



Department for
Business, Energy
& Industrial Strategy

OPPC Guidance Notes

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

February 2022



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About this Guidance

This revised Guidance is issued by the Offshore Petroleum Regulator for Environment & Decommissioning (OPRED). It is addressed to companies involved in offshore exploration, production and decommissioning 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.

While every effort has been made to ensure the accuracy and completeness of this Guidance, information may become out of date or may on occasion include errors. For example, links to Department and Third Party websites, which are provided for ease of reference, can break as a result of website changes. Please contact the Department (bst@beis.gov.uk) for clarification on any aspects of the guidance. The Department will update / correct any information identified as outdated or erroneous at the time of the next revision of this Guidance.

Document control

Revision	Date	Comment
0	October 2013	First Issue
1	April 2014	2.4 amended 6.2 amended 6.2.4 added i(6) (p13) amended to 2013 6.7.7 added 9.2 amended 9.6 added 9.7 added A1.5.2 amended A5.1 amended
2	September 2021	Major Review of all Sections including: ECE section removed

		<p>Appendix A4 – Drainage</p> <p>Appendix A5 – Sand and Scale (Online and Offline)</p> <p>Appendix B3 – MSPOP</p> <p>In addition restructuring and updating the document throughout.</p>
2.1	February 2022	<p>13.1, B3.2 and B3.4 Inclusion of missing links</p> <p>A7.1 Clarification of oil discharge reporting requirements for miscellaneous systems</p>

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1. Introduction

Planned discharges of oil may occur as a consequence of certain offshore oil and gas activities. Additionally, incidents may occur which result in the release of oil to sea. It is appropriate that such discharges are carefully controlled and any releases responded to in order to minimise any impact on the environment.

Offshore oil and gas activities are those activities carried out at or from an offshore installation in relation to:

- a) the exploration for or exploitation of mineral resources;
- b) activities associated with gas storage, loading and unloading;
- c) conveyancing by pipeline;
- d) the decommissioning of any offshore installation or pipeline;
- e) the provision of accommodation on an offshore installation related to the above activities.

An offshore installation is any structure maintained on station by any means for the purposes of oil and gas activities. This includes all fixed oil and gas production platforms, floating production or storage facilities, subsea oil and gas infrastructure (including all wells), oil and gas pipelines and NPIs/vessels (when undertaking oil and gas activity).

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

- a permit system for oil discharges including the procedure for the granting of permits, any conditions which may be attached to permits and the requirements for permit applications. ; and
- the powers to inspect, investigate and take enforcement action in response to oil releases and discharges.

The Regulations provide the following definitions:

- Discharge, in relation to oil, means any intentional emission of the oil from an offshore installation into the relevant area.
- 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.

Article 9 of the Energy Act 2008 (Consequential Modifications) (Offshore Environmental Protection) Order 2010 extends the OPPC 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 areas that are the responsibility of the Secretary of State for Business, Energy and Industrial Strategy (BEIS) (“the Secretary of State”).

Offshore Petroleum Regulator for Environment & Decommissioning (OPRED), as part of BEIS, is responsible for the environmental regulation of offshore oil and gas activities. For the purposes of these Guidance Notes, BEIS / OPRED shall be referred to as “the Department”. Inspectors within the Offshore Environmental Inspectorate Team (OEIT) of OPRED are appointed by the Secretary of State to act on his behalf.

2. Legislative Background

2.1 The OPPC Regulations (“The Regulations”), as Amended

The Pollution Prevention and Control Act 1999 makes provision for implementing Council Directive 96/61/EC (concerning integrated pollution prevention and control) and for otherwise preventing and controlling pollution. This overarching piece of legislation enabled the Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 for the control of emissions of oil from offshore oil and gas installations into relevant areas of the United Kingdom Continental Shelf. The Offshore Petroleum Activities (Oil Pollution Prevention and Control) (Amendment) Regulations 2011 introduced a number of changes to the regulations. Changes have also been made by the Energy (Transfer of Functions, Consequential Amendments and Revocation) Regulations 2016, the Pollution Prevention and Control (Fees) (Miscellaneous Amendments) Regulations 2017, the Offshore Chemicals and Offshore Petroleum Activities (Oil Pollution Prevention and Control) (Coronavirus) (Amendment) Regulations 2020 and the Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020.

2.2 Oil Discharge Permit Approval

The Department is the regulatory authority, acting as the Secretary of State, for determining Oil Discharge Permit applications for all offshore oil and gas operations (including pipelines) in any relevant area designated under the Regulations. The Permit application review, assessment and approval process is conducted by the Department’s Inspectors. Permits have conditions attached which Permit Holders must comply with.

2.3 Inspection, Regulatory Compliance and Enforcement

The Regulations allow for the appointment of Inspectors whose responsibilities are to investigate whether the requirements, restrictions or prohibitions imposed by or under 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 Inspectors appointed by the Secretary of State are detailed within regulation 12 of the Regulations.

The Regulations confer powers on the Department’s Inspectors to inspect offshore activities for the purposes of the Regulations, responding to incidents involving emissions of oil, undertaking investigations and carrying out enforcement activities. All Operators / Owners of offshore installations have an allocated Inspector, details of which can be requested by contacting bst@beis.gov.uk

Inspection and monitoring is undertaken 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 / Owner / 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.

In accordance with the Department'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 those who have duties under the law:

- put in place measures to achieve compliance with those duties;
- take measures to prevent or mitigate pollution; 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 referring a matter for consideration of prosecution where appropriate. A copy of the full Enforcement Policy can be viewed on the www.gov.uk website at:

<https://www.gov.uk/guidance/oil-and-gas-decc-public-registers-of-enforcement-activity>

The Regulations provide for Enforcement Action to be taken against a range of persons, usually the Permit Holder or, if there is no Permit Holder, the Operator. Where there is a Permit Holder any Notices for breaches of the Permit conditions will be served on them, as they have overall responsibility for complying with the conditions of the permit. The Regulations provide for the Department to be able to investigate all incidents and if required take enforcement action against the Permit Holder, a 3rd party (including a NPI owner), or both depending on the circumstances.

2.4 Offences

Offences are detailed in Regulation 16. 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 an offence. 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).

Other offences include:

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

2.5 Appeals

Any Operator, Permit Applicant or Permit Holder who is aggrieved by a decision by the Department under the Regulations, may appeal to the court in accordance with regulation 15. Any such appeal must be made within 28 days of written notification of the decision that is being appealed.

3. When is an Oil Discharge Permit required?

3.1 Oil Discharges

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. Permit Applicants must therefore undertake an assessment to identify oil discharges to be made from the installation to the relevant area, and a Permit application must be submitted to the Department providing details of those discharge streams (see Section 5). All discharges of oil subject to these Regulations must be suitably permitted prior to any discharge being made. Specific information relating to oil discharges from systems which are to be included in an Oil Discharge Permit are detailed in Section 5.3 and Appendix A.

Following submission of an application and consideration by the Department, a 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.

If a Permit applicant determines that a planned discharge will not contain oil and provides evidence to demonstrate this, then the discharge will not be subject to these Regulations and an oil discharge Permit is not required. Examples of evidence may include previous analyses results, however an applicant may present any evidence for the Department's consideration.

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. 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. See Appendix B1 for further information.

Permits will not be required for the discharge of oils that are controlled under

- The Merchant Shipping (Prevention of Oil Pollution) Regulations 2019,
- The Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020, or
- The Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020.

See Appendix B2 and B3 for further information.

3.2 Oil Releases

OPPC Regulation 3A prohibits the release or continued release of any oil into the relevant area.

Incidents may occur during the course of offshore oil and gas activities that result in the release of oil to sea. Conditions attached to all OPPC permits require Permit Holders to operate and maintain the Systems in a manner which prevents incidents resulting in releases of oil to sea. Permit Holders are therefore required to have arrangements in place (Integrity management, Maintenance management, Containment (Secondary and Tertiary) etc) to prevent releases from Systems.

Additionally, The Offshore Installations (Offshore Safety Directive) (Safety Case etc. Regulations 2015), Regulation 28(1), requires the duty holder to ensure that the procedures and arrangements described in the current safety case which may affect the health and safety of persons or the environment are followed.

Oil releases must be reported as a PON1 as detailed within Section 13 of this Guidance and within the OPRED document 'PON1 Guidance for reporting oil and offshore chemical releases'.

Permits cannot be obtained for potential or confirmed releases of oil, or for any subsequent emission of oil that was reported as a release.

4. Who can apply for an Oil Discharge Permit?

Typically Permits will be issued to the appointed Installation Operator, Well Operator or Pipeline Operator, who for the purposes of this Guidance are referred to as the Permit Holder. The Permit Holder is legally responsible for ensuring that the conditions in the Permit are adhered to.

Where there are assets tied-back to an installation, the Well Operator of the tied-back facilities 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 held by the Installation Operator. 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.

It should be noted that the Permit Holder has overall responsibility for ensuring that conditions specified in the Permit are met, and that activities carried out by third parties are managed in accordance with appropriate contract or interface arrangements between the Permit Holder and the third party to ensure compliance with the Permit conditions.

5. How to apply for an Oil Discharge Permit

5.1 UK Energy Portal

Permit applications are submitted and processed via the UK Energy Portal Environmental Tracking System (PETS). To access PETS, applicants will need an account on the UK Energy Portal (UKOP), which can be obtained by contacting the Energy Portal team at ukop@ogauthority.co.uk. The Energy Portal Team will provide log-in details (username and password) and a URL link to the Energy Portal log-in page, which must be securely retained by users.

