

## RESPONSE TO F0194859 & F0194845

### Request Timeline

Date	Status
13/12/2022	EIR Request F0194859 received [statutory deadline 16/01/2023]
09/12/2022	EIR Request F0194845 received [statutory deadline 12/01/2023]
05/01/2023	EIR Response F0194859 & F0194845 issued

### Requested Information

We have collated your questions for requests F0194859 and F0194845 together into a joint response due to the duplication of questions across the two requests. Please see in the table below the date the questions were received, the full text of the questions and whether the question applies to F0194859, F0194845 or both.

Date received	Question	Request
	[...] Further to previous questions on the ongoing salvage of the Portree feed barge (see below):	
Email 13/12/2022	1. Where is the "contaminated water and feed" being transported to, stored and ultimately dumped	F0194859
Email 13/12/2022	2. Have 'Duty of Care Transfer Notes' (if in England) and/or 'Special Waste Consignment Notes' (if in Scotland) been issued to Bakkafrost, Marine Masters and/or the transport companies involved?	F0194859
Email 13/12/2022	3. is the contaminated cargo still contained within the hold of the salvaged GaelForce barge sitting on the deck of the Matador 3 (currently floating off Loch Carron/Kishorn)?	F0194859
Email 13/12/2022	4. Further information would be much appreciated.	F0194859
Email 11/12/2022	5. [...] ongoing salvage of Bakkafrost's feed barge [...]have appropriate risk assessments and licences been issued for the ongoing 'decontamination' and 'remediation' (which has now moved away from Portree to Kenmore Bay in Loch Torridon not Strome in Loch Carron)?	F0194859
Email 11/12/2022	6. Has a risk assessment been carried out?	F0194859
Email 11/12/2022	7. Does the salvage operation have a licence?	F0194859

Date received	Question [...] Further to previous questions on the ongoing salvage of the Portree feed barge (see below):	Request
Email 11/12/2022	8. Is the Viking Saga now offloading contaminated water & feed from the salvaged GaelForce barge?	F0194859
Email 11/12/2022	9. Does Bakkafrøst & Marine Masters (operators of the Matador 3) have a licence?	F0194859
Email 11/12/2022	10. Where is the contaminated cargo being discharged?	F0194859
Email 11/12/2022	11. An update on the - potentially illegal - salvage operation would be much appreciated.	F0194859
Email 11/12/2022	12. What actions are the Scottish Government, UK Government via MCA and SEPA taking to ensure the ongoing salvage operation is legal and has zero environmental impact?	F0194859
Email 09/12/2022	13. could you please provide copies of any risks assessments detailing how Bakkafrøst/Marine Masters plans to transport the salvaged GaelForce feed barge off Portree to Strome (located within the Loch Carron 'Marine Protection Area'/'Special Area of Conservation') and then to Ardyne?	F0194859 & F0194845
Email 09/12/2022	14. Could you also please provide a copy of the salvage licence and any documentation relating to how Bakkafrøst/Marine Masters plans to 'decontaminate' the Portree salmon farm?	F0194859 & F0194845
Email 09/12/2022	15. Where is the contaminated water and feed from the Portree feed barge being discharged?	F0194859 & F0194845
Email 09/12/2022	16. Does the discharge of contaminated water and feed require a licence?	F0194859 & F0194845
Email 09/12/2022	17. Further information on the barge salvage and 'remediation' would be much appreciated.	F0194859 & F0194845

## Response

SEPA has handled your request under the terms of the Environmental Information (Scotland) Regulations 2004 (EIRs).

**1. Where is the "contaminated water and feed" being transported to, stored and ultimately dumped?**

We can confirm that the water and feed that has been removed from the barge is being taken to John Rennie and Sons (Farmers)Ltd, Gask House, Turrif, AB53 8BP biogas plant for processing.

**2. Have 'Duty of Care Transfer Notes' (if in England) and/or 'Special Waste Consignment Notes' (if in Scotland) been issued to Bakkafrøst, Marine Masters and/or the transport companies involved?**

We can confirm that the waste feed is not classed as special waste. Duty of care transfer notes have been provided.

