

United Kingdom Onshore Pipeline Operators' Association

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Scottish Government
Environmental Quality Division
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For the attention of Ms Antje Branding

Dear Ms Branding

Consultation on the proposed EU Soil Framework Directive

The United Kingdom Onshore Pipelines Operators' Association (UKOPA) has 15 pipeline operators as members and these members are collectively responsible for the operation of in excess of 20,000 miles of high pressure pipelines. The Association therefore welcomes the opportunity to comment on the proposed directive and while we are supportive of the underlying principles to protect the soil environment we consider that some of the proposed measures to be disproportionate as they are essentially addressed by other regulatory regimes.

We also have concerns regards the potential prescriptive measures relating to pipelines which we believe are not fully recognised in this consultation, and are concerned that the impact of the directive on pipeline activities in terms of both construction of new pipelines and operation of existing pipelines may have not been given the full consideration required in order to assess and understand the full impact of the proposed directive on such linear assets. Specific comments are as follows:

1) Article 9 -Prevention of Soil Contamination

With respect to question 24 any industry covered by Integrated Pollution Prevention and Control Directive (IPPC) already has legal obligations to meet the intent of this Article. We would suggest that at least for certain activities this Article is superfluous. Should this Article be retained then the role of other supporting directives needs to be acknowledged and clarified.

2) Article 10 & 11 Inventory of Contaminated Sites

In terms of question 26 UKOPA member experience in developing baseline site soil contamination surveys under the IPPC directive indicates the cost range quoted by the Environment Agency to be of the right order. While the cost data refer to relatively small sites we can confirm that the nature of soil sampling and analyses provides little scope to achieve economies of scale when dealing with larger sites. The Association has great concerns that under the proposed Soil Framework Directive intrusive monitoring may have to be repeated. As the IPPC permit conditions require us to record any future spillages such a monitoring exercise would not provide any additional environmental benefit and only incur significant costs. It is essential that the existing national regulatory regimes as identified in question 27 are used to reduce unnecessary duplication of expenditure and resource.

In response to questions 28/29, the definition of contaminated land as it stands would suggest that all polluting activities identified in Annex II will require intrusive sampling and analyses. This is totally

disproportionate and the whole issue of potentially contaminated sites needs to be addressed using a risk assessment approach. This is particularly relevant in the case of pipelines.

Under Annex II pipelines are identified as 'potentially soil polluting activities'. While not disputing the potential for pollution, it should be recognised that considerable expenditure, both in monetary and resource terms, is applied to pipelines to ensure the integrity of such systems through proactive maintenance. Leak prevention processes are demanded by existing regulatory requirements and include corrosion protection systems, regular line inspections from air, road and foot patrols, intelligent line pigging as well as routine maintenance. The prospect of comprehensive intrusive soil sampling and analyses proposed by the draft directive along the pipeline wayleave is not a viable means either environmentally or economically of providing additional assurance of pipeline integrity.

With a production site, the topography along with the underlying hydrology and geology is often fairly consistent which assists in minimising the degree of intrusive sampling. This is not the case with overland pipelines. As mentioned above Members have in excess of 20,000 km of pipelines under their maintenance control traversing some remote and rugged terrain. Any meaningful intrusive soil sampling and analyses would require a monitoring programme of disproportionate intensity. Coupled with the logistics of getting access it is anticipated that costs would significantly escalate beyond those quoted by the Environment Agency, possibly by an order of magnitude. Such requirements have the potential to generate a new monitoring industry within the EU with no tangible environmental benefit.

In addition with multiple land ownership along pipeline wayleaves, the approach currently advocated in the draft directive has the real potential of creating unnecessary concerns and land blight alluded to in paragraph 5.31.

In conclusion it is gratifying that the UK and the devolved Scottish Governments recognise that existing regulatory regimes will deliver many of the potential requirements of the draft directive and that additional EC legislation may not be necessary. UKOPA confirms its support of this stance.

Yours sincerely,

W.P.Jones

Secretary to UKOPA