

Source: OSPAR 00/20/01, Annex 18

OSPAR Decision 2000/03 on the Use of Organic-Phase Drilling Fluids (OPF) and the Discharge of OPF-Contaminated Cuttings

RECALLING Article 2 (3) of the Convention for the Protection of the Marine Environment of the North-East Atlantic ("OSPAR Convention"), which requires the Contracting Parties to take full account of the latest technological developments and practices when adopting Programmes and Measures;

RECALLING Article 5 of the OSPAR Convention, which requires the Contracting Parties to take all possible steps to prevent and eliminate pollution from offshore sources in accordance with the provisions of the Convention, in particular as provided for in Annex III of the Convention;

RECALLING Article 3 of Annex III of the OSPAR Convention which prohibits any dumping of wastes or other matter from offshore installations;

RECALLING PARCOM Decision on the Notification of Chemicals Used Offshore, 1981 and PARCOM Decision 92/2 on the Use of Oil-Based Muds, the latter of which took effective steps to reduce the discharge of oil based drilling muds into the maritime area;

NOTING that recently developed synthetic drilling fluids are likely to persist when discharged into the marine environment at high concentration on drill cuttings where anaerobic conditions develop;

NOTING the recommendation of the Workshop on Drilling Fluids that a structured approach to the choice of drilling options should be implemented;

NOTING the legislation of the European Community, of the European Economic Area and corresponding legislation of other Contracting Parties which defines principles on, and makes provision for waste management;

RECOGNISING that marine pollution by drill cuttings and their associated organic phase drilling fluids (OPF) should be avoided and prevented to the greatest possible extent.

THE CONTRACTING PARTIES TO THE CONVENTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT OF THE NORTH-EAST ATLANTIC DECIDE:

1. Definitions

1.1 For the purpose of this Decision:

- a. "**Organic-phase drilling fluid (OPF)**" means an organic-phase drilling fluid, which is an emulsion of water and other additives in which the continuous phase is a water-immiscible organic fluid of animal, vegetable or mineral origin;
- b. "**Base fluid**" means the water immiscible fluid which forms the major part of the continuous phase of the OPF;
- c. "**Drilling fluid**" means base fluid together with those additional chemicals which constitute the drilling system;
- d. "**Oil-based fluids (OBF)**" means low aromatic and paraffinic oils and those mineral oil-based fluids that are neither synthetic fluids nor fluids of a class whose use is otherwise prohibited;
- e. "**Synthetic fluid**" means highly refined mineral oil-based fluids and fluids derived from vegetable and animal sources;
- f. "**Cuttings**" means solid material removed from drilled rock together with any solids and liquids derived from any adherent drilling fluids;
- g. "**Whole OPF**" means OPF not adhering to or mixed with cuttings.

2. Purpose and scope

Purpose

2.1 The purpose of this Decision is to prevent and eliminate pollution of the maritime area by the use and discharge of OPF and OPF-contaminated cuttings.

Scope

2.2 This Decision shall apply to all OPFs used for the purpose of drilling in the course of offshore activities.

3. Programmes and Measures

3.1 Use and discharge of organic-phase drilling fluids

3.1.1 Contracting Parties shall ensure that no OPF shall be used for the purpose of drilling in the course of an offshore activity or discharged to the maritime area without prior authorisation from the national competent authority. In reaching a decision on any authorisation, Contracting Parties shall apply to the management of OPF-contaminated cuttings:

- a. the principles of the Harmonised Mandatory Control System for the Use and Reduction of the Discharge of Offshore Chemicals as set out in the applicable OSPAR Decision;
- b. Best Available Techniques (BAT) and Best Environmental Practice (BEP) as set out in Appendix 1 of the OSPAR Convention;
- c. the waste management hierarchy set out in Appendix 1 to this Decision.

3.1.2 The use of diesel-oil-based drilling fluids is prohibited.

- 3.1.3 The discharge of whole OPF to the maritime area is prohibited. The mixing of OPF with cuttings for the purpose of disposal is not acceptable.
- 3.1.4 The discharge into the sea of cuttings contaminated with OBF at a concentration greater than 1% by weight on dry cuttings is prohibited.
- 3.1.5 The use of OPF in the upper part of the well is prohibited. Exemptions may be granted by the national competent authority for geological or safety reasons.
- 3.1.6 The discharge into the sea of cuttings contaminated with synthetic fluids shall only be authorised in exceptional circumstances. Such authorisations shall be based on the application of BAT/BEP as set out in Appendix 1 of this Decision.