5.2 Application Templates

PETS integrates environmental Permit applications under one centralised Master Application Template (MAT) for the following oil and gas operations:

- Drilling Operation;
- Well Intervention Operation;
- Pipeline Operation;
- Production Operation;
- Decommissioning Operation; and
- Standalone Application.

Within the specific MAT, the applicant can complete and submit Subsidiary Application Templates (SATs) for various activities, for approval under the relevant environmental legislation. SAT types include “Life” Permit (OLP) and “Term” Permit (OTP).

Guidance on PETS submissions can be found at:

<https://www.ogauthority.co.uk/site-tools/energy-portal-guidance/>

5.3 Permit Systems and Sub-Systems

Discharge systems and sub-systems are arranged as follows in the Permit application:

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

5.4 Completion of Permit Application

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

MAT

- An assessment of the impact of the proposed oil discharge must be included in the Environmental Impact Assessment as provided in the relevant MAT.

Note: this is separate from an assessment of the impact of any potential oil releases.

SAT – Discharges Table and Monitoring Table

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- Completion of the Discharges Table, which contains fields to be populated including oil discharge source, discharge location, sample point, flow meter details etc. The requirements of these fields should be self-explanatory however hover guidance (guidance within PETS to aid a permit applicant complete an application which is accessible by hovering over the blue 'i' symbol) is also available within the application table.
 - For applications relating to produced water discharge streams. The Discharges Table also contains fields to be populated with forecast data for produced water discharge volumes and oil in water concentrations. This must be provided for the year of the application and the two following years. This will enable auto calculation of an annual tonnage within the Discharges Table in the Permit.
 - For applications relating to other oil discharges, a calculation or estimation of the oil to be discharged will need to be entered for the current year or for the duration of the operation. The forecast data must be aligned with any figures submitted as part of any other Permit application or submission to the Department and updated via a Permit variation if necessary (see Section 8).
 - The completion of the Discharges Table will result in auto-population of the Monitoring Table within the Permit, which details the monitoring and sampling requirements. Permit Holders must comply with the sampling and analysis requirements within the Monitoring Table or contact the Department if these requirements cannot be complied with.

SAT - Attachments

- Completion of the Permit Application involves the uploading of supporting documents. The up-loads are made within the “Attachments” tab of the Permit SAT.
- The attachments must provide details as described below for all the systems/sub-systems entered. The attachments required are:
 - Treatment Process and Operation Design
 - Schematic Diagrams, Process Flow Diagrams, Piping and Instrumentation Diagrams
 - Best Available Techniques assessment
 - Produced Water Measurement Uncertainty Report
 - Drainage Sampling Feasibility Study

Where an upload has not been provided and/or is not applicable to the application this must be stated in the Mandatory Attachment column. Note - if no statement is provided the permit application will be returned to the applicant. Additionally, where the required upload information has already been provided within other submissions of that Permit, clear reference to these must be provided within the Mandatory Attachment column for the relevant upload.

a) Oil Discharge Process Description

The application must include a description of the process / treatment systems designed to separate oil from produced water, drainage fluids, sand, drill cuttings, etc. This must include a detailed description of all process equipment and how it is designed to be operated. Details must be provided of:

- control and alarm systems to prevent oil carry over / underflow;
- caisson monitoring;
- injection / re-injection facilities (including well information, details of any monitoring undertaken, a projection of system up-time);
- design data such as treatment specifications and relevant system capacities;
- a summary of maintenance and inspection activities which enables the system to operate as designed.
- any additional supporting information, documents, attachments, which will strengthen the demonstration of measures to minimise oil discharges.

Note – The previous requirement for an Environmental Critical Elements (ECE) Identification and Management Strategy to be described within Permit applications has been removed and is not referenced within these Guidance Notes. It is still a requirement of a Permit to manage maintenance effectively to aid compliance with the Permit and Regulations. Permit Holders that have previously established processes for the identification and management of ECE may still utilise this strategy to demonstrate to OPRED how maintenance of relevant plant and equipment is being managed more effectively.

This attachment must also include details of the discharge stream sampling facilities and sampling and analysis strategies for periods of normal and abnormal operation. Additionally the frequency of planned maintenance visits to Normally Unattended Installations (NUI) must be provided to justify any reduction in required sampling frequency.

Applications relating to the discharge of produced water must be accompanied by monthly average dispersed oil concentrations for the previous twelve months where this is available (note this is not required for new applications). For discharge streams other than produced water, applicants must confirm whether routine sampling and analysis is feasible, and must present the results of any relevant analyses. Where possible, the latter must include monthly average oil concentrations for the previous twelve months. Where analytical data is submitted in support of an application the date of the sampling and analyses must be included.

Table 1 in the Permit SAT contains cells for the entry of forecast Produced Water discharge information. This comprises the forecast discharge volume, average dispersed oil in water concentration and oil discharge quantity for the calendar year of the application and the following two calendar years. In normal circumstances this will be based on the previous twelve months data and calculated as follows:

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- Average concentration (mg/L) for period equals the total mass of dispersed oil (milligrams) discharged during the year divided by total volume of produced water (Litres) discharged during the year.

The Table will auto calculate the tonnage for the years being forecast. Only the tonnage will appear in the Permit. If not based on the previous twelve months data (e.g. for new installations, for installations which have been shut down for an extended period, etc) a justification will be required.

Please note the following deviations from this approach:

- In situations where forecast performance is deteriorating then an appropriate forecast must be provided based on actions which will be taken to improve performance. Details of these actions must be provided to support the forecast data within this Attachment.
- Forecasts of average dispersed oil in water concentrations in exceedance of 30mg/L will not be approved by the Department.

For co-mingled discharge streams it will be necessary to confirm how the aggregate dispersed oil content and discharge quantity will be measured or calculated.

NOTE – the Portal based Permit application systems requires the applicant to update these forecasts during the month of January each year. This is required by condition 1.5 of the Permit. Note - if the applicant submits an application to vary the Permit in the latter months of the year they will still need to make an updated forecast in the following January.

b) Schematic Diagrams, Process Flow Diagrams (PFDs), Piping and Instrumentation Diagrams (P&IDs)

Diagrams showing all relevant process equipment must be uploaded to support the application.

c) Best Available Technique (BAT) Assessment

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 / existing technology and any planned treatment improvement programs. 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 Permit Application.

For new Permit 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 must be included.

For Permit Applications associated with existing discharge streams the demonstration of BAT and BEP must focus on how the existing equipment is being managed to minimise oil

discharges. Where there is no intention to upgrade equipment to match the performance of more modern technologies a justification must be included within the assessment. This must include a description of the alternative technologies and techniques that could be applied but have been discounted, and the reason these improvements were discounted. Details of any improvement programmes planned for existing installations to reduce the oil content of the discharge stream must be provided as an additional upload within the Attachments page of the application (note – improvement programmes may be required by OPRED if discharges are non-compliant or there is evidence of deterioration in discharge performance).

For produced water streams reference must be made by applicants to OSPAR's "Background Document concerning Techniques for the Management of Produced Water from Offshore Installations", 2013 revision.

For new installations with produced water streams, or existing installations where new produced water streams will be installed, the requirements of OSPAR 2001/1 (i.e. zero discharge of oil in produced water as a point of departure) must be considered at the design phase. A demonstration that the selected equipment is BAT must be included in the Environmental Statement.

Reference must also be made to how measures identified as BAT will minimise the formation of surface sheens.

d) Drainage Sampling Feasibility Study

This upload field requires the inclusion of a study which demonstrates the feasibility of sampling and quantifying drainage discharges.

e) Produced Water Measurement Uncertainty Report

A report must be uploaded to verify that the measurement of the volume of produced water discharged meets the +/- 10% measurement uncertainty as required by the Permit.

A Produced Water Measurement Uncertainty Report will typically include, but not be limited to, the following:

- Scope
- Caveats
- Table of results
- Measurement system configuration
- Flow meter uncertainty calculations
- Summary of results
- Recommendations
- Any supporting documentation for the uncertainty calculation (results table).

5.5 Application Submission

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 purposes of, any application for a Permit, the renewal of a Permit, the variation of a Permit or the transfer of a Permit under the Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005. Permit applicants should therefore carefully check the information provided prior to submission of the application, to ensure that the details provided are correct. Permit applicants should also ensure that they have attached or appended any relevant documents referred to in the application.

OPRED aims to determine applications within 28 days, consequently the applications must be submitted to the Department at least 28 days before the Permit is required. Permit applicants should note that OPRED cannot commit to being able to complete assessment within 28 days. While acknowledging that permit applicants need to plan activity and take actions which assumes an application will be determined within a particular timescale, permit applicants make these plans/decisions at their own risk.

The Department is aware that some operations may have to be carried out at short notice. Under such exceptional circumstances the applicant must contact their assigned Offshore Inspector to discuss the urgency of the application. Applicants should be aware that consideration and granting of Permit applications at short notice may not always be possible. Applications subject to public notice requirements cannot and will not be approved during the public notice period.

Where there are multiple oil discharge systems from the same installation applicants should submit one Permit application which details each separate discharge system. The approved Permit will include Discharge and Monitoring Tables detailing each specific discharge system and will contain legally binding requirements.

5.6 Applications Subject to Public Notice

With regards to applications that are subject to the public notice provisions of the OPPC Regulations, there are three obligations on Permit applicants;

- a) Publish a notice in newspapers at times that it is likely to come to the attention of any persons who are likely to be interested in, or affected by, the discharge to which the application relates. A suggested version of a notice is appended at Appendix C (Where permit applicants also intend to use and discharge offshore chemicals which also requires Public Notice they may amalgamate the Public Notices);
- b) Make a copy of the application available for public inspection; and
- c) Supply a copy of the application on request.

