

RESPONSES MADE TO THIRD PARTY CONSULTATIONS

APRIL 2017



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Our Ref: JM/BB/MB/JW/
ORG13-A3093

10 April 2017

By email: tracey.mackie@beis.gov.uk

Dear Ms Mackie

SHELL BRENT FIELD DECOMMISSIONING PROGRAMMES

Thank you for providing the Scottish Environment Protection Agency (SEPA) with the opportunity to comment on the above consultation document.

Radioactive Substances:

- All radioactive waste generated as a result of decommissioning should be managed in accordance with the Radioactive Substances Act 1993 (as amended) (RSA 93), and disposed of to a suitably authorised facility. If it is intend to transfer any radioactive waste outwith the UK, please be aware that both RSA 93 and the Waste Shipments Regulations (EC Regulation 1013/20016) will apply. Shell is strongly advised to contact the Environment Agency and/or SEPA to discuss the policy and regulatory requirements associated with such overseas shipment of radioactive waste.
- Where NORM contaminated waste is to be landed or transferred to facilities in Scotland, SEPA should be provided with details of the facility(ies) to which the waste is to be transported. The characteristics of the NORM (e.g. typical radionuclide concentrations) and clarification regarding its intended fate should also be provided.
- It is common for there to be exempt sealed radioactive sources present on offshore installations. Such sources should be managed in accordance with the Radioactive Substances Exemption (Scotland) Order 2011.

Transfrontier Shipment of Wastes:

The following link provides a range of guidance (including: Details of the Regulations requirements; how and where the regulations apply and the fees and charges that apply to such movement) that may be of value to you should you consider the movement of waste materials outwith the UK <http://www.sepa.org.uk/regulations/waste/transfrontier-shipment-of-waste/>

Waste Management and Duty of Care with respect to wastes:

General:

- Because of differences in legislation and / or approach to regulation between Scotland and the remainder of the UK, the following comments are made from a Scottish perspective and relate to materials or wastes arising from decommissioning activities that may be landed in Scotland, or that are landed elsewhere and subsequently transported to waste facilities in Scotland. It is however recognised that some of the comments may well be applicable to the remainder of the UK. Shell are strongly advised to make contact with the EA in those areas of England where wastes are likely to be landed, kept and treated, to discuss their regulatory requirements and needs.

Duty of Care with respect to Wastes:

- It is encouraging to see that the Shell waste strategy for the Brent decommissioning programmes adopts and applies the waste hierarchy to all wastes recovered to shore, with disposal being considered only where no other option is available. The target of recycling or recovering up to 97% of the decommissioned materials is particularly welcomed. In this regard Shell should review the requirements of the Waste (Scotland) Regulations 2012 <http://www.legislation.gov.uk/sdsi/2012/9780111016657/contents>, as those Regulations, which implement, in part, the Scottish Government's Zero Waste Plan, place a duty on the holders of waste, including producers, to take reasonable steps to increase the quantity and quality of recyclable materials. Similar requirements exist within the remainder of the UK and Shell is strongly advised to contact the Environment Agency (EA) with regard to their requirements.

For the correct definition and usage of waste terminology e.g. re-use, recycle, recover etc., Shell are directed to the Waste Framework Directive.

- The Brent Field Installations Decommissioning Programme notes that Shell is to produce and maintain a 'Duty of Care Assurance Programme' for the correct management of wastes. Under the Duty of Care Shell must ensure that they demonstrate full compliance with the requirements of Section 34 of the Environmental Protection Act 1990 (EPA as amended). It is hoped the 'Duty of Care Assurance Programme' will assist Shell in achieving this.
- It is important that Shell recognise that their obligations under Section 34 of the EPA 1990 do not cease once the wastes, derived from the Brent decommissioning activities, are transferred to a third party waste contractor, but rather are only discharged at final disposal of those wastes, or at that point when the waste is no longer so classified.

The following link is to the 'Duty of Care: A Code of Practice'. This code explains the duties applicable to anyone producing, keeping, or treating controlled waste in Scotland. <http://www.scotland.gov.uk/Resource/0040/00404095.pdf>.