3.2 Monitoring and reporting of OPF use

- 3.2.1 The national competent authority shall require such monitoring and inspection as is necessary to ensure compliance with the terms of any authorisation.
- 3.2.2 Reporting on the use and management of OPF shall use a mass balance (volumetric) method of quantification.

4. Entry into Force

- 4.1 This Decision will enter into force on 16 January 2001.
- 4.2 Upon entry into force, this Decision shall supersede:
 - a. PARCOM Decision on the Notification of Chemicals Used Offshore, 1981;
 - b. PARCOM Decision 92/2 on the Use of Oil-Based Muds.

5. Implementation Reports

- 5.1 Reports on the implementation of this Decision shall be submitted to the appropriate OSPAR subsidiary body in the intersessional period 2001/2002 in accordance with OSPAR's Standard Implementation Reporting and Assessment Procedure.
- 5.2 When reporting on implementation, the format as set out in Appendix 2 shall apply.

Best Available Techniques and Best Environmental Practice for the Management of the Use of Organic-Phase Drilling Fluids (OPF) and the Discharge of OPF Contaminated Cuttings

Best Available Techniques

BAT is described within the context of the 'five R's' waste management hierarchy below. If future development leads to the production of novel, environmentally sound products and techniques then OSPAR may update this Decision to take these into account.

Reduce

1. The reduction of discharges of OPF-contaminated cuttings is the primary focus of this Decision. Examples of measures to be taken with a view to reducing these discharges are (i) prohibition on use in the upper well section, except where technically necessary, (ii) horizontal drilling and (iii) slim hole drilling.

Reuse

2. Operators will choose techniques from a range of options e.g. mud treatment plants, shale shakers, centrifuges and washing systems for cuttings, i.e. those technologies that maximise reuse consistent with safe and efficient drilling. Use of mass balance (volumetric) reporting will enable national authorities to check that reuse is being carried out effectively.

Recycle / Recover

3. In order to avoid discharges into the sea of OPF-contaminated cuttings, recycling/recovery measures should be implemented (e.g. recovery for re-use of the organic phase by distillation onshore or offshore, use of shale shakers and centrifuges).

Residue disposal

4. The following options for the management of OPF-contaminated cuttings residue should be considered:
 - a. transportation to shore of cuttings for OPF processing (e.g. oil recovery and residue disposal);
 - b. reinjection of such cuttings;
 - c. offshore treatment of such cuttings with the aim of achieving the target technology standard of 1% OPF fluid by weight on dry cuttings, and the discharge of the cleaned residue;
 - d. when cleaned residues of cuttings contaminated with synthetic fluid cannot meet that standard, national competent authorities may authorise discharge to the sea having regard to the toxicity, biodegradability and liability to bioaccumulate of the drilling fluid concerned and of the hydrography of the receiving environment.

All the above options should be assessed on a case-by-case basis by the national competent authority before it reaches any decision on the discharge of cuttings as authorised in paragraph 3.1.6. The Contracting Party concerned will report to the Commission on the criteria used by the national competent authority in reaching its decision to authorise such discharge.

Best Environmental Practice

5. In considering the various options for the control of organic phase drilling fluids account should be taken of the conservation of resources, including energy.

Implementation Report Format

The format below for the implementation report on compliance with OSPAR Decision 2000/3 on the Use of Organic-Phase Drilling Fluids (OPF) and the Discharge of OPF-Contaminated Cuttings should be used to the extent possible.

Country:

Reservation applies

Is measure applicable in your country?

1. If not applicable, then state why not (e.g. no relevant installation or activity)
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Means of Implementation:	by legislation	by administrative action	by negotiated agreement
	yes/no*	yes/no*	yes/no*

2. Please provide information on:
- a. specific measures taken to give effect to this measure by using the attached template;
 - b. any special difficulties encountered, such as practical or legal problems, in the implementation of this Decision;
 - c. the reasons for not having fully implemented this measure should be spelt out clearly and plans for full implementation should be reported;
 - d. if appropriate, progress towards being able to lift the reservation.
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* Delete whichever is not appropriate