The notice published within a newspaper must;

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- Describe the application;
 - Include the address at which a copy of the application may be inspected;
 - Include the address where a copy of the application may be requested;
 - Include the cost of any payment required to cover printing and distribution costs of the application;
 - State the last date that any person may make representations in relation to the application to the Secretary of State; and
 - Include the address to which any representations to the Secretary of State are to be sent.

The application may be published in more than one newspaper or on more than one occasion. The newspaper or newspapers selected and the dates of publication must be chosen so that the notice is likely to come to the attention of any persons likely to be interested in, or affected by, the discharge to which the application relates.

The address (or multiple addresses) where the application is made available for public inspection must be within the UK and must consider the location of any persons that are likely to be interested in, or affected by, the discharge to which the application relates.

The application must be made available for inspection immediately following publication and must remain available for inspection for a minimum of 4 weeks from the date the notice was last published.

During the period the application is subject to public inspection it must be made available between 10 am and 4 pm on business days.

Where a copy of the application is requested must be supplied as soon as reasonably practicable and at a cost of no more than £10/copy to cover printing and distribution costs.

With regards to the latest date that a person may make representations to the Secretary of State this must not be less than four weeks from the date that the notice was last published.

Exemptions

The above obligations are not applicable in the following circumstances;

a) When the discharge is in connection with a project where OPRED served a direction that an environmental impact assessment is not required pursuant to regulation 6 of the Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020 or regulation 6 of the Offshore Petroleum Production and Pipelines (Assessment of Environmental Effects) Regulations 1999. Additional guidance can be found in [The Offshore Oil and Gas Exploration, Production, Unloading and Storage \(Environmental Impact Assessment\) Regulations 2020 – A Guide](#)

b) When the discharge occurs in connection to a pipeline where the OGA has given an authorisation (Pipeline Works Authorisation or PWA). Additional guidance in relation to the

granting of PWAs can be found here <https://www.ogauthority.co.uk/licensing-consents/consents/pipeline-works-authorisations/>

c) Where the discharge occurs in connection with decommissioning activities carried out in accordance with a decommissioning programme approved by OPRED. Additional guidance can be found here <https://www.gov.uk/guidance/oil-and-gas-decommissioning-of-offshore-installations-and-pipelines#overview>

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.

There is no requirement for statutory consultation with other government departments or agencies in relation to Permit applications. However, the Department may wish to take advice from third parties when considering whether to grant a particular application. For example, it may be appropriate (i) 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, or (ii) to seek advice from the relevant fisheries agencies if the discharge will be undertaken within a particularly sensitive fish or shellfish spawning area, or (iii) to seek advice from the relevant authorities if the discharge will be undertaken in waters adjacent to areas under their jurisdiction.

Permit applications may be subject to Public Notice during the initial submission of an application. Whether a permit application was subject to a Public Notice or not there is no requirement for further Public Notices as a result of future variations to the permit.

5.7 Application Review and Permit Approval

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

On approval by the Inspector this will generate the Permit tables which re-iterate the information provided by the applicant in the application tables. –All permits will contain the Standard Industry Conditions. This document is located at the following link on the Energy Portal, and is also included within all Permit cover letters:

<https://itportal.beis.gov.uk/pets/oppc/sic>

Permits will be issued directly to the applicant via the Energy Portal system.

6. Oil Discharge Permit Conditions

6.1 Permit Summary

Permits contain the following:

- Permit conditions specific to the operation being undertaken include requirements in relation to (i) oil discharges and (ii) monitoring of the discharges;
- “Table 1 – Discharges”, which provides details of discharge locations/depths, sampling and metering locations, discharge limits, etc (see Section 6.2 below)
- “Table 2 – Monitoring”, which provides details of details sampling, analysis and volume measurement (see Section 6.3 below)

Additionally, further regulatory conditions applicable to all Permit Holders are contained in the Standard Industry Conditions, a link to which is contained within the cover letter for every Permit. The SIC forms part of the Permit via Condition 5.1 of the Permit. See Section 6.4 below for further information on SICs.

6.2 Permitted Concentration and Quantity of Oil Discharges (Table 1)

OSPAR Recommendation 2001/1 states that no individual offshore installation should exceed a performance standard of 30 mg/l for dispersed oil in produced water discharged into the sea as a monthly average.

For existing installations the concentration of dispersed oil in produced water discharges as averaged over a monthly period must not exceed a limit value of 30mg/l, whereas the maximum permitted concentration must not exceed a limit value of 100mg/l at any time. This includes discharges of produced water from both production operations and well test operations.

For new or substantially modified offshore installations OSPAR Recommendation 2001/1 states that “plans to construct new offshore installations, or to modify substantially existing offshore installations, should take as a point of departure the minimisation of discharges and, where appropriate, the achievement of zero discharges of oil in produced water into the sea.”.

For (i) new installations or for (ii) new process trains on existing installations which are completely isolated / separate from existing PW systems) - where zero discharge cannot be achieved or is not considered to be appropriate then it is likely that the Department will set a monthly average limit value less than 30mg/l for any discharge of dispersed oil in produced water, in accordance with OSPAR 2001/1, the Environmental Statement for the development and the BAT demonstration. This will be discussed with the Permit Applicant during the Permit Application process. Permit Applicants should have considered produced water performance in the Environmental Statement, which may provide the basis for

discussions around the Permit limit. The maximum concentration of any oil in produced water sample must not exceed a limit value of 100mg/l at any time.

The performance standards of PARCOM Recommendation 86/1 continue to apply to discharges of displacement water, drainage water and ballast water from offshore installations. A 40 mg/l performance standard for platforms is applicable and remains in force for such discharges. This standard has therefore been included in the Permit as a load limit.

Where internationally recognised performance standard do not exist for an oil discharge stream (e.g. sand/scale discharges, drill cuttings/fluids, pipeline discharges, etc), the Department applies the principal of minimisation of oil discharges through the implementation of Permit conditions. This means the applicant should provide either (i) an estimated maximum concentration of oil within the discharge stream and/or (ii) an estimate of the maximum mass of oil to be discharged, as applicable. Estimates should be based on previous discharges (unless there was previously (i) a deterioration in discharge quality or (ii) non-compliant discharges or (iii) the application is for a new installation) and take into consideration BAT and BEP to demonstrate minimisation of oil discharges.

Mass emission load limits for the following oil discharge systems are specified within Table 1 of the Permit:

- produced water
- displacement water
- drainage
- sand offline/online
- subsea pipeline
- drill cuttings
- drill fluids
- well abandonment
- well intervention
- well test
- well clean up
- miscellaneous

The default mass emission load limit for the above systems is 1 tonne of oil in a 12 hour period. This may be amended by inspectors in consultation with Permit Holders / Applicants depending on operations, installation specific factors, location, etc.

The quantity of oil discharged from the above systems must not exceed the maximum load in any 12 hour period. See Section 6.6 for non-compliance notification requirements.

6.3 Sampling, Analysis and Measurement of Oil Discharges (Table 2)

a) Sampling and analysis requirements will depend upon the nature of the permitted operation. 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.

The Department's 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. The document can be found here <https://www.gov.uk/guidance/oil-and-gas-offshore-environmental-legislation#offshore-petroleum-activities-oil-pollution-prevention-and-control-regulations-2005-as-amended>

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

Environmental monitoring requirements will be assessed on a case by case basis and may be amended by inspectors in consultation with Permit Holders / Applicants depending on operations, installation specific factors, location, etc.

Additional Samples must be taken when:

- The result of any single sample analysis result exceeds or is likely to exceed the maximum concentration (mg/l) limit value in Table 1;
- The maximum load limit value in Table 1 has been or is likely to be exceeded;
- There are periods when Permit limits are likely to be exceeded (e.g. plant start-up; new well start-up; subsea tieback start-up, overloading of drains, etc.)

Collection of additional samples is required to ensure that sampling is representative of the oil discharge and that necessary actions are taken to enable compliance with the maximum limit values for the system. All samples collected must be utilised in the reporting of oil discharges.

b) The volume of fluid or mass of solid discharged must be measured prior to being discharged to sea. Whereas produced water discharges must meet the +/- 10% measurement uncertainty required by a Permit, other discharges are expected to be measured using a methodology which will ensure an appropriate degree of accuracy. As a guide, it is expected that a demonstration of a measurement uncertainty similar to that required for produced water should be achievable.

6.4 Standard Industry Conditions (SIC)

The Standard Industry Conditions include requirements to maintain records of discharge operations covered by the respective Permit and to submit Permit returns to the Environmental Emissions Monitoring System (EEMS). The information to be included in these records is detailed in the SIC Table A. SIC Table B contains details of the expected frequency of Permit returns.

6.5 Maintenance of Records and Submission of Permit Returns

Records to be maintained for the Information specified in Table A must be retained as follows:

- For manned Production Installations, the Permit Holder shall retain the records on the installation for at least 5 years from the date that they are made.
- For normally unmanned Production Installations, the Permit Holder shall retain the records at a location to be confirmed within the Permit Application. The records shall be kept for a period of at least 5 years from the date they are made.
- Where the installation is a Non-Production Installation, the records shall be kept on the installation until the cessation of the Permit and thereafter, shall be retained by the Permit Holder for a period of at least 5 years.

The normal reporting route for Permit returns will be via the EEMS database, and reporting forms and guidance are provided on the EEMS system to accommodate Permit reporting requirements. Any additional or alternative reporting requirements will be detailed in the specific Permit.

Where an offshore oil and gas activity subject to a permit 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.

6.6 Permit Compliance

All discharges of oil must be subject to a Permit. Any oil discharged without a Permit is non-compliant with the OPPC Regulations and must be reported as a Non-Compliance using a Non-Compliance Notification.

