.inspectorate@decc.gsi.gov.uk](mailto:offshore.inspectorate@decc.gsi.gov.uk).

**16.3** Inspections and monitoring is undertaken by DECC Environmental Inspectors to ensure compliance with the Regulatory requirements and Permit terms and conditions. Inspection activities may include offshore installation visits, onshore review of management systems, discussions with personnel, monitoring of Permit condition returns, review of independent and self-monitoring audit reports, checking premises, equipment, operations, oil inventories and records maintained by the operator/Permit holder and assessment of any regulatory non-compliance notifications or PON1 reports. The Inspectors will discuss compliance issues, both verbally and in writing and may investigate and take enforcement action where the circumstances warrant.

**16.4** In accordance with the Inspectorate's Enforcement Policy, enforcement action may be taken where there has been, or there is likely to be, a contravention of the Regulations including Permit conditions. Enforcement has three key purposes. It is to ensure that Permit holders and operators who have duties under the law:

- take measures to prevent or mitigate pollution;
- put in place measures to achieve compliance; and
- are held to account when failures to comply occur.

Proportionality is a key principle of the Policy and methods include verbal advice, issue of a letter, serving an Enforcement Notice or Prohibition Notice, revocation of a Permit, and/or prosecution where appropriate. A copy of the full Enforcement Policy can be viewed at: <https://www.og.decc.gov.uk/environment/enforcement.htm>.



**16.5** The Regulations provide for Enforcement Action to be taken against a range of persons, but usually the Permit Holder or, if there is no Permit holder, an installation Operator. Where there is a Permit Holder (usually the licensee nominated as the Operator and approved by the Department) any Notices for breaches of the Regulations will be served on them, as they would have overall responsibility for activities (including those of contractors) carried out under a Permit. The Regulations provide for DECC to be able to investigate all incidents and if required take enforcement action against the Permit holder, the 3<sup>rd</sup> party, or both depending on the circumstances.

## 17 OFFENCES

**17.1** Offences are detailed in regulation 16 of the Regulations. Under these Regulations it is an offence to discharge oil into the relevant area, save in accordance with the terms of, and conditions attached to, a Permit granted in accordance with these Regulations. Further, the release or continued release of oil is prohibited by these Regulations. If a person is charged with committing one of these offences the person has a defence if able to prove that the contravention arose as a result of something which could not reasonably have been prevented or was done as a matter of urgency for the purposes of securing the safety of any person. However, this defence cannot be used if the action taken was not a reasonable step to take in the circumstances or if it was reasonable but the necessity of taking that step was due to the fault of that person (including their negligence).

**17.2** Other offences include:

- a) knowingly or recklessly making a false statement, for example in an application;
- b) obstructing an Inspector, for example by denying access to an installation or impeding an inspection;
- c) failing to supply information required to be supplied under the terms and conditions of the Permit, for example by withholding returns; and
- d) failing to comply with a notice issued by the Secretary of State or an appointed Inspector.

## 18 APPEALS

**18.1** Any Permit applicant, Permit holder or operator who is aggrieved by a decision under the Regulations, may appeal to the court. Any such appeal must be made within 28 days of written notification of the decision that is being appealed.

## ANNEX A - DISCHARGES / ACTIVITIES REQUIRING A PERMIT

This annex is intended to provide Permit applicants with additional information to assist with identifying discharges requiring a Permit and information required when preparing applications for submission. Permit applicants must ensure that all required sections of the Permit application are completed. In this regard Permit applicants must note that the Oil Discharge Permit application requires a justification of the measures taken to reduce the pollution by conducting an assessment of Best Available Techniques and Best Environmental Practices BAT/BEP. As part of the BAT/BEP justification, a brief assessment of the potential environmental impact associated with the discharge must be included for each oil discharge system in the application. In all cases detail in the application must reflect the quantity of oil, water and solids being discharged. Permit applicants may already have considered the impact associated with the discharges in other regulatory applications e.g. MAT application, Environmental Statement or as part of their Environmental Management System and where applicable information from these sources can be used.

