

SEPA Position statement

Discharges from well boats, or other vessels, at marine pen fish farms

Background

1. This temporary regulatory position applies to each responsible person who, on 28 November 2022, is authorised to discharge both:

- (a) substances from a marine cage or marine pen fish farm to the water environment; and
- (b) bath treatment medicines from a wellboat to the water environment;

by two separate licences under the Water Environment (Controlled Activities) (Scotland) Regulations 2011.

2. On 30 November 2020 all Marine Scotland licences which authorised the discharge of bath treatment medicines from vessels were treated as authorisations under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (“deemed licences”) thus transferring regulatory responsibility from Marine Scotland to SEPA.

3. Those deemed licences are time limited and as they have expired, existing SEPA Marine Pen/Marine Cage Fish Farm licences (“site licences”) have been varied to include the same authorisation to discharge from well boats upon application being made by the relevant operators.

4. Where approval to discharge bath treatment medicine from a well boat is varied into a site licence, the controls on the discharge are the same as if it were being used in pens on the site

except that the discharge must only be made whilst the vessel¹ is moored to the fish pens or maintaining position immediately adjacent to the fish pens.

5. Separately, SEPA has now begun the process of varying all active site licences onto its new regulatory framework permit (“new permit”) upon application being made to SEPA. Where sites are permitted to discharge bath treatment medicine into the water environment, following treatment of fish, that new permit will include authorisation to make the same discharge from a vessel. Once this process is complete any existing deemed licences will be revoked.

6. It is expected that the variations onto the new permit will be completed in 2023.

Regulatory Position

Where a licence, described at 1(b) in background above, expires before the site licence held by the same responsible person is varied onto the new permit, SEPA will treat the expiry date of that licence as extended until the day before the site licence is varied onto the new permit, subject to the following additional conditions:

- (a) If not already submitted, an application to vary the site licence onto the new permit, must be submitted to SEPA by 30 November 2023.
- (b) Discharges of medicines from a vessel must only be made whilst the vessel is moored to the fish pens or maintaining position immediately adjacent to the fish pens.
- (c) The permit holders must ensure that the discharges of bath treatment medicines from a vessel do not result in:
 - (i) pollution of the water environment, as defined in the Water Environment and Water Services (Scotland) Act 2003 to the extent that it gives rise to significant harm; or
 - (ii) an adverse effect, or risk of adverse effect, directly or indirectly, on designated features or sites. Designated features or sites include nature conservation sites (Sites of Special

¹ “Vessel” means any ship, boat, craft or other vehicle which is used to carry out bath medicinal treatments.

Scientific Interest under the Nature Conservation (Scotland) Act 2004, Special Protected Areas (SPAs) and Special Areas of Conservation (SACs) designated under the Conservation (Natural Habitats, etc.) Regulations 1994 (as amended), Nature Conservation Marine Protected Areas (NC MPAs) designated under the Marine (Scotland) Act 2010, Ramsar sites), Priority Marine Features or other designated Protected Areas.

About this position

This regulatory position will remain in place until 31 December 2023. We reserve the right to review, amend or withdraw from this regulatory position at any time and we reserve the right to take enforcement action if pollution is caused by discharges of bath treatment medicines from vessels by the permit holders.

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www.sepa.org.uk

Strathallan House, Castle Business Park, Stirling, FK9 4TZ