- Where Shell are proposing to conduct additional hazardous waste surveys, such surveys should be conducted offshore, rather than at the onshore receiving facility. In this way the onshore facility or transition point can ascertain ahead of receipt; if they are capable of receiving and handling the materials and wastes; and have appropriate environmental and health & safety measures in place (e.g. are appropriately engineered to capture any leak and/or spillage). Only where it is not physically, or otherwise, possible to undertake such surveys offshore should onshore characterisation and survey be considered.

- One of the difficulties that may be experienced (dependant on the scale and number of decommissioning activities ongoing at the time Brent wastes are brought ashore) is the availability of capacity for the receipt, storage, treatment and disposal of those wastes. Although there are a considerable number of licenced facilities in Scotland the majority have limitations on the type and volumes of wastes that can be received. To assist you in determining those disposal options currently available the following link details all of the Scottish waste reception, treatment and handling facilities currently licenced by SEPA. <https://www.sepa.org.uk/environment/waste/waste-data/waste-data-reporting/waste-site-information/waste-sites-and-capacity-excel/>
- Shell should ensure, and provide evidence, that there will be sufficient waste disposal capacity available for the forecast activity waste volumes.
- As part of the 'Close-out' process Shell will be required to demonstrate, to the satisfaction of BEIS and SEPA (for wastes entering Scotland), that they have complied with their Duty of Care obligations and can demonstrate the ultimate fate of all wastes and materials derived from their decommissioning activities. Close-out should be subject to such a demonstration.

Active Waste Strategy & Plan:

- Ideally, an 'Active Waste Management Strategy and Plan' should be produced and adhered to. Such a strategy and plan, which could form part of Shell's 'Duty of Care assurance Plan', will allow Shell to respond effectively to further information (e.g. waste surveys) that refines their knowledge of the waste types, characteristics, and volumes to be generated as a result of the decommissioning of the Brent infrastructure. SEPA would request that the said plan identify the locations of all disposal/reuse facilities for the topsides, jacket, umbilical's, risers and all other wastes such as fuels and lubricants, and that the plan is made available for comment by the various regulating bodies.
- Additionally, once items have been identified for being sold or reused by Shell, a platform broker, or decommissioning contractor, the details of those items should be included with the active waste management plan, as should details relating to those who have sold and received said items.
- The details to be included within the Active Waste Management Strategy and Plan (including the associated inventory) should be developed with SEPA and the EA (as needed).
- SEPA requests that it be informed of the appointment of waste contractors and sub-contractors, prior to first movement of wastes, so that the movement of any and all waste can be tracked.
- SEPA are pleased to note that Table 23 'Estimated Inventory of Topside Material and Proposed Fate after Decommissioning' is a detailed list of items and estimated quantities. SEPA have been working with BEIS to encourage Operators to produce such an inventory. Additional items that should be included within the inventory are: Biocides (by type); Flame retardants; CFC/HCFC; Chloro-paraffins; cement powders and mattresses; hydrocarbons; Paints (by type e.g. Isocyanates, polyurethane, lead, asbestos, bitumen etc.); Heli fuels; marine growth; and PCBs.

Other Waste Comments:

- The DP does not specify where decommissioned sub-sea items, pipelines, umbilicals, mats or grout bags will be taken for reuse/recycling or disposal. If these are to be taken on-shore or transported to Scotland at a later date then SEPA must be informed of the sites that these items will be taken to. Likewise the primary contractor and subsequent sub-contractors details must be forwarded to SEPA.
- Appendix 1 (the EIA) proposes that marine growth on the Brent A upper jacket is to be left to fall off and be eaten by birds, with any remaining residue being disposed of to landfill. Because of the significant possibility of odours such a treatment option would not be accepted in Scotland. SEPA would strongly encourage the operator to contact the EA to explore this particular aspect. Additionally, application of the waste hierarchy may identify alternative means of disposal for this waste.

As a public body committed to openness and transparency, SEPA feels it is appropriate that this response be placed on the public record. If you require further clarification on any aspect of this correspondence, please contact Brian Blagden, Technical Support Unit North who is based at our Aberdeen Office, Inverdee House, Baxter Street, Torry, Aberdeen, AB11 9QA (email: brian.blagden@sepa.org.uk; tel: 01224 266681).

