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MARINE (SCOTLAND) ACT 2010, PART 4 MARINE LICENSING

LICENCE FOR DISCHARGE OF USED CHEMICALS FROM WELLBOATS

Licence Number: 06913/19/0 Reference Number: 06913

The Scottish Ministers (hereinafter referred to as "the licensing authority") hereby authorise:

Cooke Aquaculture Scotland Ltd
Crowness Road
Hatston Industrial Estate
Kirkwall
Orkney
KW15 1RG

to deposit in the sea the chemical(s) or agent(s) particulars of which are described in Part 1 of the attached Schedule. The licence is subject to the conditions of use set out, or referred to, in Part 2 of the said Schedule.

This licence is valid from 19 November 2019 until 18 November 2021.

[Redacted]

Signed: .....

Fiona Munro

For and on behalf of the licensing authority

Date: 19 November 2019

INVESTOR IN PEOPLE
POSITIVE ABOUT DISABLED PEOPLE

SCHEDULE TO LICENCE NUMBER: 06913/19/0 DATED: 19 November 2019

Part 1 – Particulars

1. Name and address of the person(s) discharging the used chemical(s) or agent(s):

   The licensee will discharge the used chemical(s) or agent(s)

2. Name and address of any other agents acting on behalf of the licensee (if appropriate):

   As per licensee

3. Name(s) of the vessel(s) to be employed to undertake the discharge operations:

   See Annex One of this licence to discharge for a list of authorised vessels.

   The agent or licensee must notify the licensing authority immediately if a vessel not listed on the licence is to be used for the discharge of used chemical(s) or agent(s). The information required by the licensing authority regarding the additional vessel(s) will be the same as the information already provided for the vessels on the existing licence. **Discharge operations using any additional vessel(s) may only commence if a revised licence, including details of the additional vessel(s), is issued by the licensing authority.**

4. Location of discharge of the used chemical(s) or agent(s):

   South Cava, Scapa Flow at a point alongside any cage at the fish farm located by the coordinates:

   58° 52.292' N, 003° 09.548' W.

5. Description of the chemical(s) or agent(s):

   Excis (1% w/v cypermethrin – cis 40 : trans 60)
   ALPHA MAX or AMX (1% deltamethrin)
   Salmosan or Salmosan Vet or Azasure (50% w/w azamethiphos)
   Hydrogen peroxide

   As described in the application dated 24 January 2019 and supporting documentation.

6. Quantity for discharge within the period of validity of the licence:

   As described in Condition 12, Condition 13, Condition 14 and Condition 15 in Part 2 of the licence.

SCHEDULE TO LICENCE NUMBER: 06913/19/0 DATED: 19 November 2019

Part 2 - Conditions

1. The licensee must notify the licensing authority, at least two working days in advance of starting the operation, with the date and time of commencement of all operations undertaken under the authority of this licence and the product name and quantity of chemical(s) or agent(s) intended for discharge. Details of chemical(s) or agent(s) discharged must also be recorded and reported in accordance with Condition 11 of the licence.

2. The treatment of fish must be carried out in such a way as to minimise the discharge of chemical(s) or agent(s).

3. "*Force majeure*" may apply when, due to stress of weather or any other cause, it is necessary to discharge the chemical(s) or agent(s) at a location other than that specified in Part 1 of the Schedule because the safety of human life, or a vessel or vehicle, is threatened. If chemical(s) or agent(s) are discharged in an unauthorised area, full details of the circumstances must be immediately notified to the licensing authority (see also notes appended to the Schedule).

4. Under the authority of this licence, the discharge of chemical(s) or agent(s) is only permitted if the location described in Part 1, section 4 of the Schedule is an operational and stocked fish farm. Furthermore, the said discharge is only permitted in respect of the treatment of fish being reared at the fish farm site at the location described in Part 1, section 4 of the Schedule, at the time of discharge.

5. The licensee must ensure that no dead fish are discharged to the water environment at any time. Any dead fish must be disposed of above the Mean High Water Springs in an appropriate manner.

6. The licensee must ensure that works will only be carried out in accordance with the Treatment Procedure (dated August 2015) as provided with the application. Marine Scotland - Licensing Operations Team (MS-LOT) must be informed if alterations are made to the treatment procedure. Copies of the treatment procedure must be kept with copies of the licence.

7. Only those chemical(s) or agent(s) described in Part 1, section 5 of the Schedule (the authorised deposits) shall be discharged under authority of the licence and all associated tank/hopper washings must be discharged at the location specified in Part 1, section 4 of the Schedule.

8. The method of discharge must be:

   Pumped discharge via pipe/hatches from Wellboat at a depth of surface to 1-5 metres below sea surface.

9. Only those persons acting on behalf of, and authorised by, the agent or the licensee shall undertake the discharge operations.

10. The licensee must provide the Master(s) of the vessel(s) employed to undertake the discharge operations with a copy of the licence. The licensee must also ensure that copies of the licence and all other relevant documents, including the treatment procedure (dated August 2015) are available for inspection by any authorised Enforcement Officer at:

    a) the premises of the licensee; and

    b) on board the vessel(s) employed to undertake the discharge operations.

11. The licensee must ensure that a log of operations is maintained and kept on board the discharge vessel(s) throughout each discharge operation, and be available for inspection by an authorised Enforcement Officer. The logs must be retained for a period of six calendar months following expiry of the licence.