It is the responsibility of the Permit Holder to identify all legal requirements associated with specific Permit conditions including SICs and to have systems and procedures in place to enable full compliance. Contraventions of a Permit condition and/or a SIC must be reported as a Non-Compliance on a Non-Compliance Notification.

Non-Compliance Notifications must be reported as detailed in Section 13.



7. Duration of Oil Discharge Permits

The following general principles apply in relation to the duration of Permits:

- Applications for a Permit made under a Production Operation MAT will have no end date.
- Applications for a Permit made under all other types of MAT e.g. Wells, Subsea, etc. will be time bound and will have an end date.

There may be certain circumstances when a short term, time bound production operation is to take place. This can be undertaken as follows:

- a) this discharge point can be added to the Discharge Table of the Permit. A bespoke Permit condition will be added to state the end date; or
- b) a separate SAT can be created 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 can be covered by creating a new SAT under the installation MAT.

Whichever option is selected, details of the operation must be provided within relevant supporting documents including the expected operation duration.

For Option a) the Inspector when approving the Permit will add a bespoke condition, which states the duration of the approval for the time bound discharge operation. For Option b) the Inspector when approving the Permit will add a start and end date to align with the dates provided in the application for the time bound operation.

At the end of a time bound period, the Permit Holder must contact bst@beis.gov.uk once all EEMS returns for the time bound operation have been submitted. BST will then arrange for EEMS returns to be cancelled for this system.

8. Variation of Oil Discharge Permits

8.1 When to Vary Permits

Condition 1.3 of the Permit requires Permit Holders to ensure current and accurate information is included within the Permit Application. This being the case, Permit Holders are obliged to regularly review the information given in their Permit Applications and their Permits to ensure that they accurately reflect the operations being undertaken. If any changes are required e.g. a treatment process modification, addition/amendment of discharge streams, Permit Holders must apply in writing for a variation of the terms and conditions of their Permit. This application to the Department must be made before the changes are made.

An application to vary a Permit must be submitted to the Department via the Energy Portal at least 28 days prior to the start of the proposed start date of the varied Permit. If a variation is required in a shorter timescale the Offshore Inspectorate must be contacted to discuss this prior to submission of the application. The Department 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 Permits at short notice may not always be possible.

Permit Holders will be advised of the outcome of applications for Permit variations. Where variations to permit applications are granted the Department will issue a consolidated Permit. Permit Holders must make themselves aware of any revised terms and conditions and comply with them accordingly. Where variations to permit applications are refused the Permit Holder will be provided with an explanation and thereafter are required to continue to comply with the terms and conditions of the existing Permit.

An annual update of oil discharge forecasts is required each January for the following systems; produced water, displacement water and sand and scale. This update will be in the form of a variation application.

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.

Under no circumstances will a Permit variation be backdated.

8.2 How to Vary Permits

Guidance is provided in Section 5.2 above on how to use the Energy Portal to make PETS submissions. Variation of Permits via the Portal is undertaken by locating and updating the approved Permit, following a broadly similar process to that followed for the original submission.

Changes within uploaded documents, which are associated with the current Permit variation only, 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, however any changes should be described in the “Change Summary” box within the application and referenced within the uploaded documents where appropriate.

For variations to existing production Permits, a date 28 days after the date of submission should be entered as the operation Start Date within the “General” page. However, this could be changed if process / Permit changes for which the application is being made commence more than 28 days after the application is to be made.

9. Transfer of Oil Discharge Permits

When the ownership of an asset that is the subject of any production Permit Application is to be transferred to a new Installation Operator it will be necessary to transfer the current environmental applications relating to 'life' activities to the new Installation Operator.

Prior consent in writing from the Department is needed before any permit transfer can take place.

For specific information in relation to the transfer of Permits and all other environmental applications, permits, consents and approvals associated with the offshore installation, please contact: bst@beis.gov.uk and copy your assigned Inspector.

The transfer of the environmental submissions relating to 'life' permitted activities will normally be recorded in the UK Energy Portal which will give the new Installation Operator access to a copy of the current environmental permit and supporting information relating to the installation. When the new Installation Operator receives the copy of the current environmental permit and supporting information from the existing Installation Operator, 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 new Installation Operator should contact the Department at the earliest opportunity. The new Installation Operator should then submit an application for variation to the permit to the Department for review.

In order to enable the Department to determine whether the application for variation should be approved, the new Installation Operator must identify whether any amendments are required to take account of the new Installation Operator's details, operating practices, procedures, policies or commitments as applicable. All changes must be clearly highlighted in order to identify any deletions or additions to the existing permit.

The Department may require the new Installation Operator to supply additional information in support of the application to enable the Department's determination of the application.

Following the approval, should the Department wish to review any of the terms and conditions of the Permit, they will contact the new Installation Operator in writing and confirm their requirements. The latter may require submission of an application for variation by the new Installation Operator.

Although environmental applications relating to 'term' activities cannot be transferred, the new Installation Operator may wish to request copies of relevant applications to facilitate the preparation of future similar applications.

Should the Department decide to refuse the application to vary the terms and conditions, the Department will give notice in writing and discussions will take place with the new Installation Operator. Permit Holders are reminded that the Department may revoke any existing Permit if

the application contained, or was supported by, any information or statement which is false or misleading.

10. Review and variation of Oil Discharge Permits

Regulation 7 (variation of Permit terms and conditions) allows the SoS to review, whenever they think fit, the terms and conditions of any Permit issued.

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

Where the SoS proposes to vary any permit terms and conditions, the Permit Holder will be given at least 14 days notification of any proposed variation to a 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. The Department 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 addressed through dialogue and the outcome confirmed in writing.

Permits may additionally be subject to a formal periodic 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 the Department and may involve other government departments or agencies. The reviews will be carried out to ensure that the Permit and supporting information 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 may be required to provide additional information requested by the Department.

11. Surrender of Oil Discharge Permits

A Permit Holder may surrender their Permit at any time by notifying the Department by e-mail to BST@beis.gov.uk detailing the Permit reference number, reason for surrender and date on which the Permit is to be surrendered. The Department shall issue the Surrender Notice through the Energy Portal.

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.

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. Fees

A charging scheme to recover expenditure incurred by the Department in connection with implementation of these Regulations is in operation. For information on charging, please refer to the current charging scheme which can be found at:

<https://www.gov.uk/guidance/oil-and-gas-fees-and-charges>

Should advice be needed on the operation of the cost recovery system or there be any queries about the system, a specific invoice or the method of payment, please contact

OPRED.Fees@beis.gov.uk

13. Provision of information

The Terms and Conditions of a Permit will stipulate information that must be provided to the Department 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.

In addition to the Permit-specific information required above, Regulation 11A requires that information be provided to the Secretary of State in relation to the following types of incidents:

13.1 Oil Discharges

Details of any breach of the Permit conditions: Information must be forwarded to the Department 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 using an OPPC Non-Compliance Notification form.

Details of any discharge of oil without prior authorisation (i.e. without an approved Permit in place) from the Department: 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, this must be notified to the Department using an OPPC Non-Compliance Notification form.

OPPC Non-Compliance Notification forms are accessed and submitted via the Integrated Reporting System (IRS) (https://itportal.beis.gov.uk/eng/fox/beis/BEIS_LOGIN/login). To access IRS, applicants will need an account on the UK Energy Portal (UKOP), which can be obtained by contacting the Oil Energy Portal team at ukop@ogauthority.co.uk. The Energy Portal Team will provide log-in details (username and password) and a URL link to the Energy Portal log-in page, which must be securely retained by users.

In the event that the IRS is unavailable a Non-Compliance Notification can be submitted using the following Non-Compliance form which is available on the Department's website at:

<https://www.gov.uk/guidance/oil-and-gas-offshore-environmental-legislation#the-offshore-petroleum-activities-oil-pollution-prevention-and-control-regulations-2005-as-amended>

For specific guidance in relation to reportable oil discharges non-compliances see the IRS guidance <https://www.gov.uk/guidance/oil-and-gas-environmental-alerts-and-incident-reporting#reporting-incidents-to-opred>

13.2 Oil Releases

Details of any release of any oil into the sea: Information must be provided to the Department and other relevant authorities using the Integrated Reporting Service (IRS) at the website link above, and in accordance with the PON1 Guidance and IRS Guidance.

A copy of the PON1 Guidance is available on the Department's website at:

<https://www.gov.uk/guidance/oil-and-gas-environmental-alerts-and-incident-reporting#pon-1>

Appendix A – Discharges/Activities requiring an Oil Discharge Permit

This appendix is intended to provide Permit Applicants with additional information to assist with identifying discharges which require a Permit and what information is required when preparing applications for submission. Permit Applicants must ensure that all required sections of the Permit Application are completed.

Permit Applicants must note that the 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 per section 5.4 (c). 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 the Department; 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 Permit SAT for the discharge of oil are:

System	Sub-system
Wells	Drill Cuttings
	Drill Fluids
	Well Intervention
	Well Test
	Well Clean Up
	Well Abandonment
	Other
Production	Produced Water >2te dispersed oil (per year)
	Produced Water <2te dispersed oil (per year)

	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 for guidance on injection / reinjection operations.

Sample Analysis and Measurement of Discharges

Details of methodologies for analysis of discharged fluids or solids can be found within the Department’s “Methodology for the Sampling and Analysis of Produced Water and Other discharges” which can be found <https://www.gov.uk/guidance/oil-and-gas-offshore-environmental-legislation#offshore-petroleum-activities-oil-pollution-prevention-and-control-regulations-2005-as-amended>

Note – this methodology states that oil in produced water analysis is to be reported in terms of the OSPAR GC-FID reference method (to determine the dispersed oil content of the discharge). This does not apply to other permitted discharges of oil, which are analysed by other methods.

