



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

Site	Kirby Misperton A Wellsite		Permit Ref	402444		
Operator/ Permit holder	Third Energy U K Gas Limited					
Date	20/10/2017		Time in	11:30	Out	15:10
What parts of the permit were assessed	surface water management, odour management, air monitoring, pollution prevention					
Assessment	Site Inspection	EPR Activity:	Installation	Waste Op	X	Water Discharge
Recipient's name/position	Operations Support Manager					
Officer's name	EA Officers		Date issued	24/10/2017		

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 Conditions and Compliance Summary			Condition(s) breached
a) Permitted activities	1. Specified by permit	N	
b) Infrastructure	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	
c) General management	1. Staff competency/ training	N	
	2. Management system & operating procedures	C3	2.3.1
	3. Materials acceptance	N	
	4. Storage handling, labelling, segregation	N	
d) Incident management	1. Site security	N	
	2. Accident, emergency & incident planning	N	
e) Emissions	1. Air	A	
	2. Land & Groundwater	N	
	3. Surface water	N	
	4. Sewer	N	
	5. Waste	N	
f) Amenity	1. Odour	A	
	2. Noise	N	
	3. Dust/fibres/particulates & litter	N	
	4. Pests, birds & scavengers	N	
	5. Deposits on road	N	
g) Monitoring and records, maintenance and reporting	1. Monitoring of emissions & environment	N	
	2. Records of activity, site diary, journal & events	C3	1.1.2
	3. Maintenance records	N	
	4. Reporting & notification	A	
h) Resource efficiency	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

Number of breaches recorded	2	Total compliance score (see section 5 for scoring scheme)	8
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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.

Unannounced visit on Friday 20th October to KM8. Discussions with wellsite supervisor, production technician & HSE manager on site. Followed by visit to Knapton Generating Station to review further documentation with the Operations Support Manager and HSE Manager.

Visit agenda

- investigation of odour including waste returns
- surface water management & pollution prevention
- check of air monitoring locations

Review of Operations following odour complaints

3 reports of odour from KM8 were reported to EA on Tuesday 17th October.

During the inspection on site, we carried out a review of operation logs for 16-18 Oct. All present with wellsite supervisor. Third Energy also had a handwritten diary. No reports of any unusual activity.

On the 16th Oct, the site had carried out an emergency procedure drill at 5.30 am and confirmed verbally there had been no odour evident around that time. There were no operations on site until 7am and no records of odorous activities that day.

A written description/method statement was available for the tank maintenance job on the 17th October. A confined space permit had been issued at 10.40 am on the 17/10/17 and gas monitors were used for this job. The hydrogen sulphide gas alarms used are set at 5ppm and there was no indication that these had gone off at any time. Third Energy also confirmed verbally that they had not alarmed. Tank has been jet washed down and waste transferred directly to a tanker to be transferred offsite. This had left site at 14.30 under waste code 16 10 02. Paperwork for this was available at Knapton Generating Station and was seen later in the day.

No evidence was seen from operational logs and work going on at site from 16-18 Oct of any venting or escape of gas. It was recorded that there were localised odours on site on the 17th Oct. The tank washings are the most likely source of odour due to the pipeline previously carrying produced water from sour gas activities for discharge down KM3.

Wind direction was directly towards Kirby Misperton on the day of the maintenance activity.

This work should have been organised when the meteorological situation meant that offsite odours were less likely & this needs to be a greater consideration in work planning. The waste does not fall under the KM8 permit as extractive waste, therefore no further action from the EA is taken at this time. The information has been shared with Ryedale District Council and PHE.

Waste transfer notes were available for cement washings and surface water management. Tankers had left site on 19th Oct and 20th Oct with this waste.

Management Plan Checks

An inspection was carried out of the management plans and procedures on site and checklists. A folder in the site office contained the appropriate management plans, however these were old

revisions and were out of date. Clarifications and minor changes had been made to the plans before subsequent approval and therefore it is vital that Third Energy operate to the latest revisions and these are held on site.

Surface Water Management Plan

The surface water management operating procedure OP-EN-08 was not evident on site and the staff on site were unfamiliar with this. We were assured by the wellsite supervisor that surface water checks were taking place and records were available to demonstrate this. However, the operator had devised a checklist as part of the Emissions Monitoring Plan and had committed to using this during operations. No checklists in this format were available for review.

The surface water management operating procedure OP-EN-08 also commits to holding a consolidated inventory of materials on site at all times. We had confidence that the supervisor had all the appropriate paperwork to calculate this and could produce the records appropriate to his role. Halliburton could also produce this paperwork for their inventory.

There needs to be a joined up approach to managing the site inventory and producing a consolidated list. This is particularly important in the event of any incident on site where the emergency responders would need to know immediately what was currently on site and where it was.

Enforcement Action

We are recording CAT3 breaches against the following and the enforcement action is a Site Warning.

- **2.3.1 Operating Techniques, where Third Energy are not operating to the management plans submitted and approved under PO3.**
- **1.1.2 Management, where records were not maintained to demonstrate compliance with 1.1.1. It is noted that some records were available for the surface water management, however they were not in the agreed format and significantly there was no consolidated chemical inventory held on site.**

Ambient Air Monitoring Points

A walk round the monitoring locations showed that they remained in place. Location 2 is now elevated.



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Section 3- Enforcement Response **Only one of the boxes below should be ticked**

<p>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.</p>	
<p>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.</p>	<input type="checkbox"/>
<p>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.</p>	<input checked="" type="checkbox"/>
<p>We will now consider what enforcement action is appropriate and notify you, referencing this form.</p>	

Section 4- Action(s)

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 that the latest approved version of management plans are available at KM8 and all staff are aware of the commitments made.	25/10/2017
G2	C3	Ensure that the site is using OP-EN-08 and the checklists, and maintain an up to date consolidated chemical inventory.	25/10/2017

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 major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no 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. 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.