In relation to all Permit Applications received by DECC; if the applicant has failed to provide sufficient data on the quantities likely to be discharged, or failed to provide information to allow any potential impact on the environment to be assessed and/or BAT/BEP to be demonstrated a Permit will not be granted.

The options available in the Oil Discharge Permit SAT for the discharge of oil are:

<b>System</b>	<b>Sub-system</b>
Wells	Drill Cuttings
	Drill Fluids
	Well Intervention
	Well Test
	Well Clean Up
	Well Abandonment
	Other
Production	Produced Water >2te dispersed oil p.a.
	Produced Water <2te dispersed oil p.a.
	Batch
	Other
Displacement	Other
Drainage	Other
Sand and Scale	Offline
	Online
	Other
Subsea	Pipeline
	Other
Miscellaneous	Other

Note – there is the facility to select either “sea” or “downhole” as the destination for any of these discharges. – see section A8.

## A1 System - Production

### All Sub Systems

**A1.1** These systems are for the discharges of oil in produced waters from offshore oil and gas installations. Oil in produced water discharges may derive from production at a “host offshore installation”, or from production at facilities tied-back to the host offshore installation.

**A1.2** For the purpose of these Regulations, produced water includes formation water, condensed water, re-produced injection water and water used for desalting oil. It may also include water displaced from storage cells, drainage water, water used to back-wash sand from the production trains, water used to remove contaminants such as methanol from the produced hydrocarbons, and other distinct discharge streams containing oil e.g. water from well test operations, where all the constituent discharge streams are routed through a common production and treatment process. Where produced water is mixed with other waste streams and routed through a common production and treatment process, the application must confirm that the additional waste streams have been included in the dispersed oil in produced water discharges.

**A1.3** Each separate produced water stream discharge point from the same installation will require a separate entry into Table 1 of the application form where distinct process streams are in place.

**A1.4** Applicants are required to estimate in the Oil Discharge Permit application the volume of produced water (m<sup>3</sup>) and mass of dispersed oil in produced water (tonnes) for the year of the application and the following two years. These estimates should be made using reservoir projections and, if applicable, take account of the estimated produced water re-injected. Applications will be compared with the performance of previous years and any significant variance will have to be accounted for by the Permit Holder.

**A1.5** Where two or more produced water streams are co-mingled and discharged via a single discharge point then a single entry into Table 1 of the application form is acceptable. Co-mingled produced water streams must meet specific requirements in order to comply with Oil Discharge Permit conditions. In particular, there should be provision to sample the co-mingled fluids downstream of the point of co-mingling. The sample point should comply with current industry guidelines and the samples collected must be representative of the co-mingled fluids taking into account:

**A1.5.1** Metering of the fluids should also be downstream from the point of co-mingling and the metering arrangement must be such that accurate measurement of the volume of produced water discharged can be achieved to comply with applicable Permit conditions.

**A1.5.2** DECC is aware that on some older installations there are examples where sample points and/or metering is prior to co-mingling of produced water streams and the aggregated discharge data is flow weighted. Under these circumstances the applicant must include details of the methods used to measure, sample and calculate the flow weighted volumes of oil and produced water being discharged within the application. DECC consider BAT/BEP for a new installation (or modifications to an existing installation) to be the approach stated in A1.5 and A1.5.1. The flow weighting of two or more produced water discharge streams which are not co-mingled is not permitted.

**A1.5.3** Compliance with the relevant discharge limit cannot be achieved by the mixing of produced water with other waters e.g. the produced water discharge stream cannot be mixed with injection water to dilute the oil content to achieve the permitted limit. If produced water is mixed with other waters after the treatment process the applicant is required to demonstrate that the original concentration of oil in produced water can be measured, and the quantity of oil discharged can be calculated and Permit compliance can be demonstrated. Details of the method used must be included within the application.

