

LIST OF QUESTIONS ASKED

2012 Oil leak

1. In regard to the oil leak incident in 2012, could you please provide a copy of any report or incident report prepared from or on behalf of the contractors (believed at that time to have been Blackwells)? Please note that our clients hold the water monitoring report but seek any contemporaneous incident report(s) from the hours following the detection of the leak and the immediate steps taken to mitigate the leak. If you require further specification regarding the oil leak, so as to comply with this request, please return to us and this can be provided. Otherwise, we shall assume you are aware of the incident referred to.

Answer

- Scottish Forestry do not hold any contemporaneous incident report(s) prepared from or on behalf of Blackwells. However, we do attach a letter (DOC 1) to Greenpower dated 25.9.2012 which notes the incident and action taken.

2. There is reference in a report by RPS/Fluid that GreenPower and/or Blackwells connected an 'Alternative Water Supply' to the Brollys' own water supply pipework during the period of the oil leak.

How and when were you first informed of this Alternative Water Supply and the oil leak (and from whom you obtained the information)? Please provide copies of any correspondence regarding this.

Answer

- Scottish Forestry were first informed through Construction Monitoring Report No.7 dated 29.8.2012. We previously supplied to your clients the electronic copies that we received from Greenpower. We attach a scan of a hard copy original document in our files (DOC 2) and section 7.6 has contemporaneous hand written notes in relation to the oil spill.

3. Please provide any information you hold as to the nature of the 'Alternative Water Supply', where it was connected, what the source was of the supply, the duration of the connection, and any remediation and cleaning steps taken on disconnection of the 'Alternative Water Supply' (particularly to mitigate against cross contamination).

Specifically, please confirm the nature of any cleaning products or chemical solutions that you have been informed of having been used in the connection to the Alternative Water Supply, the use of the said supply, and disconnection of the said supply.

Answer

- Scottish Forestry do not hold any information on the nature of the alternative supply where it was connected, the source, duration of the connection, or remediation and cleaning steps taken on disconnection.

- Scottish Forestry hold no information regarding cleaning products or chemical solutions that may have been used in the connection, use or disconnection of the Alternative Water Supply.

4. Please confirm what remit you, or any predecessor bodies, had as regulator to investigate the Alternative Water Supply, and specifically (a) its sufficiency and quality and (b) engagement with the landowner and users of the private water supply to the alternative supply.

Answer

- Scottish Forestry was established as an executive agency of the Scottish Government on 01/04/19, following completion of the devolution of forestry. Any action or communication taken prior to 01/04/19 will be referred to as by the preceding Forestry Commission Scotland (FCS).
- Forestry Commission Scotland was the competent authority with regards to the Environmental Impact Assessment (Forestry) (Scotland) Regulations 1999.
- Consent Conditions 5 & 6 are relevant and information provided for these were accepted in consultation with SEPA. Please see attached letter of 31.5.10 to Greenpower (DOC 3). These conditions do not specify the detail of how alternative water supplies are to be investigated or managed.

5. A previous response to FOISA request from the Forestry Land Services stated that only a 'cupful' of oil escaped during the 2012 leak. Can you please provide any information as to how that was assessed and verified, given that it would seem an unlikely low figure in the event of a burst.

Answer

- This part of the request has been transferred to another public body, Forestry and Land Scotland to answer and they will be in contact with you directly.

6. Please provide any information held about the steps taken to decontaminate the water supply, and attempt removal of the oil contamination. If no steps were taken, please provide any information held about the decision made to allow the oil to disburse naturally and the scientific basis for assessing this approach.

Answer

- Scottish Forestry do not hold any further information beyond that previously supplied to your clients and listed in the answer to Q9.

7. Please provide any map or other document detailing (a) the anticipated spread of the oil contamination, (b) the private water supplies affected, and (c) fish spawning areas affected.

Answer

- a. Scottish Forestry do not hold any information
- b. and c. In particular, Scottish Forestry have already provided your clients with all the info we hold on water quality.

8. Please provide any maintenance records or information provided to you in regard to the machine which suffered the burst, particularly anything showing or suggesting the volume of oil normally held within the machine.

Answer

- Please refer to reports list below previously provided to your clients. No further relevant information held.

