



**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	09/10/2017		Time in		Out
What parts of the permit were assessed	PO3 EMP and note on PO4				
Assessment	Report/data review	EPR Activity:	Installation	Waste Op	X Water Discharge
Recipient's name/position	Operations Director				
Officer's name	EA Officers		Date issued	09/10/2017	

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

<b>Number of breaches recorded</b>	0	<b>Total compliance score</b> (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.

Thank you for submitting the Environmental Monitoring Plan/Emissions Monitoring Plan (EMP) received on the 22nd August 2017. A number of questions and clarifications have been made during the assessment process.

**Revision 8 dated 4th October 2017 is accepted and now forms part of the Operating Techniques listed in Table S1.2 of the permit.**

Pre-Operational condition 3 states:

PO 3

At least 4 weeks prior to commencement of permitted activities the operator shall submit to the Environment Agency for approval an updated Emissions Monitoring Plan (EMP) which will include, but is not limited to:

- Complete details of the baseline air quality study undertaken prior to activities commencing; and details of any changes made to the ambient air monitoring programme proposed,
- Complete details of the baseline surface water and groundwater study undertaken prior to activities commencing; and details of any changes made to the surface water and groundwater monitoring programme proposed. Baseline monitoring shall include as a minimum the parameters listed in table S3.5; and the locations, depth, construction method of the monitoring boreholes.
- The plan shall also address the requisite surveillance requirements to monitor groundwater both pre-operation and over the lifetime of the activities authorised by this permit
- Complete details of the surface water management procedures, and related process monitoring,

and shall obtain the Environment Agency's written approval to the updated EMP.

A meeting was held on 15th Sept 2017 at Knapton Generating Station to review the submitted EMP with the operator. It was highlighted that the environmental management systems for the operations at KM8 need to be in place before the start of operations and this is emphasised below in the EMP assessment for Pre-Op 3. Further clarification was requested on the Air Quality Monitoring Plan and this was provided in revision 7.

A site visit on the 21st September to KM8 to check the EA Mobile Monitoring Facility also led a discussion on surface water management with confirmation that the surface water for KMA extension is now isolated. Air monitoring equipment had also been erected for the locations listed in the AQMP apart from location 1 which was in progress.

**Key points to note:**

- **The commitment to baseline monitoring described in the EMP for air. This has now begun in accordance with the EMP. A site visit on 21st September to KM8 confirmed that the monitoring points are in place apart from in location 1 which the operator confirmed was in progress.**
- **A comprehensive log of operations on site must be kept so that data can be**

compared to the relevant activities at any time. The meteorological information should also be considered as a key part of the monitoring and maintained appropriately.

- A reporting template will be developed and agreed upon before start of operations. Please submit the initial proposal as soon as possible.
- Please note monitoring requirements in Section 3.5 of the environmental permit for records, calibration and assessment of data. The operator needs to ensure that monitoring protocols for monitoring to all environmental media (i.e. air, groundwater and sub-surface) are part of the Environment Management System (EMS) and available for inspection, to include the requirements for calibration and maintenance of the equipment used.

### **Air Monitoring**

- The key operations, referred to in the ambient air quality monitoring plan section 4.1, must be defined as part of the EMS and the operator must ensure that this monitoring is built into the operational programme.

The EMP now contains plans for continuous monitoring of methane as well as periodic sampling. This is described in the EMP at 5.1.3 and also in the ambient air quality monitoring plan.

Additional clarification was sought from the operator on the proposal for a 10 minute rolling average proposed in the EMP. The response received summarised that the second by second analysis will be stored on the data logger on site. A 10 minute rolling average will be sent to an offsite computer. In the event the 10 minute average is 5 ppmv or above, then all data i.e. second by second analysis and the 10 minute average will automatically be sent to the offsite computer.

- Sufficient data downloads must be carried out locally to ensure that records of all monitoring are maintained.
- Please clarify in the associated air monitoring protocol what notification and steps the operator will take in the event that the 10 minute rolling average exceeds 5ppmv? Furthermore, that the EA will be notified at this stage and how the decision will be made on how long data will continue to be transmitted every second (e.g. for 2 hours after the 10 minute rolling average falls below 5ppmv)?
- In addition to the operator's PPM system, the operator has committed to checking all surface pipework for leaks prior to and during operations using an intrinsically safe TDL500.
  - The requirement to do this and how it will be carried out must be included in the EMS or operational programme, and the records of this work must be kept detailing levels recorded, time it was carried out, operations on the site, and relevant operational parameters of the equipment at the time of monitoring.

### **Noise Monitoring**

Regarding noise, we note that there is a change in consultant used who will work to the plan provided. There has also been an additional request for a change of location for one set of noise monitoring equipment and the operator is currently investigating options and carrying out modelling. Any changes to the emission monitoring plan must be communicated with a technical justification and agreed in writing. Please remember that the planning authority may also need to approve any changes.

### **Groundwater & Surface Water Monitoring**

It is noted that a groundwater and surface water sampling procedure has been prepared, and adopted into the Third Energy EMS and this is included in the submitted EMP.

Groundwater and surface water baseline data has been received and placed on the public register:  
KMA Baseline Water Quality Data Appendix E - Analysis Results R1  
KMA Baseline Water Quality Data\_April to June 2017\_Redacted  
KMA Report rev6\_full2\_Redacted  
KMA Baseline Water Quality App D - Analysis Results 2017

### **Surface Water Management**

Further information was requested during the assessment of the Emissions Monitoring Plan on surface water management to meet the requirements of PO3. A procedure for surface water management is now included and should be maintained in the EMS. A site visit on 21st September confirmed that the perimeter containment system for KM8 is now isolated, and the operator confirmed that surface water from the KMA extension (KM8 wellpad) will now be removed from site by tanker.

### **Borehole Construction**

The locations, depth and construction of the monitoring boreholes has been covered in PO4 which has already been approved. This satisfies the requirements of this part of PO3.

### **Note on PO4 and borehole names**

Further to CAR 402444/0286773 dated 21/07/2017, a mismatch was noticed between the borehole locations provided in the Emissions Monitoring Plan and the locations specified in the permit. Onsite BHA and BHC were transposed in the Emissions Monitoring Plan submitted on 22nd August 2017. This was corrected in revision 7. Throughout the resubmission the borehole names have been corrected, including in the Appendices.

PO4 has also been resubmitted with these corrections and is complete. This has now been placed on the public register.

### **Additional Note on Groundwater Monitoring:**

An agreement was made in writing under condition 3.5.1 on CAR 402444/0285072 dated 19th May 2017 to remove the groundwater monitoring requirement for citric acid triethyl ester, hemicellulase enzyme, maltodextrin, sodium carboxymethyl cellulose, sodium gluconate, 1,3,5 triazine and glycine. These substances are therefore not included in the Emissions Monitoring Plan for groundwater monitoring or baseline. CAR Forms 402444/0285072 and 402444/0283388 both address this agreement, which was made after evidence was provided by Third Energy demonstrating that validated methods are not available for the analysis of these substances.



Environment Agency

**EPR Compliance Assessment Report**

Report ID: 402444/0292772

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

Site	Kirby Misperton A Wellsite	Permit	402444/DB3002HE
Operator/ Permit	Third Energy U K Gas Limited	Date	09/10/17

**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)**

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 <b>major</b> environmental effect	60
C2	A non-compliance which could have a <b>significant</b> environmental effect	31
C3	A non-compliance which could have a <b>minor</b> environmental effect	4
C4	A non-compliance which has <b>no</b> 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](mailto: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.