**A1.6** Some concrete deep water structure installations utilise the subsea storage cells for storing produced fluids and other oil discharge streams. In some instances water is also imported to the storage cells in order to maintain integrity of the installation. Under these circumstances, and in order to achieve the highest degree of accuracy of oil in water being discharged from the installation, DECC accepts that it may be more practical to sample and measure the total volume of water being discharged to sea from the storage cells rather than try and disaggregate the volumes of water imported to the cells for integrity purposes. Details of the installation production and treatment process for the storage cells must be included in the application form. The Permit holder must ensure that any water other than produced water entering the storage cells is not in excess of the volume required to maintain integrity of the installation and that all water volumes are taken into account when calculating oil and water volumes to sea.

**A1.7** For the purposes of produced water the point of discharge is either direct to sea, above the sea surface, or into, not out of, a caisson. Produced water discharge to a caisson is regarded as a discharge to the sea, if that caisson is open to the sea and discharged material is not totally isolated. This policy will continue until robust procedures can be developed and implemented by Permit holders to monitor the waste stream entering the caisson, the wastes recovered from the caisson and the wastes which exit the caisson.

### **Batch**

**A1.8** Batch discharges of produced water are permitted. A batch discharge is an intermittent discharge where treatment of produced water to remove oil takes place between batches, for example settlement/slops tanks with capability for oil removal. Applicants must include details of the treatment systems and methods used to sample and measure the volume of oil and water being discharged to sea.

## A2 System - Displacement Water

**A2.1** This system will cover the separate discharge of oil in water displaced from storage cells whilst produced fluids are being routed to the cells. The discharge may include quantities of produced water derived and separated from the produced fluids. Where displacement water discharges are not combined with other process streams a Permit application will be required for the discharge to sea of oil in displacement water. Where displacement water is combined with a produced water stream(s) before discharge, an application must be made for a produced water system for the discharge of oil in the produced water stream. As the engineering and management aspects of displacement water is often complex and unique to particular installations advice can be sought from DECC Inspectorate as to specific schedule requirements.

**A2.2** For the purpose of an Oil Discharge Permit “displacement” water discharges means discharges from produced fluid storage cells and does not include displacement water discharges from diesel storage cells. Where there are separate discharges of oil in water displaced from bulk diesel storage cells Permit applicants should contact DECC to discuss permitting arrangements.

**A2.3** Applicants will be required to confirm the maximum and normal operating capacity of the storage facility, and the typical water content of the oil routed to the storage facility. Confirmation must also be provided that the discharge meets the specified discharge limit (40 mg/l), and to confirm what systems are in place to ensure that displacement water in excess of this limit is not discharged to sea.

## A3 System - Drilling

**A3.1** Operational chemicals containing hydrocarbons or substitute hydrocarbons used and discharged during the drilling operations are controlled under The Offshore Chemicals Regulations 2002 (as amended) and assuming that an appropriate chemical permit has been obtained it would be unnecessary to obtain an Oil Discharge Permit for the discharge of these chemicals. For example, where the discharge of cuttings contaminated with low toxicity oil-based drilling fluids that had been treated to meet the 1% Oil on Cuttings (OOC) standard would be controlled under The Offshore Chemicals Regulations 2002 (as amended). If no reservoir crude or condensate hydrocarbons are expected, or where previous analyses results have confirmed that no reservoir crude or condensate hydrocarbons are present within the discharge, then no Oil Discharge Permit is required. If this is the case it should be stated within the MAT Chemicals application.

### Drill Cuttings or Drilling Fluid discharges

**A3.2** This will cover the discharge of drill cuttings and associated drilling fluids (normally water-based mud) that have been contaminated with reservoir hydrocarbons when drilling through the pay zone and which are subsequently discharged to sea. Aqueous discharge streams generated during the treatment of contaminated cuttings, contain reservoir hydrocarbons and these are also subject to permitting.

### **Well work-over, intervention and service fluid discharges**

**A3.3** These systems will cover the discharge of any aqueous well work-over, intervention and service fluids contaminated with reservoir oil. On fixed installations where the normal procedure would be to route the fluids through the produced water process train, such discharges could be included in the Table 1 entry for the installation produced water discharge(s). Similarly, the discharge streams could also be covered by the Table 1 entry for produced water injection/re-injection.

