



Ministry of Natural Resources
Health, Safety and Environment Department

Consultation:

Waste Framework Instructions

Opening: 8th October 2014

Closing: 20th November 2014

INTRODUCTION

Under the Oil and Gas Law of the Kurdistan Region (Law No. 22 of 2007), the Ministry of Natural Resources (“the Ministry”) is responsible for regulating petroleum operations in the Region¹ and must exercise its powers and functions under the said Law so as to secure:

- (a) the sound management of the Region’s petroleum resources; and
- (b) the development of the petroleum industry in a manner that minimises damage to the environment, secures sustainable economical growth, encourages investment, contributes to the Region’s long-term development plans, and is reasonable and consistent with best oil industry practices.²

Law No. 22 gives the Ministry an express power to issue Instructions as necessary for the implementation of Law No. 22, and in particular relating to (amongst other matters) occupational health and safety, protection and restoration of the environment, resource management, clean-up operations and other appropriate methods of remedying the effects of the escape of petroleum, and abandonment and decommissioning of operations. Law No. 22 also contains additional requirements in respect of environmental protection.

Health, safety and environmental (“HSE”) obligations are also imposed in the Production Sharing Contracts entered into by the KRG and in other Kurdistan Region laws including the Law for the Protection and Improvement of the Environment in the Kurdistan Region – Iraq (Law No. 8 of 2008).

The Ministry is committed to ensuring that it regulates the Region’s petroleum industry in a manner that fulfills the Ministry’s statutory functions under Law No. 22 and best promotes the objectives set out in the said Law. The Health, Safety and Environment Department (“the Department”) of the Ministry has primary responsibility for the Ministry’s regulatory activities in relation to health, safety and the environment. The Department’s activities are aimed at protecting the Region’s environment and promoting safe and environmentally sound practices in the industry, whilst encouraging the optimal exploitation of the Region’s natural resources.

¹ Article 6 of Law No. 22.

² Article 7 of Law No. 22.

THE DRAFT INSTRUCTIONS

It is the Ministry's policy that the amount of waste generated by Petroleum Operations in the Region must be minimised and that the overall impact of the production, management and disposal of oilfield waste on the environment and human health must be reduced to the absolute minimum. In the furtherance of these goals, the Ministry has conducted a review of its existing procedures and decided to introduce, by way of secondary legislation, an over-arching waste management framework to guide the industry's practices as well as the Ministry's regulatory activities.

Accordingly, His Excellency Dr Ashti Hawrami, the Minister of Natural Resources, intends to issue new Instructions, under Articles 53 and 60 of Law No. 22, setting out the Ministry's framework for the management of waste generated by petroleum operations. A draft of those Instructions is hereby released for consultation with the industry and other stakeholders.

The draft Instructions are divided into twelve chapters:

- The first chapter articulates the objectives of the Instructions, which will guide the Ministry's regulatory activities and decision-making under the Instructions.
- The "Definitions" chapter contains a description of the key terms used in the Instructions. A proper understanding of those terms is crucial for a correct reading of the substantive obligations in the Instructions. Particular attention is drawn to the definitions of "oilfield waste", "production", "management", "disposal", "conducting", "hazardous waste", "waste management hierarchy", "Waste Operations" and "Best Available Techniques".
- The chapter headed "Obligations of Waste Operators" imposes a number of over-arching obligations on producers and managers of oilfield waste, including the obligation to minimise the adverse effects of their activities on the environment and human health and to comply with the waste management hierarchy as defined in the Instructions.
- The chapter entitled "MNR Waste Permit" introduces a new requirement that anyone producing or managing more than a certain quantity of oilfield waste must have a valid MNR Waste Permit. The chapter sets out the permitting process including the thresholds that trigger the permit requirement. Importantly, a waste permit will only be granted if the operator has a satisfactory Waste Management Plan in place.

- The next chapter, headed “Waste Management Plans”, specify the Ministry’s requirements as to the content of such plans.
- The following two chapters contain provisions regarding reporting and record keeping. The reader’s attention is drawn in particular to the 22nd Article, which requires the submission of a quarterly Waste Report.
- The “Waste Manifests” chapter imposes an obligation on consigners, carriers and receivers of oilfield waste to complete and submit a Waste Manifest in respect of the waste.
- The “Transitional provisions” chapter confirms that the Instructions apply equally to new and existing operations. However, it allows existing operations requiring an MNR Waste Permit a grace period of 120 days within which to obtain the permit.
- Enforcement notices, the internal reconsideration procedure and supplementary provisions are the subject of the remaining three chapters.

It is important to bear in mind that:

- (a) These Instructions are solely concerned with the Ministry’s requirements and procedures regarding oilfield waste pursuant to its functions and duties as set out in Law No. 22 of 2007. They are entirely separate from, and do not in any way affect, waste-related obligations imposed by other Regional laws or competent authorities. Similarly, where a Petroleum Sharing Contract imposes waste-related obligations, the operator concerned must comply with both those obligations and the requirements in these Instructions.
- (b) As mentioned above, these Instructions are intended to set out the Ministry’s overarching framework for waste management. They are likely to be supplemented by further Instructions and/or guidelines in the future as deemed appropriate.

YOUR VIEWS

Before issuing the Instructions, the Ministry wishes to consult businesses within the petroleum and waste management industries as well as other interested organisations,

agencies and individuals on the content of the Instructions. Any feedback received during the consultation will be conscientiously considered in the finalisation of the Instructions.

We encourage you to give careful thought to the Instructions and provide your considered views by reference to the following questions:

1. Do you agree that the requirements set out in the draft Instructions are appropriate? If you do not, please provide reasons.
2. By reference to each of the provisions in the draft Instructions, do you agree that the provision is appropriate? If you do not, please provide reasons.
3. Is there any aspect of the Instructions which you consider to be (a) unclear or (b) in need of further elaboration? If so, please explain.
4. Do you have any other comments or suggestions?

Where appropriate, we encourage you to supplement your answers with relevant evidence, reports, references and data.

Please send your views **BY NO LATER THAN THURSDAY, 20TH NOVEMBER 2014** to:

Dr Hallo Askari
Ministry of Natural Resources
Kurdistan Regional Government
Erbil, Iraq
[Email: hallo.askari@mnr.krg.org](mailto:hallo.askari@mnr.krg.org)