



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

Site	Kirby Misperton A Wellsite		Permit Ref	402444 DB3002HE		
Operator/ Permit holder	Third Energy U K Gas Limited					
Date	13/07/2017		Time in	10:00	Out	13:15
What parts of the permit were assessed	Pre-op conditions; waste management plan					
Assessment	Report/data review	EPR Activity:	Installation	Waste Op	X	Water Discharge
Recipient's name/position	Operations Support Manager					
Officer's name	EA Officers		Date issued	27/07/17		

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
a) Permitted activities	1. Specified by permit	N	
b) Infrastructure	1. Engineering for prevention & control of pollution	A	
	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	N	
	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	N	
	2. Land & Groundwater	N	
	3. Surface water	N	
	4. Sewer	N	
	5. Waste	N	
f) Amenity	1. Odour	N	
	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	A	
	2. Records of activity, site diary, journal & events	N	
	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	0	Total compliance score (see section 5 for scoring scheme)	0
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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.

Pre-Operational Conditions

Meeting at Knapton Generating Station on 13th July 2017.

Present: Operations Director, Operations Support Manager, Project Manager (Third Energy), representatives from Halliburton and Zetland. EA Officers.

Meeting notes:

HFP: Initial discussion on the Hydraulic Fracture Plan and assessment process and explanation of where we are looking for further clarification of assumptions made.

Proppant: Discussion of proppant characteristics including clarification of the further information required for the Waste Management Plan requested by email on 28th June:

Specifically, it is important for you to provide evidence that the gadolinium oxide is integral to the proppant matrix as you have stated in 4.3.2. The document provided in Appendix 5 states that 'proppants containing gadolinium oxide should not be viewed as a toxicological concern' but does not provide evidence on this claim for the proppant, focuses on gadolinium oxide powder and states that the concerns are 'not relevant to gadolinium oxide when incorporated into a proppant'. We note that the technical data sheet also states 'as the tracer is integral to the proppant matrix it cannot be washed away'. Please provide further information from the manufacturer to support these claims and to demonstrate that the gadolinium oxide in the proppant cannot escape into the environment.

Third Energy and Halliburton committed to supplying this information.

PO3 AQMP: Discussion of requirements and potential changes to the air quality monitoring plan as part of the Emissions Monitoring Plan for PO3.

Surface Water Management: The operator explained the principles and engineering of the drainage ditch.

Review: A high level review of the pre-operational responses received so far was made and clarification on what is outstanding.

We have received responses for PO1, PO4 and PO5 and these will be placed on the public register.

PO2 The Hydraulic Fracture Plan submission has been received and is currently under assessment. A revised Waste Management Plan has also been received and is under assessment. Further information has been requested.

PO3 Emissions Monitoring Plan has not yet been submitted by the operator.

Pre-Operational Conditions Assessment

PO1 Well Integrity Report.

PO1 of the permit is as follows:

PO 1a	Prior to the operation of the regulated facility the Operator shall conduct a well integrity test on the existing borehole in accordance with section 4.3.1 of the Waste Management Plan.
PO 1b	Prior to the operation of the regulated facility the Operator shall submit a written report to the Environment Agency including the results of the integrity test carried out in accordance with PO 1a which should include, but is not limited to any comments provided by the Health & Safety Executive.

The submission was received on 16th May 2017 and states that a well integrity test was carried out on April 25th 2017 to replicate the well integrity test at 5000psi carried out following the well construction in 2013. The Pressure Test Post Operations Report is provided as an Appendix in the submission with a copy of the well test chart and calibration certificate.

The HSE provided confirmation to Third Energy that they had no safeguarding concerns with the information provided to them. Third Energy confirmed in this correspondence with the HSE that they will be carrying out a further integrity test in line with the hydraulic fracturing operational pressures following the installation of the 4-1/2" casing.

The submission for PO1 will be placed on the public register and is now complete.

This submission discharges the requirement to conduct a well integrity test on the existing borehole to reconfirm pressure integrity. Please confirm when the further integrity test has been carried out following the workover and installation of the 4-1/2" casing and report any concerns raised by the HSE.

PO4

A submission for PO4 was received previously and a response given on CAR 402444/0271612 with an action for the report to be amended for PO4(e) to include metres above ordnance datum & resubmitted.

PO4 is as follows:

Prior to the operation of the regulated facility the operator shall provide a written report that provides the following information for each groundwater monitoring borehole installed:

- (a) casing/linings (length, diameter, material, type of grout or filter media and whether slotted or plain);
 - (b) depths and diameters of unlined sections;
 - (c) records of groundwater ingress during construction and standing groundwater levels on completion;
 - (d) details of strata encountered during drilling;
 - (e) reference levels for the individual criteria specified in 4(a) to (c) above in metres above ordnance datum;
 - (f) a location plan at a suitable scale showing the boreholes in relation to the point of discharge;
 - (g) national grid references of the boreholes in the form AB 12345 67890
- any other information obtained from the boreholes relevant to the interpretation of water sample analysis.

The revised report for PO4 was received on 30th June 2017 and contains the required corrections. This will be placed on the public register.

NOTE: In the original submission for PO4 the deep Corallian Limestone borehole was referred to as BHD, this has now been corrected and is referred to as BHE, and BHA was referred to as BHB, this has also been corrected. Throughout the resubmission these borehole names have been corrected, including in the Appendices.

PO4 is now complete.

PO5 Deep Monitoring Borehole

PO 5

Prior to the operation of the regulated facility the Operator shall submit a written report to the Environment Agency including the details from the deep monitoring borehole (BHE) at KM8 drilled into the Corallian Limestone Formation. The report will include but is not limited to, the location of the faults and a description of how the currently used groundwater in the Corallian Limestone will be protected.

The submission presents the construction details for the deep Corallian Limestone borehole (BHE), outlines the location of the faults, and concludes that no amendments are required to the hydrogeological risk assessment.

This was reviewed and following discussion, a revised report was received on 21st July 2017. This had changes to Table 1, correcting measurements in metres above ordnance datum to minus numbers in two places, and an update to the reference to the PO4 submission.

**The response received on 21st July 2017 will be placed on the public register.
PO5 is now complete.**



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

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.

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.

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			

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.