### **Well Testing**

**A3.4** Where produced water and other associated fluids such as inhibited seawater following well bore clean-up is to be discharged from an installation during well testing then a Permit application must be submitted for this operation. The average oil concentration for the operation must not exceed 30mg/l and must be reported to DECC in terms of the OSPAR GC-FID reference method. This may be achieved by (i) analysing produced water samples for oil content by GC-FID onsite, or (ii) collecting duplicate samples and analysing one sample by an alternative analysis method (approved by DECC) onsite and sending the duplicate sample onshore for GC-FID analysis by an onshore laboratory.

Details of measurement of produced water volumes must be fully described within the application and must be such that accurate measurement of the volume of produced water discharged can be achieved to comply with applicable Permit conditions.

### **Well bore clean up fluid discharges**

**A3.5** A Permit for well bore clean up fluid discharges is only required where the well bore clean up fluids have been contaminated with reservoir hydrocarbons. It is understood that contamination of well bore clean up fluids by reservoir hydrocarbons may only occur under certain circumstances. If it is predicted that reservoir hydrocarbons may be present then a Permit application will be required where a discharge will be to sea or where fluids will be injected/re-injected. On fixed installations where the normal procedure would be to route the fluids through the produced water process train, such discharges can be included in the Table 1 entry for the installation produced water discharge(s).

### **Well suspension and abandonment discharges**

**A3.6** Incidental oil discharges relating to well suspension or well abandonment operations shall be identified in Part 2 of Petroleum Operations Notice No5 (PON5). Where it has been identified that a discharge of oil may take place during these operations then an Oil Discharge Permit must be applied for under these Regulations.



## A4 System - Drainage

**A4.1** The Permit application must cover all discharges of drainage water that could be contaminated with oil (excluding machinery space discharges – see Annex B, B2.1). The application must identify all oil inputs to the drainage system and describe any treatment designed to minimise the quantity of oil discharged to sea. Estimates of system throughput, system capacities and the efficiency of the treatment facilities and information relating to the quality of the discharge should be provided to support the application.

**A4.2** The Permit holder shall take all reasonable measures to minimise the quantity of oil being discharged to sea via the drains. Those measures will include the removal and recovery of as much free oil as possible, either within the drainage system or at source. Where the drains system does not include any oil recovery mechanism prudent housekeeping and the use of appropriate pollution prevention techniques such as containment and/or recovery of released oils should be utilised to prevent oil entering the drains.

**A4.3** A Non Compliance Notification must be submitted where oil is discharged to sea via the normal discharge route of the drainage system, as described within the Permit and where:

- a malfunction of the oil recovery mechanisms has occurred e.g. failure of a drains caisson pump etc.;
- the drainage system design specification or capacity to retain and/or recover oil has been exceeded e.g. overloading a drainage caisson;
- there is any unplanned discharge of oil to a drainage system with no oil recovery mechanism;
- the monthly average limit of 40mg/l is known to or expected to have been exceeded or;
- any other condition of the Permit has been breached.

**A4.4** A Non Compliance Notification must be submitted where there is a discharge to sea of oil via a designed drainage system where no Permit is in place and where a Permit would reasonably be expected to be issued by DECC.

**A4.5** A PON1 Permitted Discharge Notification must be submitted in addition to a Non Compliance Notification, should certain criteria be met.

**A4.6** A PON1 Permitted Discharge Notification must be submitted should certain criteria, as described in the PON1 guidance be met. The guidance is located at:

<https://www.og.decc.gov.uk/regulation/pons/index.htm>

**A4.7** A PON1 Permitted Discharge notification may require to be submitted as a stand alone notification or in addition to a Non Compliance Notification.

**A4.7** A PON1 Oil Release Notification must be submitted where any oil is released to sea from any point other than the designed discharge point of a drainage system. This is either the location as specified on the Permit application or, where no Permit is in place, the discharge point for which a Permit would reasonably be expected to be issued by DECC.

