



**This form will report compliance with your permit as determined by an Environment Agency officer**

Site	Preston New Road Exploration Site EPR/AB3101MW		Permit Ref	UP3431VF		
Operator/ Permit holder	Cuadrilla Bowland Limited					
Date	07/12/2017		Time in	10:00	Out	15:30
What parts of the permit were assessed	Waste Stream Audit					
Assessment	Audit	EPR Activity:	Installation	X	Waste Op	Water Discharge
Recipient's name/position	HSE&Planning Manager					
Officer's name	EA Officers		Date issued	09/04/2018		

**Section 1 - Compliance Assessment Summary**

This is based on the requirements of the permit under the Environmental Permitting Regulations. A detailed explanation and any action you may need to take are given in the "Detailed Assessment of Compliance" (section 3). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our [Compliance Classification Scheme](#) (CCS). CCS scores can be consolidated or suspended, where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your [local office](#).

**Permit Conditions and Compliance Summary**

**Condition(s) breached**

Permit Condition	Compliance	Condition(s) breached
<b>a) Permitted activities</b>	1. Specified by permit	A
<b>b) Infrastructure</b>	1. Engineering for prevention & control of pollution	N
	2. Closure & decommissioning	N
	3. Site drainage engineering (clean & foul)	N
	4. Containment of stored materials	N
	5. Plant and equipment	N
<b>c) General management</b>	1. Staff competency/ training	N
	2. Management system & operating procedures	C3
	3. Materials acceptance	N
	4. Storage handling, labelling, segregation	N
<b>d) Incident management</b>	1. Site security	N
	2. Accident, emergency & incident planning	N
<b>e) Emissions</b>	1. Air	N
	2. Land & Groundwater	N
	3. Surface water	N
	4. Sewer	N
	5. Waste	N
<b>f) Amenity</b>	1. Odour	N
	2. Noise	N
	3. Dust/fibres/particulates & litter	N
	4. Pests, birds & scavengers	N
	5. Deposits on road	N
<b>g) Monitoring and records, maintenance and reporting</b>	1. Monitoring of emissions & environment	N
	2. Records of activity, site diary, journal & events	N
	3. Maintenance records	N
	4. Reporting & notification	N
<b>h) Resource efficiency</b>	1. Efficient use of raw materials	N
	2. Energy	N

**KEY: C1, C2, C3, C4 = CCS breach category ( \* suspended scores are marked with an asterisk), A = Assessed (no evidence of non-compliance), N = Not assessed, NA = Not Applicable, O = Ongoing non-compliance – not scored**

<b>Number of breaches recorded</b>	1	<b>Total compliance score</b> (see section 5 for scoring scheme)	4
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**If the Total No Breaches is greater than zero, then please see Section 3 for details of our proposed enforcement response**

## Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- the part(s) of the permit that were assessed (e.g. maintenance, training, combustion plant, etc)
- where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- any non-compliances identified
- any non-compliances with directly applicable legislation
- details of any multiple non-compliances
- information on the compliance score accrued inc. details of suspended or consolidated scores.
- details of advice given
- any other areas of concern
- all actions requested
- any examples of good practice.
- a reference to photos taken

This report should be clear, comprehensive, unambiguous and normally completed within 14 days of an assessment.

Between the 07/12/2017 and 09/03/2018 we have carried out a Waste Stream Audit for the main waste categories produced at the Preston New Road Exploration site:

- waste drilling muds and drilling cuttings;
- waste cement;
- waste suspension brine/spacer fluid;
- waste ditch water.

Our aim was to verify whether the waste produced is managed in compliance with the permit and relevant legislation with no environmental impact along the waste management chain (i.e. from the production to its final disposal).

The audit began on 07/12/2017 with a site inspection and on-site data gathering, and continued with enquiries into waste contractors used for collecting/ transporting/ treating/ disposing of the waste categories generated at this site. The audit investigated: waste assessment and classification practices; waste pre-acceptance and acceptance practices; compliance with waste Duty of Care responsibilities; compliance with the Hazardous Waste Regulation requirements; waste treatment and disposal operations. During the audit we provided partial feedback along the line to allow improvements to be implemented at the earliest opportunity.

