

Regulatory Position Statement

Onshore oil and gas well decommissioning and abandonment for wells drilled prior to 1 October 2013

Background

The management of extractive waste from drilling and stimulating onshore oil and gas wells will require an environmental permit. Permits will be issued under the Environmental Permitting (England and Wales) Regulations 2010 as amended (EPR) for a mining waste operation, namely the management of extractive waste whether or not it involves a waste facility. Any new permits will include the extractive waste generated from the well abandonment phase. Permits for other activities regulated under EPR, for example, a groundwater activity may also be required.

This document sets out our position where oil or gas wells were drilled before 1 October 2013 and the only new activity which would require a permit for a mining waste operation is the management of extractive waste, not involving a waste facility, generated by well abandonment.

Our Approach

We will not require an application for an environment permit for a mining waste operation, namely the management of extractive waste not involving a waste facility, for the abandonment or decommissioning of an oil or gas well, where all of the following requirements are met in full:

1. The Health and Safety Executive is satisfied that the following regulations are complied with in full;
 - the Borehole Sites and Operations Regulations 1995; and
 - the land-based requirements of the Offshore Installations and Wells (Design & Construction etc) Regulations 1996; and under which an operator is required to appoint an independent well examiner for well abandonment (and well suspension) designs and operations.
2. The following guidance is complied with in full;

UK Onshore Operators Group (UKOOG) entitled "UK Onshore Shale Gas Well Guidance" <http://www.ukoog.org.uk/elements/pdfs/ShaleGasWellGuidelines.pdf>; and

Environment Agency, Good Practice for Decommissioning Redundant Boreholes and Wells October 2012. (LIT 6478 / 657_12) http://a0768b4a8a31e106d8b0-50dc802554eb38a24458b98ff72d550b.r19.cf3.rackcdn.com/LIT_6478_8cbe6f.pdf

3. The Petroleum Exploration and Development Licence issued by DECC is complied with in full:
4. The activities do not include the management of extractive waste involving a waste facility; and

5. The requirements of Article 4 of the Mining Waste Directive are complied with namely, that extractive waste is managed without endangering human health and without using processes or methods which could harm the environment, and in particularly without risk to water, air, soil and fauna and flora, without causing a nuisance through noise or odour and without adversely affecting the landscape or places of special interest.

Enforcement

In not pursuing an application for a permit for a mining waste operation, this means we will not normally take enforcement action providing the activities fall within the scope of this position statement and comply with all of the requirements stated.

If any of the requirements above are not complied with in full or there is a risk of pollution, we will take enforcement action in line with our Enforcement and Sanctions guidance. This can be found on the 'How we regulate you' page in the Business & Industry section of our web site at <http://www.environment-agency.gov.uk/business/regulation/default.aspx>

This position relates only to the need for a permit to authorise a mining waste operation limited to the management of extractive waste not involving a waste facility. It does not extend to any other form of regulated facility as defined in the EPR.

Review

This position statement will be reviewed on the 31 December 2014. However, we may review the position before that date if we feel that is appropriate. Triggers for review will include, but are not limited to, a misuse of the position and or a pollution incident.

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