### **A5 System - Sand and Scale (Online and Offline)**

**A5.1** These systems will cover the discharge of reservoir sand and production scales contaminated with oil which are made either as online operations (e.g. sand jetting) or as offline operations (e.g. vessel isolation/entry). This system may also be used to permit the discharge of oil on other solid materials (e.g. sludges or slurries removed from processing vessels). A chemicals permit may be required for the discharge of the associated solids e.g. proppant.

**A5.2** The discharge of water used to fluidise or wash the sand/scale will also be included in an Oil Discharge Permit as this will also contain oil. As this discharge stream would normally be routed to process treatment or a drainage system thus details of this discharge stream must be included in the application. Any direct discharge of oil in the water used to fluidise or wash the sand/scale would, however, require to be the subject of a separate entry to Table 1 of the application form.

**A5.3** At present there are no specific regulatory limits for the concentration of oil on sand/scale or total weight of oil on sand/scale that may be discharged from offshore installations. DECC expects the principles of BAT and BEP to be applied when determining what methods for treatment and discharge of oil on sand and scale are to be employed.

**A5.4** It should be noted that discharges (including injection beneath the seabed) of sand, scale and other solid materials containing Low Specific Activity (LSA) material or Naturally Occurring Radioactive Material (NORM) may also require to be authorised under the Radioactive Substances Act. If such a discharge is being considered the appropriate regulatory authority (the Environment Agency or the Scottish Environment Protection Agency, as geographically appropriate) must be contacted.

### **A6 System - Subsea**

#### **Pipeline Discharges to Sea**

**A6.1** This system will cover discharges of oil associated with pipeline cleaning and/or repair operations. Where the discharges are routed via a treatment or discharge system that is already the subject of a Permit, it will be possible to request a variation to add the pipeline discharges to the Permit. Where the discharges are made directly to the sea for example, during pipeline intervention works or pipeline flushing operations, it will be necessary to obtain a separate Permit.

### **A7 System - Miscellaneous (Discharges / Activities Not Covered Above)**

**A7.1** There may be certain circumstances where the systems detailed above are not suitable for the oil discharge operation to be undertaken. It is anticipated that this will be an infrequent occurrence and this system should not be used without prior agreement with the offshore inspectorate.

### **A8 System - Injection / Re-Injection of Oil Containing fluids**

**A8.1** Within Table 1 of the application applicants will have the option to select the destination point of the oil discharge as “downhole” for materials that are to be (re)injected. This will cover all relevant discharges derived from the host discharging installation, or from facilities tied-back to the host discharging installation.

**A8.2** It will be necessary to confirm the location at which the discharge stream will be injected or re-injected into the reservoir or other zone, and to provide information to demonstrate the suitability of that location for the proposed re-injection / injection activity.

**A8.3** The Oil Discharge Permit will be required to cover any discharge of oil to sea if this occurs when injection or re-injection facilities are not available during periods of downtime, etc.

## ANNEX B - DISCHARGES / ACTIVITIES NOT REQUIRING A PERMIT (UNDER THESE REGULATIONS)

### B1 “Oils” Regulated under the Offshore Chemicals Regulations 2002 (as amended)

**B1.1** The use and discharge (including injection) of offshore chemicals is controlled under The Offshore Chemicals Regulations 2002 (as amended). Some approved chemicals which are permitted for offshore use and discharge are hydrocarbons or substitute hydrocarbons, and it is considered inappropriate to additionally control the discharge or injection of such chemicals under the Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (as amended). The discharge of hydrocarbons or substitute hydrocarbons that are controlled under The Offshore Chemicals Regulations 2002 (as amended) will therefore be permitted under the Offshore Chemicals Regulations 2002 (as amended), and it will be unnecessary to apply for an oil discharge permit.