Details of measurement of fluid volumes or mass of solids to be discharged must be fully described within the application. Oil discharge operations must be undertaken in a manner which ensures accurate measurement of the volume of fluid discharged and is compliant with applicable Permit conditions where relevant.

See Section 6.3 “Sampling, Analysis and Measurement of Oil Discharges” for further details.

A1 – Produced Water System

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.

The following streams

- 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

may be added to a produced water stream. 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 location on an 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 Permit Application the volume of produced water (m³) and mass of dispersed oil in produced water (tonnes) for the year of the application and the following two years. These forecast 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 location 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 Permit conditions taking into account:

a) 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.

b) 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.

c) The Department 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 application must include details of the methods used to measure, sample and calculate the flow weighted volumes of oil and produced water being discharged. The Department consider good practice for a new installation (or modifications to an existing installation) to be the approach stated in a) and b) above. The flow weighting of two or more produced water discharge streams which are not co-mingled is not permitted.

d) 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 explain the technical justification for this operation and 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, the Department 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 out of a caisson whether that be above the sea surface or below the sea surface. This is the Discharge Depth as described within an oil discharge application and permit.

The Department has not accepted any previous requests or attempts by a Permit Holder to take into account any oil which is recovered from caissons recovery pumps when quantifying oil discharged to sea.

This is due to the significant uncertainty involved in monitoring waste streams (oil/water/other) entering the caisson, the wastes recovered from the caisson and the wastes which exit the

caisson. By way of comparison, previous feasibility studies undertaken by industry concluded that representative quantification of wastes exiting drains caissons was not feasible.

This policy will continue until such advancements are made that Permit Holders can monitor the waste streams entering the caisson, the wastes recovered from the caisson and the wastes exiting the caisson in a manner which provides a demonstration of measurement certainty that is acceptable to the Department.

Batch Discharges

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 - Displacement Water System

A2.1 This system will cover the separate discharge of oil in water displaced from produced fluid 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 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, a Permit is required for the discharge of oil in the combined stream. As the engineering and management aspects of displacement water is often complex and unique to particular installations advice can be sought from the Department's Inspectorate as to specific schedule requirements.

A2.2 For the purpose of a 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 the Department to discuss permit 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 will meet 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.

Note - displacement water discharges are not to be reported in terms of the OSPAR GC-FID reference method, which is used only for oil in produced water discharges.

A3 – Well Operations System

When is an Oil Discharge Permit Required?

A3.1 Permits are required for all oil discharges from offshore drilling activities apart from the following:

- The use and potential discharge of chemicals containing hydrocarbons or substitute hydrocarbons such as low toxicity oil-based drilling fluids, synthetic-based drilling fluids and lubricants added to water-based drilling fluids, which will be permitted under The Offshore Chemicals Regulations 2002. See Appendix B1 for further information.
- The discharge of oil from machinery spaces and contaminated sea water from operational purposes such as produced oil tank cleaning, etc, which are regulated under the Merchant Shipping (Prevention of Oil Pollution) Regulations 2019. See Appendix B3 for further information.
- Discharges regulated by the Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020 or the Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020.

Drill Cuttings or Drilling Fluid Discharges

A3.2 A Permit is required for the discharge of drill cuttings coated with water-based drilling fluids that have been contaminated with reservoir hydrocarbons when drilling through the pay zone. Aqueous discharge streams generated during the treatment of contaminated cuttings, contain reservoir hydrocarbons and these are also subject to permitting. Permit Applicants should note that a Permit is only required for the discharge of fluids associated with thermally treated Organo-Phase Fluid (OPF) drill cuttings (e.g. Rotomill), where the reservoir hydrocarbon is distinguishable from synthetic oil. Otherwise the discharge of these fluids need to be included on a Chemical Permit only - see Appendix B1 for further information.

Well Bore Clean-up Fluid Discharges

A3.3 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 reservoir hydrocarbons may be present then a Permit will be required where oil in well bore clean up fluid will be discharged to sea or injected/re-injected. On fixed installations where the normal procedure would be to route the fluids through the produced water process train, such discharges must be included in the Table 1 entry for the installation produced water system, for discharge to sea or into a reinjection / disposal well.

Well Test Discharges

A3.4 Where produced water and entrained fluids e.g. drilling fluids, residual inhibited seawater from a well bore clean-up operation, pressure test fluid, etc is to be discharged from

an installation during well test operation, a Permit Application must be submitted for this operation.

Produced water discharges during well test operations are to be reported in terms of the OSPAR GC-FID reference method.

See Section 6.2 for relevant Permit Limits.

Well Work-over / Intervention Fluid Discharges

A3.5 A Permit is required for the discharge of any aqueous well work-over and intervention fluids contaminated with reservoir oil. On fixed installations where the normal procedure would be to route the fluids through the produced water system, such discharges must be included in the Table 1 entry for the produced water discharge to sea or for discharge into a reinjection / disposal well.

Well Suspension and Abandonment Discharges

A3.6 Where the discharge of oil may take place during well suspension or well abandonment operations then a Permit must be applied for under these Regulations.

A4 – Drainage System

A4.1 Recoverable drains are systems which route fluids to sea and which have the provision for oil recovery thus reducing the amount of oil discharged. This can include tanks, caissons with pumps, etc, but does not include scuppers, top-hats, storm drains etc.

Non-recoverable drains are systems which route fluids to sea which have no provision for oil recovery meaning that all oil entering the system will be emitted to sea. This can include caissons without pumps, scuppers, top-hats, storm drains etc.

The OPPC Permit regime allows for the discharge of oil from recoverable drainage systems in the circumstances described in the Permit Application. The Department does not consider that the system intent of non-recoverable drainage systems is to discharge oil. Permits will not be issued for the emission of oil from non-recoverable drainage systems. As such the use of appropriate pollution prevention techniques such as containment / recovery of released oils must be utilised to prevent oil entering non-recoverable drainage systems.

Drainage Permit Applications

A4.2 The Permit Application must cover all discharges of drainage fluid that could contain oil. Note – discharges of oil from machinery spaces should not be included in the Permit Application – see Appendix B.3 for further guidance. The application must identify all oil inputs to the drainage system and describe the 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 must be provided to support the application.

The Permit Holder shall take all reasonable measures to minimise the quantity of oil being discharged to sea via recoverable drainage systems. Those measures will include the removal and recovery of as much free oil as possible, within the drainage system and / or at source.

Permit Applications to cover oil discharges from recoverable drainage systems on Non-Production Installations (NPIs) during well operations should be submitted by the Well Operator who has contracted the NPI to undertake the well operation.

Permit Applications to cover oil discharges from recoverable drainage systems on NPIs undertaking oil and gas activity other than well operations should be discussed on a case by case basis with the relevant assigned OPRED environmental inspector in advance of any application submission.

Drainage Permits

A4.3 The Permit will detail the sources of oil and specify the approved discharge location(s), circumstances of use, discharge depth for the discharge of oil from recoverable drainage systems. The Permit will also detail sampling location and flow meter location/type for systems where drainage fluids can be sampled / metered.

Oil Discharge Permit Applications for NPI Drainage Systems

A4.4 Examples of the approach for NPI drainage systems:

- **Cantilever drains (contained).** Cantilever drains are considered to be contained if any fluids entering the drainage system are routed back to the mud system and there is no potential for any drainage fluid to be discharged to sea.

These drainage systems are not for inclusion as an oil discharge system in a Permit Application.

- **Cantilever drains (connected to rig/deck drains).** If the cantilever drainage system can be arranged such that fluids may be routed to the rig/deck drainage system(s) for treatment prior to discharge then all oil originating from such systems must be included within the relevant Permit Application.

Applicants for such Permits should also consider the potential for any offshore chemicals used on the cantilever which may enter the rig/deck drainage system e.g. drilling mud. Any discharge of offshore chemicals via the rig/deck drainage system must be considered as per the requirements of the Offshore Chemicals Regulations and associated guidance issued by the Department (<https://www.gov.uk/guidance/oil-and-gas-offshore-environmental-legislation>).

- **Helideck drains.** Dedicated helideck drainage systems may be lined up to route directly to sea or to a dedicated helideck drainage tank as follows:
 - In anticipation of a helicopter arriving on the installation the Helideck drains may be lined up directly sea to minimise the safety consequences of any spilled helifuel. As such there is potential for helifuel to be emitted to sea.

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- At all other times the helideck drains may be routed to the Helideck drains tank. There is no potential for any drainage fluid to be discharged to sea.

These drainage systems are not for inclusion as an oil discharge system in a Permit Application. Any emission of oil from such systems is a release and must be reported on a PON1.

- **Rig/Deck drains (clean drains).** These are drainage systems used to manage all fluid accumulating on the main deck out with bunded areas. Such systems typically utilise clean drains tank(s) which subsequently route drainage fluids to a dedicated treatment package. The treatment package will recover oil from the drainage fluids to minimise oil concentrations prior to discharge. Recovered oil is typically routed to a dedicated oil collection tank for backload.

The oil discharges from these drainage systems must be included as an oil discharge system in a Permit Application.

- **Rig/Deck drains (contaminated drains).** These are drainage systems used to manage all fluid accumulating in the bunded/hazardous areas of the main deck. Such systems typically utilise contaminated drains tank(s) which subsequently route drainage fluids to a dedicated treatment package. The treatment package will recover oil from the drainage fluids to minimise oil concentrations prior to discharge. Recovered oil is typically routed to a dedicated dirty oil tank for backload.

The oil discharges from these drainage systems must be included as an oil discharge system in a Permit Application.

