



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	05/03/2018		Time in		Out
What parts of the permit were assessed	Monitoring during suspended operations				
Assessment	Report/data review	EPR Activity:	Installation	Waste Op	X Water Discharge
Recipient's name/position	Operations Support Manager				
Officer's name			Date issued	06/03/2018	

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
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	A	
	5. Plant and equipment	N	
c) General management	1. Staff competency/ training	N	
	2. Management system & operating procedures	A	
	3. Materials acceptance	N	
	4. Storage handling, labelling, segregation	N	
d) Incident management	1. Site security	N	
	2. Accident, emergency & incident planning	A	
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	A	
	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	N	
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.

Hydraulic fracturing operations at KM8 have been suspended awaiting government approval.

The Environment Agency has received a document from Third Energy describing a proposal for returning the KMA site to normal production mode with the KM8 operations suspended - opening the interceptor outlet and reducing their monitoring during this period of suspension where large parts of the site has been demobilised and inventory has been significantly reduced.

This document, 'Proposal for Variation of Monitoring at the KMA Well Site TEGL-KM8HF-029 Rev.1 March 2018', will be placed on the public register. The document states that the chemical inventory has been reduced considerably and proposes cessation of air monitoring and reduced water monitoring focussing on wellsite boreholes and the adjacent Sugar Hill Drain.

As agreed in CAR 402444/0297597 sent on 7th December 2017, water sampling is now monthly until operations recommence. As outlined in CAR 402444/0300581 sent on 7th February 2018, you have considered the permit requirements and have now produced this plan.

Water Monitoring

You address water monitoring in section 2.3 and we note that you say that your list of proposed parameters have been: *“chosen specifically as they are key indicators for the chemicals that will be stored on site during the pause in operations.”*

The parameters are listed as: Major cations/anions, Dissolved metals, Hydrocarbons, including dissolved methane, Acetic acid, Anionic surfactants, Sodium persulphate and Glycol.

We note that you have included dissolved methane in your list of parameters to monitor.

You then go on to say that:

“The full suite of water quality monitoring will then resume at all sampling locations at a period in line with the length of the pause in operations. In the event of a short delay, the full suite of water quality monitoring will recommence 1 month before operations covered under the EA permit resume at the KMA well site. In the event of an extended pause in operations the full suite of monthly water quality monitoring will resume 3 months before operations covered under the EA permit resume at the KMA well site. As per the permit weekly water quality monitoring will resume during permitted operations.”

We note that, in the event of an extended pause you will resume the full suite of monthly water quality monitoring 3 months before operations resume.

Action: Please ensure that your EMS and emergency plans are appropriately updated to reflect the site and management of surface water as proposed in this document.

Air Monitoring

It is proposed to cease the operator air monitoring completely during this period of suspension and you have committed to resuming monitoring 4 weeks before equipment is remobilised to site for commencement of activities.

Our current plans are to leave the Environment Agency Monitoring Facility in place on site.


Microseismic Monitoring

We note that the KM7 geophones have been removed and will need to be replaced and recalibrated

before hydraulic fracturing begins as per the commitments in the HFP.

This CAR forms an agreement in writing for a temporary change to the Emissions Monitoring Plan as described in the proposal document TEG-L-KM8HF-029 rev.1 during this period of suspension.

Please note that you should ensure that other regulators who have an interest in monitoring have also agreed this plan.

 Environment Agency	EPR Compliance Assessment Report	Report ID: 402444/0303341	
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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.