### B2 Machinery Space Discharges

**B2.1** Machinery space discharges are controlled under The Merchant Shipping (Prevention of Oil Pollution) Regulations 1996 (amended 2000), and are exempt from the requirements of the Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (as amended): see OPPC Regulation 3(2)(b). Where such discharges are the only source of oil routed via a drainage system, it will therefore be unnecessary to obtain a permit under these Regulations provided a UKOPP certificate has been issued by the MCA. Where there are other sources of oil routed via a common drainage system, it will be unnecessary to include details of the machinery space discharges in the oil discharge permit application.

### B3 Domestic Wastes

**B3.1** Galley waste discharges are controlled under The Merchant Shipping (Prevention of Pollution by Sewage and Garbage from Ships) Regulations 2008, and are exempt from the requirements of the Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (as amended): see OPPC Regulation 3(2)(c). Animal and vegetable oils associated with galley wastes are routinely discharged from offshore installations, either directly to sea or via a macerator and/or sewage caisson. Where such discharges are the only source of oil routed via a drainage system, it will be unnecessary to obtain a permit under these Regulations; and, where there are other sources of oil routed via a common drainage system, it will be unnecessary to include details of any domestic wastes in the oil discharge permit application.

### B4 Incidents Resulting in a Release of Oil to Sea

**B4.1** No permit will be issued for any release of oil to sea. Refer to Section 14 for further information of releases of oil.

**B4.2** It is acknowledged that there are areas on offshore installations that have the potential to drain directly to the sea without surface waters passing through any treatment system. These areas would not normally be contaminated with oil, except in the case of an incident occurring which gave rise to a spillage or where oil had been unintentionally transferred from

contaminated areas via equipment, boots etc. Under normal circumstances, prudent housekeeping, and the use of pollution prevention techniques such as containment and/or recovery of oil, would ensure that the only oil released or discharged directly to the sea would be associated with residues and/or surface films not recovered using spill kits etc. If an offshore installation does have the potential to discharge oil from these locations or under these circumstances a drainage permit should be applied for. Where a drainage permit is not in place operators must submit a Regulatory Non-Compliance Notification or PON1 to DECC, in accordance with Section 15 and Annex A4, where any oil is discharged or released to sea.

**B4.3** Following the introduction of high efficiency burners, it is considered unnecessary to issue oil discharge permits for this operation as industry have identified that by implementing BAT/BEP that the drop-out of oil during normal, planned flaring operations should not occur. If there is a release to sea at any time during the flaring operation, a PON1 must be submitted in accordance with Section 15.

## ANNEX C - FORM OF PUBLIC NOTICE

### The Offshore Petroleum Activities (Oil Prevention and Pollution Control) Regulations 2005 (as amended)

[*Company name*] has applied to the Secretary of State for Energy and Climate Change for a permit to discharge oil in relation to [*name of field, storage complex, unloading facility or pipeline, or well designation*] at [*location*] in accordance with The Offshore Petroleum Activities (Oil Prevention and Pollution Control) Regulations 2005 (as amended 2011).

In accordance with the requirements of regulation 5A of those Regulations, copies of the application may be inspected between 10 am and 4 pm on business days at [*address of applicant*] until the close of business on [*date*].

Copies of the application may also be obtained from [*address/telephone number/e-mail address of the applicant*] subject to a payment of [*amount*] by postal order or cheque made payable [*applicant's name*].

Members of the public who avail themselves of these arrangements have until [*same closing date as specified for inspection of application*] to make representations in relation to the application to the Secretary State for Energy and Climate Change in the form of a letter marked with the reference [*insert reference*] and addressed to

The Secretary of State for Energy and Climate Change  
FAO [*named official*]  
Offshore Environmental Inspectorate  
Energy Development Unit  
Department of Energy and Climate Change  
4<sup>th</sup> Floor, Atholl House  
86-88 Guild Street  
Aberdeen AB11 6AR

Alternatively, letters can be e-mailed to the Offshore Environmental Inspectorate at: [offshore.inspectorate@decc.gsi.gov.uk](mailto:offshore.inspectorate@decc.gsi.gov.uk).

*The Department will supply applicants with a unique reference to use and the name of the relevant official to whom representations should be sent. Applicants should also note that a maximum fee of £10 can be charged for copies of the application.*

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