Overall, we are satisfied the audited waste streams were removed offsite to appropriately permitted waste facilities, for treatment and disposal in line with sound waste management practices. Nevertheless we have identified areas where improvements should be made to waste management practices.

The following issues were identified:

Waste drilling muds and cuttings - We can conclude that overall waste drilling muds and cutting were treated and disposed in line with sound waste management practices. However:

The Waste Management Plan requires drill cuttings to be separated from the drilling mud, as far as reasonably practicable, at the surface, so that the maximum amount of drilling mud can be reused on site. The amount of spent fluid drilling muds produced on site is significantly higher than the Waste Management Plan estimates (i.e. over 2500 m<sup>3</sup> already produced per well compared with the total estimate of 400 m<sup>3</sup>/well). We recommend improvements are made to the efficiency of the separation process, if this is not possible a change is required to the Waste Management Plan.

As the Waste Management Plan was not followed we recorded a permit breach under Sub-Criterion C2 - Management System & Operating Procedures as a C3 Category - 4 points score.

Waste spacer fluid and suspension brine - According to your Waste Management Plan waste spacer fluid and suspension brine should be collected on site as separate fractions (i.e. estimated suspension brine 20-40 m<sup>3</sup>/well and spacer fluid 20-40m<sup>3</sup>/well). During the audit, duty of care notes for offsite dispatch of waste described as spacer fluid or suspension brine were not available. These

wastes were removed from site described as spent fluid drilling muds and/or as returned slurry cement waste. Please ensure waste spacer fluid and suspension brine are collected and managed separately, not mixed into other waste streams. If this is not possible a change to the Waste Management Plan is required.

As the Waste Management Plan was not followed this issue is covered under the same permit breach under Sub-Criterion C2 - Management System & Operating Procedures as a C3 Category - 4 points score.

#### Extractive waste with high water content

Approximately 56 loads of extractive waste removed from site were described by the subsequent waste holders as having an unexpectedly high water content (i.e. 90% or more). A explanation was provided for the high water content, for example the artesian flow of groundwater at the commencement of drilling the shallow conductor for the first well in June 2017, water from the cellar that requires removal following rainfall, and bund water from static and mobile tanks around the rig. Waste's high water content and the reason for it were not explained in the consignment notes and waste transfer notes, greater clarity on the description of the activity that gave rise to the extractive waste would prevent confusion.


We have also identified other areas where improvements are required in line with the directly applicable legislation requirements (i.e. Duty of Care responsibilities and Hazardous Waste Regulation provisions):

- Producers of waste are required to provide an accurate description of the waste when it is transferred to another person. All the wastes produced on site must be assessed in accordance with the 'Technical Guidance WM3 – Guidance for the classification and assessment of waste'. By not adequately following the methodology laid out in this guidance fully waste was not accurately described. The description of the waste should be accurate and should contain all the information that the holder is reasonably in a position to provide to ensure the lawful and safe handling, transportation, treatment, recovery or disposal by subsequent holders.
- All waste producers have a duty to prevent the unauthorised storage of their waste, on sites with no appropriate Environmental Permit in place. The audit findings brought to your attention that on at least 22 occasions once waste had been removed from your site the contractor had chosen to temporarily store it at an unpermitted site for longer than is acceptable for the transportation of waste between producer and disposer. This issue was addressed with the contractor. Nevertheless, you have a duty to carry out checks to ensure your waste is lawfully managed, asking the next waste holder where they are going to take the waste, requesting evidence that your waste has arrived at the intended destination. We would recommend that check procedures are reviewed.
- The Duty of Care regulations require waste holders to prevent waste from escaping from the control of their 'waste contractors' and to ensure that waste is only moved by licensed carriers. Data provided during the audit shows at least 10% of the waste movements were subcontracted by the primary waste carrier to other companies, one of which was unlicensed at the time. The primary waste carrier reassured us they are reviewing their internal procedures by which they appoint and audit their subcontractors, and they are not using the unlicensed carrier anymore.
- Waste movements should be accompanied by correctly completed Duty of Care notes. The paper work included in this audit should be improved:

