

RESPONSES MADE TO THIRD PARTY CONSULTATIONS

FEBRUARY 2017



Chairman
Bob Downes

Chief Executive
Terry A'Hearn

SEPA Stirling Office

Strathallan House, Castle Business Park,
Stirling FK9 4TZ

tel 01786 457700 fax 01786 446885

www.sepa.org.uk • customer enquiries 03000 99 66 99

Laura McCaig
Rail Futures Project Manager
Transport Scotland
7th Floor, Buchanan House
58 Port Dundas Street
Glasgow G4 0HF

Our Ref: JM/AF/JW/
ORG13-A3083

Your Ref: -

09 February 2017

By email: laura.mccaig@transport.gov.scot

Dear Ms McCaig

Transport Scotland's rail infrastructure strategy workshops and launch of consultation document

Thank you for your email to SEPA dated 17 November 2016 extending an invitation to attend the workshops and to respond to the consultation document. Upon receipt, details of the workshops and the consultation document were circulated to relevant staff.

Having had the opportunity to consider this consultation, I can advise that we have no comments to make.

As a public body committed to openness and transparency, SEPA feels it is appropriate that this response be placed on the public record.

Yours sincerely

Janice Milne
Head of National Regulatory Services

Amy Stubbs
Decommissioning Manager
Oil & Gas Environment and Decommissioning
Department for Business, Energy & Industrial Strategy
3rd Floor, AB1 Building, Crimon Place
Aberdeen AB10 1BJ

Our Ref: JM/AS/DO/JW/
ORG13-A3088

10 February 2017

By email: amy.stubbs@beis.gov.uk

Dear Ms Stubbs

ETTRICK AND BLACKBIRD DECOMMISSIONING PROGRAMMES

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

Having reviewed the decommissioning programme SEPA has identified one area where further information is required and several areas where further engagement between Nexen and SEPA would be beneficial in relation to ongoing waste management responsibilities associated with the decommissioning programme.

CLARIFICATION

NORM in pipelines

The decommissioning programme includes naturally occurring radioactive material (NORM) as part of the estimated pipeline inventory. The figures provided suggest that this amounts to approximately 15 tonnes of NORM. SEPA requests that further detail is provided regarding the characteristics of the NORM (e.g. typical radionuclide concentrations) and clarification regarding its intended fate, specifically whether NORM will be recovered to shore or left in-situ. Depending on the specific circumstances, leaving such waste in-situ may require authorisation as a disposal of radioactive waste under the Radioactive Substances Act.

FURTHER ENGAGEMENT

Waste management plan

The proposed decommissioning programme does not include or refer to a waste management plan. Such a plan will be required to enable Nexen to be able to meet the various regulatory obligations as set out below.

An adequate waste management plan will include a detailed inventory that; identifies the type and quantity of each waste likely to be generated; their classification (by reference to EWC Code); any special precautions needed for handling, cutting or transporting those wastes; and an indication of where those materials are likely to be encountered within the off-shore infrastructure. Some indication that the operator has considered on-shore waste handling, treatment, and disposal capacity would also be advantageous. Details of all licenced sites and their capacities can be found at the following link: <https://www.sepa.org.uk/environment/waste/waste-data/waste-data-reporting/waste-site-information/waste-sites-and-capacity-excel/>

Duty of care

Nexen 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 Nexen recognise that their obligations under this piece of legislation do not cease once the wastes, derived from the Ettrick and Blackbird fields, 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>

Nexen should be able to 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 could usefully form part of the 'Close-out' process.

Waste Transfrontier Shipment

Should decommissioning involve the consideration of movement and landing of materials and wastes outwith the UK then, Nexen are strongly advised to contact SEPA to discuss their needs and the associated regulatory requirements.

Radioactive Substances

The decommissioning programme indicates that NORM is present and states that appropriate monitoring will be carried out in relation to wastes containing or suspected to contain NORM. Furthermore, it is intended to take any such NORM contaminated items to shore for disposal under the appropriate permit. Should this include a location outside the UK, Nexen are strongly advised to contact SEPA to discuss the policy and regulatory requirements associated with the overseas shipment of radioactive waste.

It is also common for there to be exempt sealed radioactive sources present on offshore installations. The decommissioning programme does not mention that any are present. If there are, they should be managed in accordance with the Radioactive Substances Exemption (Scotland) Order 2011.