- **Emergency flooding bilge system.** In the event of any significant flooding of the below deck areas an emergency bilge system can pump flooded bilges to sea. This is only to be operated in an emergency situation.

These systems are not for inclusion as an oil discharge system in a Permit Application. Any emission of oil from such systems is a release and must be reported on a PON1.

- **Machinery space drains (MARPOL).** All oil discharges from machinery space drainage systems on a NPI are regulated by virtue of The Merchant Shipping (Prevention of Oil Pollution) Regulations 2019. All such discharges must be recorded in the Oil Record Book. See Appendix B.3 for further information.

These systems are not for inclusion as an oil discharge system in a Permit Application.

- **Scuppers and other deck drains.** All scuppers and any other drainage systems without oil recovery that route fluids from deck areas of an NPI direct to sea are considered non-recoverable drains. As per section A4.1 Permits will not be issued for the emission of oil from non-recoverable drainage systems.

Any emission of oil from such systems is a release and must be reported on a PON1.

The Permit Applicant must consider the above examples in the context of the drainage system(s) on any NPI when determining the drainage oil discharge systems to be included on any Permit Application. The applicant must ensure that separate drainage systems are included in the Permit Application for each separate oil discharge location.

A5 - Sand and Scale System (Online and Offline)

A5.1 Management of accumulated sand and/or scale

The accumulation of reservoir sand (sand) and/or production scale (scale) in process systems on offshore installations is recognised to have potential negative impacts on the operation of the installation. These include threats to integrity of process pipework, vessels, systems etc and the ability of the installation to minimise oil concentrations in permitted discharge systems.

Offshore installations that experience accumulations of sand and/or scale must develop and implement a sand management strategy if the accumulated sand and/or scale may negatively impact the ability of the installation to implement BAT and BEP to permitted oil discharge system(s). Such sand management strategies must demonstrate how BAT and BEP are applied to the management of sand and/or scale and be discussed in the BAT assessment attached to any relevant oil discharge permit application. For example - in situations where the accumulation of sand in process separation vessels reduces residence time such that the separation vessel is not operable in accordance with the principles of BAT/BEP then the development and implementation of a sand management strategy for the separation vessels is a requirement of the permit application for the produced water discharge system.

The discharge to sea of sand and/or scale containing residual oil following treatment in oil removal systems on offshore installations can be included in the scope of an Oil Discharge Permit Application.

Any Installation Operator or well operator that applies to discharge sand and/or scale containing residual oil following treatment in oil removal systems must ensure the Permit Application includes separate discharge systems for Offline and Online sand treatment systems in accordance with the following guidance:

A5.2 Offline Sand/Scale

Offline Sand Systems are considered to be all systems where sand and/or scale is removed from process pipework, vessels, systems etc and is subsequently stored/held in any system prior to treatment, analysis and quantification at a later time/date.

Offline systems include:

- All systems used to treat sand and/or scale that is removed from process pipework, vessels etc using jet/sparging systems where the removed sand is either:
 - Stored/retained in dedicated sand wash system prior to treatment and subsequent discharge in a future batch mode of operations.
 - Collected in any vessel/container prior to subsequent sand wash/treatment and discharge.

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- All systems used to treat sand and/or scale which is removed following vessel entry. This includes the use of any temporary sand wash systems that may be mobilised to a production installation for the specific purposes of sand treatment prior to discharge.

Online Sand/Scale

Online Sand Systems are considered to be all systems where sand and/or scale is removed from process pipework, vessels, systems etc by jet/sparging systems and the removed sand and is then treated, quantified, analysed and discharged in a continuous operation.

Online sand systems include process vessels that utilise a jet/sparging system to mobilise a slurry of accumulated sand and/or scale which is then evacuated from the vessel for immediate discharge following treatment and/or quantification/analysis. If there is no dedicated sand wash system and the jet/sparging system in a process vessel is utilised to separate and remove accumulated oil on the sand and/or scale prior to discharge then this can be included in the scope of an oil discharge permit provided the Installation Operator can demonstrate that treatment of sand in this manner is BAT/BEP.

Matters to be considered in Oil Discharge Permit Applications for Sand and/or Scale Treatment Operations

A5.3 General Requirements

a) The Permit Application must provide all required information within Discharge Table 1 and Supporting Documents. The following key requirements should be noted:

- Discharge Table 1 –
 - Provide complete and accurate details within Discharge section.
 - Provide available details for Sampling & Quantifications section, further to liaison with specialist sand removal contractor as necessary.
 - Provide justifiable limit values within Limits from Discharge Source section, in accordance with the guidance below and informed by historical sand removal operations.
- Supporting Documents -
 - Provide details within a Best Available Technique (BAT) Assessment of sand and wash water treatment technologies investigated, cost benefit studies undertaken to support the selected technology, any planned treatment improvement programmes, etc.
 - Provide details within a Treatment Process and Operation Description of sand and wash water treatment systems and how these are operated to sample, quantify and minimise the discharge of oils from each sand and wash water discharge stream.
 - Provide Schematic Diagrams, PFDs and P&IDs as appropriate for sand and wash water treatment systems.

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- Additional optional documents which will support the application.

The discharge of any sand and/or scale which contains oil must be included in a Permit Application, either within an offline or an online sand discharge system (as discussed in the sections above).

b) The discharge of any water containing oil that has been used to fluidise or wash the sand/scale (wash water) must be included in the scope of a Permit Application.

c) The Permit Application must describe the routing of wash water, which will be undertaken as follows:

- Wash water is routed to the process or drainage systems on a production installation for treatment prior to discharge (likely to be the most common approach). In these circumstances this wash water must be included in as an input to the relevant system(s) in the Permit Application.
- Wash water is routed to a separate direct discharge location. Such routings are regarded as individual drainage systems and Drainage systems for each Wash Water discharge location must be included in Table 1 of a Permit Application.

d) The Permit Applicant must apply the principles of BAT/BEP to the management of sand and/or scale and wash water.

A5.4 Oil Discharge Permit Limit Values

a) The Department requires that principles of BAT and BEP are applied when determining the methods for treatment, quantification, sampling and discharge of oil on sand and/or scale, or wash water are to be employed. Any Permit Application should demonstrate that BAT & BEP are applied such that the oil concentration in all discharges is minimised.

b) The maximum oil concentration limit for any oil on sand and/or scale discharge system that will be issued in any Permit is 10,000mg/kg (1% oil on sand). This Limit Value (LV) is a maximum value as suitable technology and sand cleaning systems/techniques are available to achieve oil on sand and/or scale concentrations significantly below this value.

c) The Department's benchmark LV for oil concentrations of oil on sand and/or scale that may be discharged when considering Permit Application is in the range of 1,000-3,000 mg/kg as it is common for production installations to achieve such standards.

Relevant Permits will be issued with LV to reflect the permit description of how the Permit Applicant will implement BAT and BEP to minimise oil concentration on the sand/scale that will be discharged. This means that 10,000mg/kg is not a default LV in permit approvals, rather any LV must be justified.

For direct discharge of any wash water containing oil (see paragraph 3 below), the Department's expectation is that Permit Applications will demonstrate that the oil concentrations in these discharges will be minimised by the application of BAT and BEP principles.

The LV as applied to any direct wash water discharge in a permit approval will reflect the BAP/BEP demonstration in the permit application. In most cases this LV will allow for such discharges at a maximum oil concentration of 40mg/l. The Department recognises that, on occasion, the implementation of an overall BAT/BEP strategy for all oil discharges systems the installation may result in the applicants BAT/BEP demonstration concluding that direct discharges of wash water should be made at oil concentrations above the standard maximum LV. Such permit applications will be considered on a case-by-case basis in the context of the overall minimisation of oil discharges to sea.

Any application for that proposed wash water LVs >40mg/l must be accompanied by sufficient justification to enable permit approval e.g. a demonstration that actions and costs involved in installing bespoke water treatment systems are unreasonable / prohibitive and not proportionate to the discharge to be made; the sand cleaning operation will reduce oil concentrations in produced water discharges; etc.

A5.5 Sampling/Analysis

- a) All discharges of sand and wash water must be sampled and analysed in accordance with the requirements of the BEIS Methodology (referred to in section 6.3 above). The required sampling frequency will be specified in the Permit.
- b) A fundamental requirement of the sand sampling arrangements is that the sand sample(s) analysed are demonstrable as being representative of the sand discharged.
- c) Permit holders must therefore ensure that the sand sampling strategy as implemented on the offshore installation includes collection of representative sand samples and at the required frequency.
- d) The Department is aware that on some offshore installations the arrangements are such that attempts to obtain the required samples of sand from sand wash systems can, on occasion, contain insufficient quantities of sand to perform oil on sand concentration analysis as per the BEIS Methodology. In these circumstances the Permit Applicant must ensure that for any fluids directly discharged to sea from the sand wash system:
 - the oil discharge permit application includes a separate Drainage discharge system to account for the oil in such fluid discharges;
 - the discharges are undertaken in a manner that is demonstrable as using BAT and BEP to minimise the oil discharged;
 - the samples obtained are representative of the fluid discharged from the sand wash system;
 - the analysis of the fluid samples is undertaken in accordance with the requirements of the BEIS Methodology for drainage systems;
 - arrangements are in place to provide the required monthly permit returns against the applicable discharge system.

A5.6 Quantification

Arrangements must be in place such that the Installation Operator can quantify the mass of sand discharged. The proposed sand quantification methodology must be described in the process and operation description attachment that is required to be provided with a Permit Application.

A5.7 Sand Wash Chemicals

Any offshore chemicals used/discharged during sand/scale treatment operations must be included in the scope of a chemical permit application.