all Duty of Care notes must include the correct name of the waste producer name (i.e. Cuadrilla Bowland Limited who is the permit EPR/AB3101MW holder); having waste submitted to two different operators located on the same site, we noticed that their names were confused on the consignment notes; in two instances non-unique consignment note codes were used; some of the consignment notes were missing the time of collection; on numerous occasions, the consignee invalidated your Consignment Notes by changing the waste description, after the waste was received at their premises.

A separate warning letter has been issued which cover the comments discussed under directly applicable legislation.

The necessary steps outlined in this report are required to improve compliance, further checks will be carried out within 3 weeks.

 Environment Agency	<b>EPR Compliance Assessment Report</b>	Report ID: UP3431VF/0303463	
<b>This form will report compliance with your permit as determined by an Environment Agency officer</b>			
Site	Preston New Road Exploration Site EPR/AB3101MW	Permit	UP3431VF
Operator/ Permit	Cuadrilla Bowland Limited	Date	07/12/2017

<b>Section 3- Enforcement Response</b>		<b>Only one of the boxes below should be ticked</b>	
You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.			
Other than the provision of advice and guidance, at present we do not intend to take further enforcement action in respect of the non-compliance identified above. This does not preclude us from taking enforcement action if further relevant information comes to light or advice isn't followed.			X
In respect of the above non-compliance you have been issued with a warning. At present we do not intend to take further enforcement action. This does not preclude us from taking additional enforcement action if further relevant information comes to light or offences continue.			
We will now consider what enforcement action is appropriate and notify you, referencing this form.			

<b>Section 4- Action(s)</b>			
Where non-compliance has been detected and an enforcement response has been selected above, this section summarises the steps you need to take to return to compliance and also provides timescales for this to be done.			
Criteria Ref.	CCS Category	Action Required / Advised	Due Date
See Section 1 above			
C2	C3	Ensure full compliance with your Waste Management Plan provisions	30/04/2018

## Section 5 - Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- advise on corrective actions verbally or in writing
- require you to take specific actions in writing
- issue a notice
- require you to review your procedures or management system
- change some of the conditions of your permit
- decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you.

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and or suspension or revocation of the permit.
- A civil sanction Enforcement Undertaking (EU) offer may also be available to you as an alternative enforcement response for this/these offence(s).

**See our Enforcement and Civil Sanctions guidance for further information**

This report does not relieve the site operator of the responsibility to

- ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- ensure you comply with other legislative provisions which may apply.

### Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance which could have a <b>major</b> environmental effect	60
C2	A non-compliance which could have a <b>significant</b> environmental effect	31
C3	A non-compliance which could have a <b>minor</b> environmental effect	4
C4	A non-compliance which has <b>no</b> potential environmental effect	0.1

**Operational Risk Appraisal (Opra)** - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

## Section 6 – General Information

### Data protection notice

The information on this form will be processed by the Environment Agency to fulfill its regulatory and monitoring functions and to maintain the relevant public register(s). The Environment Agency may also use and/or disclose it in connection with:

- offering/providing you with its literature/services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. Health and Safety Executive, local authorities) on environmental issues
- carrying out statistical analysis, research and development on environmental issues
- providing public register information to enquirers
- investigating possible breaches of environmental law and taking any resulting action
- preventing breaches of environmental law
- assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Information Regulations request.

The Environment Agency may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

### Disclosure of information

The Environment Agency will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within 28 days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

### Customer charter

#### What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with the officer's line managers. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 03708 506 506 (Mon to Fri 08.00–18.00) and ask for the Customer Contact team or send an email to [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk). If you are still dissatisfied, you can make a complaint to the Ombudsman. For advice on how to complain to the [Parliamentary and Health Service Ombudsman](#) phone their helpline on 0345 015 4033.