    For each discharge operation, the following information must be recorded:

    a) the name of the vessel;

    b) the name of the product and its active ingredient;

    c) the quantity (volume) of the product scheduled for discharge;

    d) the date, time and position of each discharge operation;

    e) the weather, including wind strength and direction, sea and tidal state throughout each discharge operation;

    f) the rate of discharge during each discharge operation, if appropriate, and the duration of each discharge operation if the rate of discharge is not constant, the maximum and mean rates of discharge must be indicated);

    g) report on each discharge operation, including details of any problems; and an explanation for any delays; and

    h) the signature of the Master at the foot of each page of each record.

    The above information can be entered on the discharge vessel log of operation form. The licensee must provide to MS-LOT at three monthly intervals or on request from MS-LOT, a copy of all or any part of the records specified above.

12. The licensee must ensure that:

    a) subject to condition 12 b), the total quantity of cypermethrin as contained in the trade product Excis, discharged in any consecutive 3 hour period beginning at the time of the first release of Excis as part of any specific treatment, must not exceed 47.41 grams (this is equivalent to 4741 millilitres of Excis).

b) Cypermethrin, as contained in the trade product Excis, must not be discharged if cypermethrin or deltamethrin, formulated as AMX™ 10mg/ml concentrate solution for fish treatment or as ALPHA MAX™ marketed by Pharmaq AS, has been discharged at the site, from any source, in the previous 3 hours.

13. The licensee must ensure that:

a) subject to condition 13 b), the total quantity of azamethiphos, as contained in the trade product Salmosan or Salmosan Vet or Azasure, discharged in any consecutive 24 hour period beginning at the time of the first release of Salmosan or Salmosan Vet or Azasure as part of any specific treatment, must not exceed 240.6 grams (this is equivalent to 481.2 grams of Salmosan or Salmosan Vet or Azasure).

b) Azamethiphos, as contained in the trade product Salmosan or Salmosan Vet or Azasure must not be deposited from a vessel simultaneously to any deposit of azamethiphos at the premises.

14. The licensee must ensure that:

a) subject to condition 14 b), the total quantity of deltamethrin, formulated as AMX™ 10mg/ml concentrate solution for fish treatment or as ALPHA MAX™ marketed by Pharmaq AS, discharged in any consecutive 3 hour period beginning at the time of the first release of deltamethrin, formulated as AMX™ 10 mg/ml concentrate solution for fish treatment or as ALPHA MAX™ marketed by Pharmaq AS, as part of any specific treatment must not exceed 17.78 grams (this is equivalent to 1778 millilitres of AMX™ or ALPHA MAX™).

a) Deltamethrin, formulated as AMX™ 10mg/ml concentrate solution for fish treatment or as ALPHA MAX™ marketed by Pharmaq AS, must not be discharged if cypermethrin or deltamethrin, as contained in the trade product Excis, has been discharged at the site, from any source, in the previous 3 hours.

15. Hydrogen peroxide may be discharged at any time provided its actual use is recorded and reported in accordance with Part 2, section 11 of this licence.

16. In the event of the licensee becoming aware of any changes to the information on which the issue of the licence was based, the licensing authority must be immediately notified of the details.

17. The licensee must ensure that where any of the chemical(s) or agent(s) listed in condition 12, 13 and 14 are also authorised for discharge to the water environment following bath treatment at the fish holding cages at the site described in Part 1, section 4 under an authorisation granted by Scottish Environment Protection Agency then the quantity of that chemical or agent discharged over the time period specified in the relevant condition by the method specified in Condition 8 and from the cages over the same time period <u>must not</u> exceed the total quantity specified in the relevant condition.

18. The licensee must ensure that the chemical(s) or agent(s) listed above must only be discharged following treatment of fish within the vessel(s) listed in Part 1, section 3.

19. If a new licence is required, the licensee must make an application at least fourteen weeks before the expiry date of this licence. **This licence shall not continue in force after the expiry date of 18 November 2021**.

NOTES

1. You are deemed to have satisfied yourself that there are no barriers, legal or otherwise, to the carrying out of the licensed operations. The issue of the licence does not absolve the licensee from obtaining such authorisations, consents etc which may be required under any other legislation.

2. In the event that the licensee wishes any of the particulars set down in the Schedule to be altered, the licensing authority must be immediately notified of the alterations. It should be noted that changes can invalidate a licence, and that an application for a new licence may be necessary.

3. Under Section 30 of the Marine (Scotland) Act 2010, the licensing authority may vary, suspend or revoke the licence, if it appears to the authority that there has been a breach of any of the provisions of the licence or for any other reason that appears to be relevant to the authority.

4. Under Section 39 of the Marine (Scotland) Act 2010, it is an offence to carry on a licensable marine activity or cause or permit any other person to carry on such an activity without a marine licence or fails to comply with any condition of a marine licence. It is a defence for a person charged with an offence under Section 40 in relation to any activity to prove that the activity was carried out for the purpose of saving life, or for the purposes of securing the safety of a vessel, aircraft or marine structure ('*force majeure*'), and that the person took steps within a reasonable time to provide full details of the incident to the licensing authority. (Under Annex II, Article 7 of the Convention for the Protection of the Marine Environment of the North-east Atlantic, the licensing authority is obliged to immediately report '*force majeure*' incidents to the Convention Commission).

5. <u>All correspondence or communications relating to the licence should be addressed to</u>:

   Licensing Operations Team
   Marine Scotland
   Marine Laboratory
   375 Victoria Road
   Aberdeen
   AB11 9DB

   Tel: +44 (0)300 244 5046
   Email: ms.marinelicensing@gov.scot