Report List

- Allt Garbh Catchment Water Assessment Report March 2019 FINAL
- West Loch Awe Timber Haul Route Construction Works Water Monitoring Report June 2018 FINAL
- West Loch Awe Timber Haul Route Construction Works Supplementary Water Monitoring Report Feb 2019 FINAL
- Water Monitoring Report 7 [Sinclair Knight Merz (SKM) 29/08/12]

Hydroseeding

9. After the hydroseeding in August 2018, THMs were found in the Brollys' water supply. The Brollys have attempted to confirm whether chlorinated water was used in the hydroseeding (and thus potentially entered their fresh water supply). Please provide any information you have that shows (a) the manufacturer's specification of suggested water used during the hydroseeding operation, (b) the water actually used on site, and (c) the ratio of hydroseeding mix to water used on site.

Answer

- Scottish Forestry have previously provided all the details relating to the Hydroseeding that we hold to your clients. See email on 18.9.2018 *Titled C5- WLATHR- Hydro seeding info*. A further email of 20.11.2018 - Allt Garbh - Forest Research comments on Fluid and other reports '
- We do not hold information on water sources.

10. It is the Brollys' reading of the manufacturer's advice that Sustane 464 hydroseeding mix should not be used in or around water. Please provide any information held by you that shows guidance regarding the use of such hydroseeding mix around water.

Answer

- Please see response to Q9.

11. Please provide any documentation showing who (a) made the decision to use; and (b) approved the use of: Sustane 464 hydroseeding mix at the site, near the Brollys' water supply.

Answer

- Scottish Forestry do not hold any information on who made the decision or approved use.

12. If there are governing British Standards or regulations for the use of a product (such as a hydroseeding product) next to a private water supply, please provide any explanation or documents held regarding the steps that you and your predecessor bodies hold should be undertaken by a user of a product before commencing use of the product next to the private water supply.

Answer

- Please see response to Q9. Scottish Forestry hold no further documentation.

13. In regard to any of the above requested information on hydroseeding that you do not hold, please confirm whether you, or any predecessor bodies, as regulator have the power to request such information. If so, why has this information not been requested?

Answer

- Scottish Forestry do not hold any further information beyond that already provided - see response to Q9. Scottish Forestry saw no requirement to request any further information.
- As set out in Q4. response. Scottish Forestry considered the information provided in relation to the hydro seeding and are satisfied that all aspects in relation to potential negative impacts have been investigated. Scottish Forestry intend to take no further action.

Communication

14. Can you provide any documentation regarding decisions whether or not to communicate to the Brollys at the time of the events that: (a) the 2012 oil leak had occurred; and (b) the 2018 hydroseeding was taking place.

Answer

- Scottish Forestry do not hold any information relating to above.

15. Were you, or your predecessor bodies, aware that no contemporaneous communication was made to the Brollys on the above? If so, please provide any documentation regarding your internal view on such lack of communication.

Answer

- Not aware that no contemporaneous communication was made to the Brollys, therefore no information is held.

16. Please confirm what remit you, or any predecessor bodies, had as regulator to ensure the protection of private water supplies and ensuring that users of such supplies are informed of incidents such as the oil leak or the use of the hydroseeding chemicals?

Answer

- Consent requires developer to employ an ECoW and put necessary controls and plans in place, as per consent conditions. Please see response to Q 4.

If varying between 2012 and 2018, please detail the different regulatory framework at each time.

Answer

- Please see response to Q10. The change to the Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017 made no substantive/material difference to regulating this consent.

Cementitious leachate

17. Please provide any documentation regarding any decision whether or not to test for or assess the impact of cementitious leachate on the water supply downstream of culvert C5.

Answer

- Please see point 7 on table of previous response from Brendan Callaghan, Head of Operational Delivery at Scottish Forestry dated 1.6.2020 to you.

18. Please provide any scientific information held by you regarding whether cementitious leachate is safe in a private water supply, and how it may affect fish and any other vertebrates.

Answer

- As point 17 above.

19. Please provide any scientific information held by you regarding the cumulative effect of cementitious leachate in a water supply, and specifically on the health of people using the water for (a) drinking and (b) bathing.

Answer

- As point 17 above.

20. Please provide any scientific information held by you that shows whether cementitious leachate scores or contaminates pipes and tanks of a water supply infrastructure (or, conversely, does not do so).

Answer

- As point 17 above. No further information held.