A5.8 Sludges & Slurries

The relevant online or offline sand/scale schedules may be used in any Permit Application relating to the discharge of oil on other solid materials removed from process systems on production installations e.g. Sludges & Slurries.

A5.9 Low Specific Activity (LSA) Material / Naturally Occurring Radioactive Material (NORM)

Installation Operators considering making an application to discharge oil on sand and/or scale should note 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 require to be additionally 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 - Subsea System

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 to be 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 to be made directly to the sea for example, during pipeline intervention works or pipeline flushing operations, it will be necessary to obtain a separate Permit. The Permit Application must include details of the methodology which will be used to reduce the oil content of the pipeline e.g. pigging operations, chemical treatment.

A7 - Miscellaneous (Discharges / Activities Not Covered Above)

A7.1 There may be certain circumstances where the systems detailed in A1 to A6 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 must not be used without prior agreement with the Offshore Inspectorate, who will either provide alternative options or provide specific guidance on reporting of miscellaneous discharges. Please note that reporting of oil discharges from miscellaneous systems is not undertaken via EEMS – refer to the SICs for information on how these returns are to be made.

A8 - Injection / Re-Injection of Oil Containing fluids

A8.1 Within Table 1 of the Permit Application applicants will have the option to select “downhole” as the discharge destination for oil bearing materials that are to be (re)injected. This option will be available for 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 Permit will be required to cover any discharge of oil to sea if this may occur when injection or re-injection facilities are not available during periods of downtime, etc.

Appendix B – Oil discharges to sea which are exempted under these Regulations

A number of anticipated waste streams containing oil may be discharged from offshore installations but are exempt under the OPPC Regulations. The Regulations state the following:

Regulation 3 OPPC Regs:

3 (1) Subject to paragraph (2) ...no oil shall be discharged save in accordance with the terms of, and conditions attached to, a permit.

(2) The following are exempt from the requirement for a permit—

(a) discharges regulated by—

- the Offshore Chemicals Regulations 2002; or
- the Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020; or
- the Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020; and

(b) discharges of oil or oily mixtures regulated by regulation 33 of the Merchant Shipping (Prevention of Oil Pollution) Regulations 2019 with the exception of any of the following discharges of oil or oily mixtures made from floating production, storage and offloading facilities or floating storage units through the production stream—

- machinery space discharges; or
- discharges of contaminated sea water from operational purposes such as produced oil tank cleaning water, produced oil tank hydrostatic testing water or water from ballasting of a produced oil tank to carry out inspection by rafting.

The following represent the most commonly encountered exempt discharges:

B1 “Oils” Regulated under the Offshore Chemicals Regulations 2002

The use and discharge (including injection) of offshore chemicals is controlled under The Offshore Chemicals Regulations 2002. 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. The discharge of hydrocarbons or substitute hydrocarbons that are controlled under The Offshore

Chemicals Regulations 2002 will therefore be permitted under the Offshore Chemicals Regulations 2002 and an Oil Discharge Permit is not required.

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. If no reservoir crude or condensate hydrocarbons are expected, or where previous analyses results have confirmed that no reservoir crude or condensate hydrocarbons were present within a previous discharge, then no Oil Discharge Permit is required (note - a permit may be required for other discharge streams, for example drainage). If this is the case it should be stated within the MAT Chemicals application.

B2 Domestic Waste Discharges

Galley waste discharges are regulated by The Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020 (formerly 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: see OPPC Regulation 3(2)(a)(ii). Under this regime all cooking oils are prohibited from discharge and as such will not be included in Oil Discharge Permits issued by the Department.

B3 Oil Discharges from Machinery Spaces Drainage and Produced Oil Tanks

B3.1 Discharges of

- Machinery Space Drainage and
- Seawater containing residual oil from Produced Oil tanks from Offshore Installations can be regulated under the IMO / MCA provisions or the OPPC regulations.

The following guidance provides a summary of the applicable regulatory regimes for such discharges and details those discharges to be included in an oil discharge permit application made under the OPPC Regulations.

Applicable Regulatory Regimes

B3.2 Under the Merchant Shipping (Prevention of Oil Pollution) Regulations 2019 (MSPOP) (<https://www.legislation.gov.uk/uksi/2019/42/contents/made>) offshore installations engaged in the exploration, exploitation or associated offshore processing of sea-bed mineral resources must comply with certain requirements of MSPOP Regulations and MARPOL Annex I that are applicable to ships.

B3.3 MSPOP takes account of the Guidelines for the Application of the Revised MARPOL Annex 1 Requirements to Floating Production, Storage and Offloading Facilities and Floating Storage Units(1).

B3.4 For guidance in relation to MSPOP Regulations refer to the following MCA Marine Guidance Note <https://www.gov.uk/government/publications/mgn-603m-requirements-for-oil-or-oily-mixture-discharges-for-offshore-installations-engaged-in-oil-and-gas-operations-on-the-uk-continental-shelf>.

B3.5 For ships (including offshore installations) the guidance in Paragraph B3.4 applies to the discharges of oil from

- machinery spaces,
- contaminated sea water from operational purposes such as produced oil tank cleaning water, produced oil tank hydrostatic testing water or water from ballasting of a produced oil tank to carry out inspection by rafting.

B3.6 For offshore installations the discharges listed in Paragraph B3.5, the OPPC regulations do not apply to

- fixed or floating production platforms which can propel themselves through water
- NPIs
- FPSOs/FSUs - for discharges not made through the production stream.

These discharges are controlled by The Merchant Shipping (Prevention of Oil Pollution) Regulations 2019.

B3.7 For offshore installations the discharges listed in Paragraph B3.5, the OPPC regulations apply to

- fixed or floating production platforms which cannot propel themselves through water
- FPSOs and FSUs – for discharges made through the production stream.

Note - the Department interprets the ‘production stream’ on FPSOs and FSUs to be the oil production process).

Application of the Regulatory Regimes and Oil Discharge Permitting Requirements for Machinery Spaces Drainage and Produced Oil Tanks

B3.8The Operator of any applicable Offshore Installation that intends to discharge oil from Machinery Space Drainage and/or Seawater containing residual oil from Produced Oil Tanks as regulated under the OPPC regulations must describe these discharges in an oil discharge permit application. The following must be considered when determining whether any such discharges can be included in the scope of an oil discharge permit application:

Fixed or floating production platforms which cannot self-propel

B3.9 Any discharges of Machinery Space Drainage and/or Seawater containing residual oil from Produced Oil Tanks must be included within a drainage system description in an Oil Discharge Permit Application provided the oil is not comingled with oil/produced water generated during offshore oil and gas activities prior to discharge.

B3.10 If Machinery Space Drainage and/or Seawater containing residual oil from Produced Oil Tanks is comingled with oil/produced water generated during offshore oil and gas activities (e.g. in a slops tank which also receives Produced Water) then the discharge of Machinery Space Drainage and/or Seawater containing residual oil from Produced Oil Tanks must be detailed in the applicable Produced Water system description in the permit application.

FPSOs and FSUs:

B3.11 If Machinery Space Drainage is entirely segregated from all oil/produced water generated during offshore oil and gas activities i.e. the FPSO/FSU has a dedicated operational Oily Water Separator (OWS) for the processing of such segregated fluids then such discharges from the OWS must be undertaken in accordance with the requirements of MARPOL Annex I and MSPOP.

B3.12 Where an OWS is installed but is not utilised and all Machinery Space Drainage is consequently routed to the production stream the following requirements apply:

- If the OWS is operational or could reasonably be made operational, the Department has determined that this mode of operation does not provide a demonstration of the utilisation of Best Available Techniques (BAT) as is required for any Oil Discharge Permit Application. As such, within 3 months of publication of this Guidance Document the Oil Discharge Permit must be varied to include actions and timescales for bringing the OWS into service to enable a) Machinery Space Drainage to be removed from the Permit and b) all discharges from the OWS to be undertaken in accordance with the requirements of MARPOL Annex I and MSPOP.
- If the OWS is not operational or could not reasonably be made operational, the oil discharge permit application must demonstrate why this mode of operation represents BAT. As such, within 3 months of publication of this Guidance Document any Oil Discharge Permit that does not make this BAT demonstration must be varied to include full justification for not bringing the OWS into service to enable Oil Discharge Permit reapproval e.g. a demonstration that actions and costs involved in bringing the OWS into service are unreasonable / prohibitive; etc.

B3.13 Where there is no OWS and Machinery Space Drainage is routed into a slops tank (or other system) where it comingles with oil/produced water generated during offshore oil and gas activities then all discharges from the slops tank (or other system) can be included in an application for an oil discharge permit. Any such application must demonstrate that:

- the FPSO/FSU has been designed such that the slops tank (or other system) is operated as part of the production stream;

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- it is not feasible to retrospectively segregate Machinery Space Drainage from fluids generated from oil/produced water during offshore oil and gas activities; and
 - the arrangements in place enable the minimisation of oil content in the subsequent discharges to sea from the slops tank (or other system) i.e. the arrangements must be demonstratable as constituting BAT.

B3.14 For contaminated seawater containing residual oil from Produced Oil Tanks:

- discharges direct to sea must be undertaken in accordance with the requirements of MARPOL Annex I and MSPOP;
- where a. above cannot be achieved and where contaminated seawater is routed to a slops tank (or other system), this can be included in an application for an oil discharge permit. Any such application must demonstrate that
 - there are no systems on the FPSO/FSU which enables compliance with the relevant requirements of MARPOL Annex I and MSPOP, and
 - the routing of the contaminated seawater to a slops tank (or other system) enables minimisation of oil content in the discharges to sea i.e. the arrangements must be demonstratable as constituting BAT.

