



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	01/02/2018		Time in	10:00	Out	15:25
What parts of the permit were assessed	monitoring; operational plans					
Assessment	Report/data review	EPR Activity:	Installation	Waste Op	X	Water Discharge
Recipient's name/position	Operations Support Manager					
Officer's name			Date issued	07/02/2018		

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 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	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	A
	2. Land & Groundwater	A
	3. Surface water	A
	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	A
	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.

Inspection carried out at Knapton generating Station. KM8 discussions and updates were part of this agenda.

KM8 part of agenda

Water monitoring

Air monitoring

Operational Plans

Water Monitoring

CAR 402444/0298598 requested further information on anomalies to be submitted by January 14th. Your response was received as a report entitled "KMA water quality results – review of blank and duplicate data" on the 12th Jan 2018 (reference P:\TE KMAMonitoring 2018 (2335)\40 - Reporting\Duplicates\TN2.docx) and it has been placed on the public register.

We responded with further questions in an email dated 23rd January 2018:

"KMA groundwater analysis

Thank you for providing the report KMA Monitoring Data - Duplicates & Blanks received 12th Jan 2018. This is a useful assessment of the anomalies highlighted in the Environment Agency Compliance Assessment Report 402444/0298598. It's helpful that you have looked back to the start of the three months baseline monitoring in April 2017. We have some questions about the report, as follows:

- *It is sensible that you are submitting samples of the two batches of the distilled water to a different laboratory, for comparison. When is this due to happen, and which laboratory is being used?*
- *Has a laboratory been identified that can carry out the additional sublation step for anionic surfactants?*
- *For anionic surfactants are you sending samples to the additional laboratory from now on? What date will that start? Which laboratory is being used? Has the current laboratory made any comment regarding the method used?*

Other notes:

- *Table 1 of the technical note erroneously has the anionic surfactant level for the 14th of December 17 blank as 0.7 mg/l rather than 0.4 mg/l.*
- *Page 6 of the technical note doesn't include the 20 – 38 mg/l duplicate COD result for the 14th of December 17.*
- *Do you have an explanation for the nitrate discrepancy?"*

A response was received on the 26th of January 2018 with a further technical note referenced: P:\TE KMAMonitoring 2018 (2335)\40 -Reporting\Duplicates\TN2.docx and entitled "KMA water quality results – review of blank and duplicate data – Environment Agency questions"

Thank you for this document containing further clarification. Your approach sounds sensible and we await the results of the tests for anionic surfactants that Socotec are due to carry out.

ACTION: Further discussion with the EA will be required if the analysis is not successful.

Your clarifications and corrections in section 3 of your note are helpful. We note that you will be on the alert for any further instances of poor analytical reproducibility for nitrate.

Thank you for the latest water monitoring report for KMA wellsite Ref:

P:\TE KMAMonitoring 2018 (2335)\40 - Reporting\Operational Data\Round 36 - 04-05_01_18\Report r2 04-05_01_18 r1.docx

We note that the sampling round was carried out prior to the review of blank and duplicate data reported on in technical note P:\TE KMAMonitoring 2018 (2335)\40 -Reporting\Duplicates\TN r2.docx meaning that some issues with blanks and duplicates are still in evidence.

We also note an omission in the following section:

3.3.2 Summary of Groundwater Data

Page 7 “In terms of trends, the graphs (Figure 3a) show that that calcium and sulphate concentrations have declined

by approximately ?? in BHA and BHC, from the baseline monitoring in April-June 2017 and then through to November 2017.”


ACTION: Please could you provide the missing figure.

Air Monitoring

Reporting has continued every 2 weeks and these are placed on the public register. We have requested further clarification on the blanks used in passive monitoring and on site activities on the 18th and 22nd December. Site log information was viewed at this inspection and Third Energy have committed to looking further into both these topics.

Operational Plans

The delay in starting hydraulic fracturing was discussed with the potential impacts for the permit, in particular monitoring requirements and water storage. You were advised to consider the permit requirements for ourselves and other regulators and produce plans for discussion. In the meantime permit requirements and previous agreements remain in place.

 Environment Agency	EPR Compliance Assessment Report	Report ID: 402444/0300581	
This form will report compliance with your permit as determined by an Environment Agency officer			
Site	Kirby Misperton A Wellsite	Permit	402444
Operator/ Permit	Third Energy U K Gas Limited	Date	01/02/2018

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			

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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.