
From: @gov.scot
Sent: 03 October 2019 12:33
To:
Cc: @gov.scot; @gov.scot; @gov.scot; @gov.scot
Subject: request for written advice from SEPA
Attachments: RE: Assessments for Benchmark proposal

Dear

Benchmark recently raised that, whilst there had been advice given to them to date, the advice had not been in writing. They also asked for a timeline for the process. They considered that written advice would be advantageous and requested that of both MS and SEPA. There has been good dialogue to date and the issues upon which clarity was sought in writing were:

1. Can the discharge location be away from site?
2. What is the modelling requirement and why?
3. What are the time scales for provision of this information? (can we agree a timeline in more detail?)

1. The discharge location is dictated by whether or not MS-LOT can license the proposed activity. We understand that we can do this, as long as the discharge is not pollution, and we have asked SEPA this question before (attached email relates). We therefore collectively need to come to a view on what constitutes pollution and, if this involves a level beneath which we can conclude a discharge is not pollution, we need to advise on the level and the location at which this should be determined. I.e. can we permit a mixing zone? MS-LOT therefore requests that SEPA advise on the level and location at which the level should be measured. Can SEPA please respond to this request by Friday 11th Oct? Please also confirm if the mixing zone approach and the proposed draft EQS are acceptable at this time?

2. SEPA had advised Benchmark that hydrodynamic modelling will be required and that SEPA could provide some existing models for certain locations where this has been done. Can SEPA supply a list of these locations and offer the models in writing? MS-LOT can administer a response to Benchmark if required.

3. MS-LOT would like to draw up a suitable timeline and proposes that we work to a date of mid-October to be able to provide the above information. As the above can be determined by MS and SEPA without input from Benchmark. Please can you advise if any of the above requires anything further from Benchmark?

Once we have confirmed what we believe to constitute pollution we can communicate this to Benchmark and they can work on the necessary assessment to show how they could comply with that. At that time it would seem appropriate to communicate a detailed time line to them. I have pulled together a draft timeline to get your thoughts on the aspects against which SEPA is identified and whether or not there are any additions. If you're roughly content, I can pull together precise dates and share with Benchmark.

1. Early Oct- SEPA/MS Agree timeline and position on what constitutes pollution
2. Early Oct- Benchmark identify suitable locations
3. Early Oct- SEPA supply list of models to Benchmark
4. Early Oct- MS-LOT and SEPA to inform Benchmark in writing of all information required to support an application
5. Mid Oct- SEPA advise on acceptability of revised EQS
6. End Oct- Benchmark demonstrate ERA, meeting EQS, modelling on a specific location, levels of discharge and levels of mixing
7. Mid Nov- SEPA advises MS on whether levels proposed by Benchmark constitute pollution

- 8. Early Dec- MS considers legal advice to date based on updated advice and evidence
- 9. Early Dec- MS-LOT determines if a licence can be administered
- 10. Mid Dec- Benchmark submits licence application
- 11. Early April- MS-LOT determination

Any application to deposit in the sea should be accompanied by an assessment of other practicable alternatives. MS-LOT does not regulate discharges of this nature from land and so I would appreciate SEPA's view on whether or not land based use of the cleantreat system would be a suitable alternative to vessel based discharge, in the event that we are not able to license the activity.

Happy to discuss if you wish but I would be grateful if you could respond in writing.

Kindest regards,

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