For Items (ii) and (iii), all such oil discharge permit applications must describe these discharges under the applicable Produced Water discharge system in the permit application. The required demonstration as listed above are required for Oil Discharge Permit approval. For existing Oil Discharge Permits where this demonstration has not been made, a variation must be made within 3 months of publication of this Guidance Document to enable this to be provided.

Note – any discharge of Machinery Space Drainage and/or Seawater containing residual oil from Produced Oil Tanks from FPSOs and FSUs when not maintained on station for the purpose of offshore oil and gas activities must be undertaken in accordance with the requirements of MARPOL Annex I and MSPOP.

NPIs:

B3.15 It is common for NPIs to utilise separate deck drainage and machinery space drainage systems (These are often referred to as ‘Non-Marpol’ and ‘Marpol’ drain systems).

B3.16 NPI deck drainage systems include drill floor drains, helideck drains, clean drains, contaminated drains, machinery space drainage. An example of a NPI drainage system is provided in Section A4.4 above along with guidance on drains which must be included as an oil discharge system in an Oil Discharge Permit Application.

B3.17 NPI machinery space drainage systems include OWS for treatment of machinery space drainage.

B3.18 The Department and MCA has agreed that the segregation of Machine Space Drainage systems from Deck Drainage systems is best practice for the minimisation of emissions from the installation.

B3.19 Segregated Machine Space Drainage discharges via an OWS cannot be included as an oil discharge system in an Oil Discharge Permit Application under the OPPC regulations. These discharges must be managed in accordance with the requirements of MSPOP and Marpol Annex 1.

B3.20 The Department and MCA has agreed it is acceptable for NPIs to segregate deck drainage from Machine Space Drainage and subsequently backload all deck drainage fluids for onshore disposal. As the management of segregated deck drainage fluids in this manner does not result in any discharge to sea from the installation there are no applicable oil discharge permit requirements.

B3.21 For early generation NPIs (1st to 4th generation in most circumstances) it has been identified that it is common for Deck Drainage fluids to be comingled with Machinery Space Drainage by design. The Department and MCA has agreed it is acceptable for early generation NPIs designed in this manner for all oil discharges arising from the treatment of comingled drainage fluid (which includes any oil present in the deck drainage systems arising from offshore oil and gas activities) to be managed/discharged as per the requirements of MSPOP and Marpol Annex 1 i.e. No oil discharge permit application under the OPPC regulation is required.

Note – The Department and MCA has agreed it is not acceptable for later generation NPIs to comingle deck drainage and machinery space drainage systems. It is the expectation that these systems will be segregated.

B3.22 For all NPIs which segregate deck drainage systems from Machinery Space Drainage systems all oil discharges from deck drainage systems when the installation is maintained on station for the purposes of offshore oil and gas activities must be included as a drainage discharge system in the scope of an oil discharge permit application under the OPPC regulations. In practice such applications will be made by the relevant Well/Installation Operator under a relevant MAT in the PETS permit system operated by The Department. Any such application must demonstrate that the deck drainage system represents BAT.

B3.23 It is the position of the Department and MCA that every effort will be made to immediately clean up any oil spilled to deck, with waste disposed of appropriately. Thereafter, it is accepted that trace levels of residual oil may find its way into the drainage system.

Appendix C – Form of Public Notice

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

[Insert company name] has applied to the Secretary of State for Business, Energy and Industrial Strategy for a Permit to discharge oil in accordance with the Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005 (“OPPC”).

The Permit Applications are in relation to [Insert installation and field name, name of field, storage complex, unloading facility or pipeline, or well designation] located [Insert number of miles] from the [Insert relevant UK area coastline] at [Insert Latitude and Longitude coordinates using format 00° 00’ 00.00” N; 00° 00’ 00.00” E/W]

The purpose of the Permit Application is for the discharge of oil from [describe purpose] with a total quantity of [X tonnes oil per year or operation]. [Applicant to include any additional information necessary to describe the application so that people can determine if they might be interested in obtaining more information or making representations.]

Copies of the Permit Applications may be requested by letter to [Insert full postal address] or by e-mail to >>Insert e-mail address<< until close of business on [Insert date using format DD/MM/YYYY, which must be at least 28 days after the date of the last publication of the notice]. Copies can be requested to be provided by post or by e-mail. The Permit Applications may also be accessed via the internet at [Insert relevant publicly accessible website address from which the applications can be downloaded by the public].

Interested parties have until «Insert date, which must be at least 28 days from the date on which the notice was last published» to make representations in relation to the Permit Applications to the Secretary of State. All representations should quote the Department’s reference number ([Insert BEIS reference number]) and may be made by letter or e-mail to:

Business Support Team

Department for Business, Energy and Industrial Strategy

Offshore Petroleum Regulator for Environment & Decommissioning

AB1 Building

Crimon Place

Aberdeen

AB10 1BJ

Email: BST@beis.gov.uk

Appendix D – Definitions and Abbreviations

D.1 Definitions

Definitions of 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):

The Department	BEIS / OPRED shall be referred to as the Department for the purposes of these Guidance Notes.
Discharge	in relation to oil means any intentional emission of the oil from an offshore installation into the relevant area.
Dispersed Oil	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 the Department's Inspectorate team.
Host Offshore Installation	an offshore installation that processes fluids from a number of separate oil, gas or condensate fields including tied back facilities.
Installation Operator	In relation to a production installation means a person appointed in accordance with regulation 5 or 6 of the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015) to conduct any offshore petroleum operations, other than the planning or execution of any well operations as defined in regulation 2(1) of those regulations.
Non-Production Installation	an installation other than a production installation
Offshore Installation	<p>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. '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, the Regulations also apply to installations and pipelines</p>

	<p>established for gas storage and unloading activities under Part 1 of the Energy Act 2008</p> <p>Offshore Installations include production installations and non-production installations (NPI)</p>
Oil	<p>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.</p> <p>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.</p>
Operator	<p>“operator” means any person who operates an offshore installation.</p> <p>This includes Installation Operator, Well Operator, Pipeline Operator or NPI Owner.</p>
Owner	<p>“owner” means the person who controls or is entitled to control the operation of a non-production installation</p>
Permit	<p>an authorisation granted by the Secretary of State pursuant to the Regulations to discharge oil.</p>
Permit Holder	<p>the holder from time to time of a Permit.</p>
Pipeline Operator	<p>in relation to a pipeline, means—</p> <p>(a) the person who is to have or (once fluid or any mixture of fluids is conveyed) has control over the conveyance of fluid or any mixture of fluids in the pipeline;</p> <p>(b) until that person is known (should there be a case where at a material time that person is not yet known) the person who is to commission or (where commissioning has started) commissions the design and construction of the pipeline; or</p>

	(c) when a pipeline is no longer used or is not for the time being used, the person last having control over the conveyance of fluid or any mixture of fluids in it.
Pollution	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	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.
Production Installation	<p>an installation which -</p> <p>(a) extracts petroleum from beneath the seabed by means of a well; or</p> <p>(b) is used for the conveyance of petroleum by means of a pipe, and—</p> <p>(a) includes a—</p> <p>(i) non-production installation converted for use as a production installation for so long as it is so converted;</p> <p>(ii) production installation which has ceased production for so long as it is not converted to a non-production installation; and</p> <p>(iii) production installation which has not come into use; and</p> <p>(b) does not include an installation which, for a period of no more than 90 days, extracts petroleum from beneath the seabed for the purposes of well testing;</p>
Regulations	the Offshore Petroleum Activities (Oil Pollution Prevention and Control) Regulations 2005.
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	that area (together with places above and below it) comprising –

	<p>(a) those parts of the sea adjacent to England from the low water mark to the landward baseline of the United Kingdom territorial sea;</p> <p>(b) the United Kingdom territorial sea apart from those areas comprised in Scottish controlled waters and Welsh controlled waters; and</p> <p>(c) those areas of sea in any area for the time being designated under Section 1(7) of the Continental Shelf Act 1964.</p> <p>It should be noted that, in the context of these Regulations, the relevant area includes those areas beneath the seabed, and an Oil Discharge Permit will therefore be required for the injection, or re-injection, of discharge streams containing oil.</p>
Scottish Controlled Waters	any waters which are controlled waters within the meaning of Section 30A(1) of the Control of Pollution Act 1974.
System / Sub-system	<p>A process resulting in the discharge of oil as shown in the table in Section 5.3 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>Note – this replaces the use of Schedules formerly employed in OPPC Permits.</p>
Tie-Back	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
Well Operator	In relation to a well or proposed well means a person appointed in accordance with Regulation 5 or 6 to conduct the planning or execution of well operations (as defined in the Offshore Petroleum Licensing (Offshore Safety Directive) Regulations 2015).
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

D.2 Abbreviations

BEIS	Department for Business, Energy and Industrial Strategy
FPSO	Floating Production and Storage Unit
FSU	Floating Storage Unit
IRS	Integrated Reporting Service (IRS) – on line application within the Department’s energy portal to enable notification of breaches of regulations and non-compliance with Permits and Consents.
IMO	International Maritime Organization - the United Nations specialized agency with responsibility for the safety and security of shipping and the prevention of marine and atmospheric pollution by ships.
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
NPI	Non-Production Installation
OPRED	Offshore Petroleum Regulator for Environment & Decommissioning
OPPC	Oil Pollution, Prevention and Control
OWS	Oily Water Separator
PETS	UK Energy Portal Environmental Tracking System
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.
SIC	Standard Industry Conditions for The Offshore Petroleum Activities (Oil Pollution Prevention & Control) Regulations 2005, located at https://itportal.decc.gov.uk/pets/oppc/sic

UKOPP

United Kingdom Oil Pollution Prevention

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