

Onshore oil and gas standard rules

What are standard rules?

Standard rules permits are a set of fixed rules for common activities. We assess the environmental risks and mitigation options but we do this once rather than for individual sites. If companies can meet our requirements they will be issued with a standard rules permit. If they cannot they will have to apply for a bespoke permit.

Only when we are confident that we understand the risks to the environment and how a company should control those risks will we issue a standard rules permit.

Standard rules permits maintain the same high levels of environmental protection as bespoke permits but allow for a more streamlined application process where activities are common across a sector and between operators. The streamlining of permit applications is about reducing unnecessary duplication and providing applicants with clear guidance through the permitting process. It is not about reducing protection of the environment.

Standard rules permits are not a new regulatory approach. We already use them for other sectors we regulate, such as anaerobic digestion, composting and handling radioactive substances on non-nuclear sites.

What activities do the new standard rules cover?

In 2016 we introduced two new sets of standard rules:-

Standard rules SR2015 No 1 – this covers the management of extractive waste, not including a waste facility, generated from onshore oil and gas prospecting activities including drilling, coring, leak off testing (LOT), acid wash and decommissioning but excluding hydraulic fracturing for the production of oil or gas (using oil and water based drilling mud)

The management of extractive waste is limited to non-hazardous waste with the exception of any hydrocarbons present in rock and which either contaminate drill cuttings or may be returned to the surface as free hydrocarbons during the drilling operation which would be hazardous waste and will not involve a waste facility; and

It defines the steps the operator must take to protect the environment, the drilling mud that can be used and how the muds and cuttings which may be contaminated with oil based drilling mud should be stored and safely disposed of. The permit does not allow any point source emissions to air, water or land. It does not permit the operation of a flare.

Standard rules SR2015 No 2 - Storage and handling of crude oil arising from onshore oil and gas exploration and production activities. These rules do not apply to the storage of crude oil with a hydrogen sulphide content greater than 10ppm and have a storage limit of 500 tonnes of crude oil.

How do operators qualify for a standard rules permit?

Operators must be able to comply with the rules and the supporting generic risk assessment. They must also, in the case of the standard rules SR2015 No1, be able to meet the requirements of the waste management plan WMP3. The rules also have location criteria that must be met in order to have the standard rules permit.

These criteria are as follows:-

The permitted activities must not be carried out within:

- 10 metres of any watercourse;
- groundwater source protection zone 1 or 2, or if a source protection zone has not been defined then within 250 metres of any well, spring or borehole used for the supply of water for human consumption. This includes private water supplies;
- a specified Air Quality Management Area;
- 200 metres of a European Site or a Site of Special Scientific Interest;
- 200 metres from the nearest sensitive receptor

The operator must use sufficient competent persons and resources. They shall manage and operate the activities in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances closure and those drawn to the attention of the operator as a result of complaints.

Consideration of site specific risks

Standard rules have been developed with a robust risk assessment. A site must meet strict criteria in order to have the standard rules permit.

We will make a more detailed site specific assessment of the risks if sites do not meet the location criteria for sensitive areas such as housing, conservation sites or in a particular groundwater protection zone. A site specific assessment will also still be conducted at the planning stage. The Environment Agency is a statutory consultee and provides the local planning authority with advice on the local groundwater issues.

The Environment Agency still has the same powers to ensure compliance with the conditions of the permit, to undertake site visits and spot checks and could make the operator cease operations if they found the site was causing pollution.

If location criteria cannot be met then the controls provided by the standard rule are not relevant and the operator must apply for a bespoke permit that considers site specific risk in more detail.

Environmental risks and use of acids

Formation testing (Leak off testing) and acid washing are conventional techniques which have been used by the oil and gas industry for many years. These activities have a long history of being carried out safely and without significant impact on the environment.

The acid, which is used in small quantities, will react with the rock formation and be rendered neutral and therefore not a risk to the water environment.

Emissions from well activities

We do not have, and are not proposing, a standard rule for gas flaring. A gas flaring activity would require a bespoke permit application and the application would be subject to a site specific risk assessment and public consultation.

Emissions from radon gas are not within the scope of the Environmental Permitting Regulations.

How does planning and permitting for shale gas fit together?

Operators will require both land use planning permission from the Minerals Planning Authority (MPA), which is the county council or unitary authority, as well as environmental permits from the Environment Agency before they operate.

We encourage operators to 'parallel track' planning and permitting applications so that we and the MPA can consider them at the same time.

We are also a statutory consultee in the planning process, so will comment on any planning applications. MPAs also comment on any bespoke permit applications.

The MPA can request an Environmental Impact Assessment (EIA) as part of the planning process. The MPA would consult us for advice on the scope of the assessment and what it should cover in relation to our remit.

Some information on the potential impact of oil and gas activities may be common to both regulatory regimes, particularly for bespoke permitting. For standard rules the environmental risks and mitigation options were considered when the rules were created. An EIA is therefore not required as part of an application for a Standard Rules Permit, is not a relevant consideration when determining an application for a Standard Rules Permit because all the relevant environmental risks were considered when the rules were created.

The planning and permitting regulatory processes are separate, one is not reliant on the other. We can make a permitting decision without planning being in place and, vice versa, planning decisions can be made by the MPA without a permit being in place.

What is our role in relation to traffic to and from oil and gas sites?

We do not have a role. The local planning authority is responsible for this and will be taken into consideration as part of the planning permission. Impacts from movements on site, such as noise, however are our responsibility.

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