



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	16/03/2018		Time in		Out
What parts of the permit were assessed	Monitoring Returns, visit on Thurs 8th March.				
Assessment	Report/data review	EPR Activity:	Installation	Waste Op	X Water Discharge
Recipient's name/position	Operations Support Manager				
Officer's name			Date issued	16/03/2018	

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	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	N	
	4. Sewer	N	
	5. Waste	A	
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.

Monitoring and Reporting

Waste and Water

Waste and water monitoring returns were received for Q3 2017. These will be placed on the public register.

Water use is recorded under Knapton Generating Station reporting and a note recording this is in the report.

Air monitoring

Air monitoring returns have been received up to 6th March 2018. One more report is expected with monitoring data up to the 6th March 2018.

Water monitoring report

Thank you for your email of 6th of March 2018, enclosing your report entitled:

“Surface water and groundwater monitoring monthly report for samples collected 13-14/02/18” and referenced:

P:\TE KMA Monitoring 2018 (2335)\40 - Reporting\Operational Data\Round 37 - 13-14_02_18\Report r0 13-14_02_18.docx March 2018

which details your latest round of monitoring, carried out between the 13th and the 14th of February 2018, and also detailing the findings of your review of blank and duplicate data.

Latest round of monitoring

You state in section 3.3.2 Summary of Groundwater Data:

“No dissolved ethane, propane or butane was found by the laboratory in any of the groundwater or surface water

samples, except for:

- *8 µg/L dissolved ethane in water from BHE (consistent with a number of previous sampling rounds)*
- *8 µg/L dissolved ethane in water from the duplicate sample of G3 (compared with <1 µg/L in the primary sample from G3). G3 has also returned detectable dissolved ethane during previous sampling rounds.”*

Action: please provide information on what steps you have taken to review the presence of ethane.

You state in section 3.3.3 Reporting of additional parameters from samples taken 13 – 14/02/18:

“No formaldehyde was detected in any sample, except for the sample from G4, which returned a value of 0.9 mg/L (relative to a detection limit of 0.5 mg/L).”

Action: please provide information on what steps you have taken to review the presence of formaldehyde.

Review of blank and duplicate data

In our CAR form dated 07/02/2018 and referenced 402444/0300581, we made comment on your report 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 and we concluded that your approach for dealing with blanks and duplicates sounded sensible.

We note that in your latest report, you have implemented the approach you outlined, and you have:

- looked into distilled water samples, and concluded that the data confirms that the

issues with reproducibility are linked to the batch of distilled water used between 31/10/17 and 05/01/18. You have tested three batches of distilled water alongside each other for comparison and have concluded that you will henceforth use a fresh batch (one of the three tested) which you call DW3. We note that DW3 contains both Nitrate as NO3 and Electrical Conductivity at levels above the limit of detection.

Action: please outline in more detail the rationale for why DW3 is the most suitable distilled water to use.

- o looked into the reliability of anionic surfactant analysis, and have concluded that it is the analytical method employed, rather than the blank distilled water batches, that is the primary source of the issue in this case.

Action: please confirm which laboratory you will use for the analysis of anionic surfactants from now on.

Reduced suite of monitoring

As agreed in CAR form 402444/0303341, dated 06/03/2018, you will be carrying out monthly monitoring for a reduced suite of parameters from March 2018 onwards. Thank you for your email dated 12th of March 2018 outlining in more detail which parameters you are monitoring. You have stated in the email that:

“the reduced suite has been chosen specifically to include key indicators of the chemicals that will be stored on the wellsite during the temporary suspension in operations.”

You then go on to outline a detailed table complete with justification:

Monitoring Parameter Justification for Monitoring

Field chemistry

(PH, EC, ORP) In-situ measurements to place analytical data in context.

Major cations/anions

(Na, K, Mg, Ca, Cl, HCO3, SO4),

dissolved metals

(As, Cd, Cr, Cu, Pb, Hg, Ni, Se, Zn, B, Al, Ba, Co, Fe, Mn, Sb, V, Be),

nitrate, nitrite, ammonium Monitoring demonstrates composition and origin of water, natural variability and seasonality, and impacts from surrounding land use.

Hydrocarbons

(TPH by carbon banding), dissolved gases including methane monitoring will demonstrate presence of naturally occurring hydrocarbons, effectiveness of well site containment, well integrity and environmental management procedures.

Acetic acid, anionic surfactants, sodium persulphate, glycol Indicators of chemicals that will be stored on site in banded areas. Monitoring will demonstrate the effectiveness of well site containment and environmental management procedures.

We are satisfied with this table and monthly monitoring reporting remains in place.

Site visit

A short site visit took place on Thursday 8th March at 4pm. The temporary containment had been set up in the NE corner of the site and the noise barrier was in the process of being dismantled. Surface water was still being tankered away at this time.



Environment
Agency

EPR Compliance Assessment Report

Report ID: 402444/0303890

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	16/03/2018

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>			
<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>			
<p>We will now consider what enforcement action is appropriate and notify you, referencing this form.</p>			

Section 4- Action(s)			
<p>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.</p>			
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.