Yours sincerely

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Our Ref: JM/BB/MB/JW/
ORG13-A3095

10 April 2017

By email: brenda.muirhead@beis.gov.uk

Dear Ms Muirhead

TAQA - HARDING SUBMERGED TURRET LOADING (STL) CLOSE OUT REPORT

Thank you for providing the Scottish Environment Protection Agency (SEPA) with the opportunity to comment on the above consultation document. Having now reviewed the document SEPA would make the following comments:

1) Demonstration of the Duty of Care with respects to waste:

Section 1.1, '*Summary of Project Scope*' and Section 5.3, Table 5.1, entitled '*Onshore Recycling/Disposal of Harding STL system*' to the close-out report provides brief details of the materials that have been removed for recycling, reuse and/or disposal. i.e. The eight mooring lines and associated components; the eight seabed suction anchors; the tanker mooring and loading interface buoy and associated components; and the 16" riser and associated spool pieces. While it is indicated that these materials and wastes were landed at Lerwick it remains unclear, from the information provided, as to whether the point of landing, and subsequent installations receiving these wastes, or part thereof, were licenced and engineered to accept them.

As part of the 'Close-out' process there is a need for TAQA to satisfy both BEIS and SEPA that they have complied with their Duty of Care obligations, and are able to demonstrate the ultimate fate of all wastes and materials derived from their decommissioning activities. Such a demonstration has not been made.

2) Information Request:

In order to demonstrate that they have complied with Section 34 of the Environment Protection Act 1990 (As Amended) TAQA are requested to provide SEPA with the following information;

- 1) Details of all sites/facilities to which the wastes, mentioned at Section 1.1 and detailed in Table 5.1 to their report, were taken (to include: site name and address and SEPA licence or Permit number);
- 2) Details of those companies transporting waste beyond the point of first landing (to include: company name, address, and Waste Carriers Registration Number);
- 3) Details of all contractors and sub-contractors handling, treating or storing the waste if not located at 1) above;

- 4) For wastes classified as special or hazardous - Copies of all special waste consignment notes (SC and SA waste notes); and
- 5) For non-hazardous / special waste – copies of all waste transfer notes;
- 6) STL Buoy - It is noted at Section 2.3 to the Close-out report that the STL buoy was sold to the original manufacturers, APL. APL was intending to remove the internal piping parts from the buoy to re-evaluate their viability for reuse. APL was also then to recycle the main body of the buoy as scrap metal.

It is important that TAQA recognise that their obligations under Section 34 of the EPA 1990 do not cease once the wastes, derived from the Harding STL decommissioning activities, are transferred to a third party, but rather are only discharged at final disposal of those wastes, or at that point when the waste is no longer so classified. Accordingly, SEPA would request information relating to the final fate of the Buoy and of the internal piping.

As a public body committed to openness and transparency, SEPA feels it is appropriate that this response be placed on the public record. If you require further clarification on any aspect of this correspondence, please contact Brian Blagden, Technical Support Unit North who is based at our Aberdeen Office, Inverdee House, Baxter Street, Torry, Aberdeen, AB11 9QA (email: brian.blagden@sepa.org.uk; tel: 01224 266681).

Yours sincerely

Janice Milne
Head of National Regulatory Services

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Our Ref: ORG13-A3096
Your Ref: -

03 April 2017

By email: ruth.ledingham@beis.gov.uk

Dear Ms Ledingham

Ninian North Platform Decommissioning Programme - Draft for Consultation

Thank you for providing the Scottish Environment Protection Agency (SEPA) with the opportunity to comment on the above consultation document.

Zero waste and Duty of Care:

- It is encouraging to see that the CNR International (CNRI) waste strategy for the Ninian Northern Platform decommissioning will adopt and apply the waste hierarchy to all wastes recovered to shore, with disposal being considered only where no other option is available. In this regard CNRI should review the requirements of the Waste (Scotland) Regulations 2012 <http://www.legislation.gov.uk/sdsi/2012/9780111016657/contents> as those Regulations, which implement, in part, the Scottish Government's Zero Waste Plan, place a duty on the holders of waste, including producers, to take reasonable steps to increase the quantity and quality of recyclable materials.

For the correct definition and usage of waste terminology e.g. re-use, recycle, recover etc., CNRI are directed to the Waste Framework Directive.

- CNR International must ensure that they comply fully with the requirements of Section 34 of the Environmental Protection Act 1990 (as amended) with regard to the Duty of Care of waste. It is important that BG recognise that their obligations under this piece of legislation do not cease once the wastes, derived from the Ninian decommissioning activities, are transferred to a third party waste contractor, but rather are only discharged at final disposal of those wastes, or at that point when the waste is no longer so classified.