**3. is the contaminated cargo still contained within the hold of the salvaged GaelForce barge sitting on the deck of the Matador 3 (currently floating off Loch Carron/Kishorn)?**

As of 15 December 2022, some waste is still in the hold of the barge. The Viking Saga is expected to be back with the barge on 16 December 2022 to remove the remaining feed waste. This is expected to take 2 days.

Please note an update has been provided and from 22 December 2022 the feedbarge has been beached above the water level. Any remaining waste feed and water has been sealed inside.

**4. Further information would be much appreciated.**

We have no further information for questions 1-3.

**5. [...] ongoing salvage of Bakkafrost's feed barge  
[...]have appropriate risk assessments and licences been issued for the ongoing 'decontamination' and 'remediation' (which has now moved away from Portree to Kenmore Bay in Loch Torridon not Strome in Loch Carron)?**

We do not hold this information. Please refer to the response for question 14.

**6. Has a risk assessment been carried out?**

Please see responses for questions 5 and 13.

**7. Does the salvage operation have a licence?**

Please see responses for questions 5 and 14.

**8. Is the Viking Saga now offloading contaminated water & feed from the salvaged GaelForce barge?**

At the time of this request the process is ongoing and is estimated to be completed by Saturday 17 December 2022.

We can advise that we received an update on this, please refer to the response in question 3.

**9. Does Bakkafrost & Marine Masters (operators of the Matador 3) have a licence?**

There are no requirements for a licence from SEPA. Please see the response to question 16.

**10. Where is the contaminated cargo being discharged?**

Please see the response to question 1.

**11. An update on the - potentially illegal - salvage operation would be much appreciated.**

At the time of this request, we have no further information.

- 12. What actions are the Scottish Government, UK Government via MCA and SEPA taking to ensure the ongoing salvage operation is legal and has zero environmental impact?**

At the time of this request, we are being kept updated by Bakkafrost. SEPA will be involved if the barge is to be scrapped.

- 13. could you please provide copies of any risks assessments detailing how Bakkafrost/Marine Masters plans to transport the salvaged GaelForce feed barge off Portree to Strome (located within the Loch Carron 'Marine Protection Area'/Special Area of Conservation') and then to Ardyne?**

At the time of this request this is not a requirement of SEPA. We do not hold this information. We advise you to contact Nature Scot, Marine Scotland or the Maritime and Coastguard Agency who may hold information in relation to this. Their contact details can be found in the Application of Regulations/Exceptions section below.

- 14. Could you also please provide a copy of the salvage licence and any documentation relating to how Bakkafrost/Marine Masters plans to 'decontaminate' the Portree salmon farm?**

At the time of this request a salvage licence is not a requirement of SEPA. We advise that you contact Marine Scotland or the Maritime and Coastguard Agency who may hold information in relation to this. Their contact details can be found in the Application of Regulations/Exceptions section below.

We can confirm that the salmon farm has not been affected and will not require decontamination.

- 15. Where is the contaminated water and feed from the Portree feed barge being discharged?**

Please refer to the response for question 1.

- 16. Does the discharge of contaminated water and feed require a licence?**

No licence is required by SEPA to remove the water and feed from the barge. However, the removed water and feed must be taken to a licensed facility. Please refer to the response for question 1.

- 17. Further information on the barge salvage and 'remediation' would be much appreciated.**

At the time of this request, we have no further information.

Further information regarding the regulations/ exceptions applied to this information can be found below.

## Application of Regulations/Exceptions

### Section 39(2)

We have applied the exemption under Section 39(2) of the Freedom of Information (Scotland) Act 2002 as we have determined that the information sought in your request is environmental information. We are therefore handling your request under the terms of the Environmental Information (Scotland) Regulations 2004 (EIRs). In this case the public interest in maintaining

this exemption and in dealing with the request in line with the requirements of the EIRs outweighs any public interest in disclosing the information under FOISA.

#### Regulation 9 – Advice and assistance

Where we have issued additional information or advice this is provided in line with SEPA's duty to advise and assist under Regulation 9 of The Environmental Information (Scotland) Regulations 2004.

