

## SPSO decision report

**Case:** 201605465, Scottish Environment Protection Agency  
**Sector:** Scottish Government and devolved administration  
**Subject:** policy/administration  
**Decision:** some upheld, recommendations

### Summary

Mr C raised a number concerns about the way that the Scottish Environment Protection Agency (SEPA) regulated a site. As part of the regulations, the site was required to maintain records of the waste materials that were being transferred to and used on the site. Mr C complained that SEPA had failed to ensure that the site maintained appropriate records in accordance with the regulations.

We found that SEPA had been aware of the record-keeping issues at a site inspection and it had been recorded that this should be followed up at the next inspection. We did not find evidence that this had happened at the next inspection and we were critical that SEPA did not take timely action. We also noted that SEPA had written to the site annually to request waste data. We found that when the site operator did not provide this information over a period of consecutive years, SEPA did not take any action to ensure it received the information requested. We upheld the complaint and made a recommendation.

Mr C was also unhappy about the way SEPA investigated his complaint that staff at the site were burying tree bark, which he said was not in accordance with the terms of the site's registration. In response to Mr C's complaint, SEPA said that the volume of buried bark was unlikely to be significant and said that it did not present a risk to health or the environment. For these reasons, SEPA did not consider that it would be appropriate to conduct intrusive site investigations to establish the volume of buried bark or to require the removal of any buried bark. We found that SEPA officers had visited the site after Mr C raised concern about this matter, and we were satisfied that SEPA took appropriate steps to investigate the concern. We did not uphold this complaint.

### Recommendations

What we said should change to put things right in future:

- Where SEPA becomes aware of an establishment's failure to meet the record-keeping obligations of a registered exemption, comply with regulations, and/ or a failure to provide waste returns as required, this should be followed up to ensure that the terms of the registered exemption are being met.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.