The following link is to the 'Duty of Care: A Code of Practice'. This code explains the duties applicable to anyone producing, keeping, or treating controlled waste in Scotland.
<http://www.scotland.gov.uk/Resource/0040/00404095.pdf>

- CNRI are proposing to conduct additional hazardous waste surveys, either immediately prior to sending materials onshore, or at an onshore transition point. Ideally, such surveys should be conducted offshore so that the onshore facility or transition point can ascertain; if they are capable of receiving and handling the materials and wastes; have been informed ahead of receipt; and have appropriate environmental and health & safety measures in

place. Only where it is not physically, or otherwise, possible to undertake the survey offshore should onshore characterisation and survey be considered.

- One of the difficulties that may be experienced (dependant on the scale and number of decommissioning activities ongoing at the time Ninian wastes are brought ashore) is the availability of capacity for the receipt, storage, treatment and disposal of those wastes. CNRI should ensure, and provide evidence, that there will be sufficient waste disposal capacity available for the forecast activity waste volumes.
- As part of the 'Close-out' process CNRI should demonstrate, to the satisfaction of BEIS and SEPA, that they have complied with their Duty of Care obligations and can demonstrate the ultimate fate of all wastes and materials derived from their decommissioning activities. Such a demonstration should be made prior to close-out of the decommissioning plan and indeed Close-out should be subject to such a demonstration.

Active Waste Strategy & Plan:

- Reference is made at Section 2 to a commitment to 'active waste management'. Ideally, an 'Active Waste Management Strategy and Plan' should be produced and adhered to. Such a strategy and plan will allow CNRI to respond effectively to further information (e.g. waste surveys) that refines their knowledge of the waste types, characteristics, and volumes to be generated as a result of the decommissioning of the Ninian North Platform. SEPA would request that the said plan identify the locations of all disposal/reuse facilities for the topsides, jacket, umbilical's, risers and all other wastes such as fuels and lubricants, and that the plan is made available for comment by SEPA.

Additionally, once items have been identified for being sold or reused by CNRI, a platform broker, or decommissioning contractor, the details of those items should be included with the active waste management plan, as should details relating to those who have sold and received said items.

The details to be included within the Active Waste Management Strategy and Plan (including the associated inventory) should be developed with SEPA and other Regulators as needed.

Section 3.8 'Waste Streams' directs the reader to the NNP Waste Management and CNRI's Corporate Procedures located within Section 11 of the NNP Environmental Statement. Section 11.3.4 of this document 'Contractor Management' includes the procedure for waste contractors and sub-contractors. SEPA requests that it be informed of the appointment of waste contractors and sub-contractors, prior to first movement of wastes, so that the movement of any and all waste can be tracked.

CNRI are proposing the conduction of additional hazardous waste surveys, either immediately prior to sending materials onshore, or at an onshore transition point. Ideally, such surveys should be conducted offshore so that the onshore facility or transition point can ascertain if they are capable of receiving and handling the materials and wastes and have been informed ahead of receipt so that appropriate environmental and health and safety measures can be put in place. Only where it is not physically, or otherwise, possible to undertake the survey offshore should onshore characterisation and survey be considered.

Waste Transfrontier Shipment:

- Where consideration is to be given to the movement and landing of materials and wastes outwith the UK then CNRI are strongly advised to contact SEPA to discuss their needs. The following link provides guidance that may be of value in this regard
<https://www.sepa.org.uk/regulations/waste/transfrontier-shipment-of-waste/>

Other Comments:

- At Section 1.5.1 'Timing of Removals - Jacket'. It is stated that the jacket is protected by sacrificial anodes that will remain in situ to allow protection of the structural integrity for an extended period and thereby allow application of newly emerging technologies to be considered. Could you clarify the effective lifespan of these anodes?

As a public body committed to openness and transparency, SEPA feels it is appropriate that this response be placed on the public record. If you require further clarification on any aspect of this correspondence, please contact Brian Blagden, Technical Support Unit North who is based at our Aberdeen Office, Inverdee House, Baxter Street, Torry, Aberdeen AB11 9QA (email: Brian.Blagden@sepa.org.uk; tel: 01224 266600).

Yours sincerely

Janice Milne
Head of National Regulatory Services