#### Regulation 10(4)(a) – Information not held

Where we have advised above that SEPA does not hold this information it is excepted under Regulation 10(4)(a) of the Environmental Information Regulations 2004. The text of which is reproduced below;

*(4) A Scottish public authority may refuse to make environmental information available to the extent that;- (a) it does not hold that information when an applicant's request is received.*

The exception in regulation 10(4)(a) is subject to the public interest test in regulation 10(1)(b) of the EIRs. As SEPA does not hold the information in question there is no conceivable public interest in requiring that the information be made available.

#### Regulation 14(1)(b) – Other authority

As confirmed above SEPA does not hold this information. In accordance with the terms of the EIRs regulation 14(1)(b), The text of which is reproduced below.

*14(1) Where a Scottish public authority has received a request to make environmental information available and does not hold that information but believes that another public authority holds the information requested then it shall (b) supply the applicant with the name and address of that other authority,*

We advise that you contact:

#### **General enquiries to Marine Scotland:**

1A South  
Victoria Quay  
Edinburgh  
EH6 6QQ  
Telephone: +44 (0)300 244 4000  
email: [marinescotland@gov.scot](mailto:marinescotland@gov.scot)  
<https://marine.gov.scot/>

#### **Enquiries to Marine Scotland Licensing Operations Team:**

375 Victoria Road  
Aberdeen  
AB11 9DB  
Telephone: +44 (0)300 244 5046  
General marine licensing email: [ms.marinelicensing@gov.scot](mailto:ms.marinelicensing@gov.scot)  
Marine renewable energy developments email: [ms.marinerenewables@gov.scot](mailto:ms.marinerenewables@gov.scot)

For more details on contacting Marine Scotland in emergencies or reporting activities, please visit the page with all <https://www.gov.scot/publications/marine-scotland-contact-information/>

**Maritime and Coastguard Agency**

Freedom of Information

Spring Place

105 Commercial Road

Southampton

SO15 1EG

United Kingdom

Email [foi@mcga.gov.uk](mailto:foi@mcga.gov.uk)

<https://www.gov.uk/government/organisations/maritime-and-coastguard-agency>

<https://www.gov.uk/government/organisations/maritime-and-coastguard-agency/services-information>

**NatureScot**

Information Officer

NatureScot

Battleby

Redgorton

Perth

PH1 3EW

Email: [foi@nature.scot](mailto:foi@nature.scot)

<https://www.nature.scot/about-naturescot/access-information-and-services/access-information/freedom-information-requests>

**What to expect when making a Request for Information**

Each request for information, under The Environmental Information (Scotland) Regulations 2004 or the Freedom of Information (Scotland) Act 2002, is formally logged by the authority. The request falls within a process that has two internal stages carried out by the authority; a right of appeal to the Scottish Information Commissioner followed by an appeal to the Court of Session on a point of law only.

- Stage 1 – Request for information
- Stage 2 – Formal Review
- Stage 3 – Appeal for decision by Scottish Information Commissioner (OSIC)
- Stage 4 – Appeal to the Court of Session on a point of law only.

Each enquiry will have a unique Reference Number which should be quoted when you contact us.

**How you will be kept informed**

You will receive an acknowledgement for your request and Formal Review. We aim to reply to all enquiries promptly, within 20 working days. You will receive a response along with the requested information and/or an explanation regarding any withheld information. We may also contact you if we require clarification or if we are issuing a fees notice.

**What happens once your enquiry has been responded to?**

If you are not happy with the response or have failed to receive a response, you have the right to request a Formal Review from SEPA.

Guidance on your rights and how to ask for a review is on the Scottish Information Commissioner's website; <http://itspublicknowledge.info/YourRights/Askingforareview.aspx>

We will ensure that all personal data is processed, recorded and retained in accordance with the requirements of the Data Protection Act 2018 throughout the handling of each request. You have a right to see information about yourself via submitting a Subject Access Request under the Data Protection Act 2018.

**What to do if you are not happy with how your enquiry and review were handled**

If you are unsatisfied with our Formal Review response or have failed to receive a response, you can then appeal to the Scottish Information Commissioner via the links below.

[www.itspublicknowledge.info/appeal](http://www.itspublicknowledge.info/appeal)

<http://www.itspublicknowledge.info/home/ContactUs/ContactUs.aspx>

Should you wish to appeal against the Scottish Information Commissioner's decision, you have the right to appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of the decision.