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 Adam Stackhouse, Specialist 1, Radioactive Substances & Nuclear Regulation at the address shown or by email: adam.stackhouse@sepa.org.uk .

Yours sincerely

Janice Milne
Head of National Regulatory Services

Water Environment Team
Environmental Quality Division
Scottish Government
Area 1-H (North)
Victoria Quay
EDINBURGH
EH6 6QQ
E-mail: joyce.carr@gov.scot

Our Ref: JM/CA/PP/JW/
ORG13-A3091

Your Ref: -

If telephoning ask for:
Peter Pollard

03 February 2017

Dear Joyce

Delivering Scotland's River Basin Management Plans: The Water Environment (Controlled Activities)(Scotland) Regulations 2011 Proposed Amendments

Thank you for the opportunity to comment on the proposed amendments to the 2011 Regulations described in the above consultation. SEPA welcomes the proposals, and considers that they will improve protection of the water environment whilst also reducing unnecessary regulatory burdens.

We have a few, minor comments. These are set out in the annex below.

We would also like to thank you for the collaborative approach you have taken with SEPA in preparing the proposals.

Yours sincerely

Janice Milne
Head of National Regulatory Services

Enc

Annex

Specific, detailed comments

GBR 17

Rule 8 requires that no pollutants may be added to, or otherwise allowed to enter, the abstracted water prior to its return to the geological formation.

We agree that the rule should require that no substance liable to cause pollution is added to, or otherwise allowed to enter, the abstracted water prior to its return. As well as substances, the term, "pollutant", also includes "heat liable to cause pollution". The addition of heat to the abstracted water (eg as part of a cooling system) prior to its return would not to cause pollution of the groundwater. However, to avoid potential confusion over the scope to use the GBR for cooling systems, we think it would be clearer if the reference to pollutant in the GBR was replaced by a reference to substance.

GBR 18

GBR 18 applies to the storage of fertiliser unless the storage is regulated by a waste management licence or under the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations.

The storage of some organic wastes is also regulated under waste exemptions under the Waste Management Licensing (Scotland) Regulations 2011. To avoid any potential confusion, we recommend consideration is given to how best to align the few rules that differ under the two sets of regulations.

SEPA

03 February 2017

ORG13-A3092

Steven King
Secretariat to Committee on Radioactive Waste Management
2E
3 Whitehall Place
London
SW1A 2AW

Our Ref: TA/MM
Your Ref:

If telephoning ask for:
Margaret Mclean

6 February 2017

Dear Steven

CoRWM Draft Work Programme 2017-2010 – Circulated for comments

SEPA welcomes the opportunity to comment on the CoRWM Draft Work Programme 2017-2010. We consider the work described in the programme to be appropriate and the indicative time allocations to be reasonable.

We look forward to engaging with CoRWM on the elements of its programme on which our own regulatory remit has a bearing.

Yours sincerely

Terry A'Hearn
Chief Executive Officer

Simon Parsons
Director of Strategic Customer Service Planning
Scottish Water
Castle House
6 Castle Drive
Dunfermline
KY11 8GG

Our Ref: ORG13-A3094
Your
Ref:

If telephoning ask for:
Jennifer Leonard

20 February 2017

Dear Simon

Draft Delivery Plan 2017 Update

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

We note the delivery updates to the environment investment programme following progress and agreement in several programme areas. We continue to be committed to working jointly with Scottish Water on a large number of SR15 study and delivery projects, including the significant investments highlighted in the delivery plan at Daldowie, Dalmarnock, the River Kelvin and various Bathing Waters, in order to achieve the most environmentally appropriate and cost-effective solutions.

Further to our recent discussions on OPA, we have noted Scottish Water's proposal to work with stakeholders, including SEPA, to consider whether an adjustment in this metric is appropriate.

We also note the significant progress made through your renewables and energy efficiency programmes to cut carbon emissions significantly, whilst achieving positive financial benefits, which is to be commended.

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 Jennifer Leonard, Unit Manager, Water Quality & Standards, SEPA Corporate Office, at the address shown.

Yours sincerely

Terry A'Hearn
Chief Executive Officer

Copies to Alan Sutherland (WICS), Bob Irvine (Scottish Government), Sue Petch (DWQR)