



# **Contingency Planning for Marine Pollution Preparedness and Response**

  

## **Guidelines for Ports**

## FOREWORD

The purpose of these Guidelines is to help harbour authorities discharge their statutory duty to plan a response to marine pollution incidents in their waters. They are written for those who will prepare and execute such plans and for the directors, commissioners, trustees and others appointed to the boards of harbour authorities who are responsible for its legal and other functions.

A statutory duty has been imposed on harbour authorities, ports and oil handling facilities to respond to marine pollution incidents in their waters to underpin a national duty accepted by the UK Government to respond to such pollution incidents. The Maritime and Coastguard Agency (MCA) has a National Contingency Plan (NCP) for this purpose. The MCA is also required to approve harbour authority plans, and will assist them in responding to incidents. Other agencies – especially local authorities and various bodies with environmental responsibilities – also plan for such incidents. These guidelines aim to promote a coherent national approach, and the adoption of good practice. It is crucial to the successful management of an incident that the NCP and local plans, including those of harbour authorities, fit together. The MCA take the lead responsibility for ensuring that they do; and their approval of port plans is part of this task.

The statutory duty of harbour authorities relates specifically to responding to pollution from ships in their waters and on structures and land which they own. The Guidelines explain the role which other agencies have accepted. In practice, local arrangements will take a practical approach to who does what – the important thing is for each agency's plan to make the same agreed assumptions, and for there to be no gaps.

These Guidelines focus on oil pollution because of the importance of oil as a marine pollutant and the advanced strategy for dealing with that pollutant. It may also be sensible for contingency plans to deal with types of pollution other than oil from ships if there is a significant risk in a particular locality.

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## LIST OF ABBREVIATIONS

<b>BPA</b>	British Ports Association
<b>CCW</b>	Countryside Council for Wales
<b>CGLO</b>	Coastguard Liaison Officer
<b>CPSO</b>	Counter Pollution and Salvage Officer
<b>DARD</b>	Department of Agriculture and Rural Development
<b>DEFRA</b>	Department for Environment, Food and Rural Affairs
<b>EA</b>	Environment Agency
<b>EG</b>	Environment Group
<b>ELO</b>	Environment Liaison Officer
<b>GT</b>	Gross Tonnage
<b>HNS</b>	Hazardous and Noxious Substances
<b>ISAA</b>	The International Spill Accreditation Association (ISAA)
<b>JNCC</b>	Joint Nature Conservation Committee
<b>MCA</b>	Maritime and Coastguard Agency
<b>MEIR</b>	Marine Emergency Information Room
<b>MMO</b>	Marine Management Organisation
<b>MRC</b>	Marine Response Centre
<b>MS-ML</b>	Marine Scotland – Marine Laboratory
<b>NCP</b>	National Contingency Plan for Marine Pollution from Shipping & Offshore Installations
<b>NE</b>	Natural England
<b>NIEA</b>	Northern Ireland Environment Agency
<b>NNR</b>	National Nature Reserve
<b>OMT</b>	Oil Spill Management Team
<b>OPRC Convention</b>	Oil Pollution Preparedness, Response and Co-operation Convention 1990
<b>POLREP</b>	Pollution Report
<b>SAC</b>	Special Area of Conservation
<b>SCU</b>	Salvage Control Unit
<b>SEEEC</b>	Sea Empress Environmental Evaluation Committee
<b>SEPA</b>	Scottish Environment Protection Agency
<b>SFI</b>	Sea Fisheries Inspectorate
<b>SI</b>	Statutory Instrument
<b>SITREP</b>	Situation Report
<b>SNH</b>	Scottish Natural Heritage
<b>SOLAS</b>	Safety of Life at Sea Convention
<b>SOSREP</b>	Secretary of State's Representative for Maritime Salvage and Intervention
<b>SRC</b>	Shoreline Response Centre
<b>SSSI</b>	Site of Special Scientific Interest
<b>STOp</b>	Scientific, Technical and Operational Guidance Notes
<b>UKHMA</b>	UK Harbour Masters Association
<b>UKMPG</b>	UK Major Ports Group
<b>UNCLOS</b>	United Nations Convention on the Law of the Sea 1982
<b>UKSPILL</b>	UK Spill Association

# 1. SCOPE AND PURPOSE

## Introduction

- 1.1 Harbour authorities have overall responsibility for the safety of marine operations on waters within their jurisdiction. Their underlying obligation is to manage the harbour so that it can be used in a safe and efficient manner. They must also ensure that the environment is safeguarded. These duties are also a commercial imperative. A serious accident is likely not only to cause serious disruption to the port at the time, but may well have longer term impacts. It is difficult to clean-up oil pollution and it may take a long time. It may be longer still before the port returns to full running order, and recovers from the cost and possible lost business caused by a large spill. It is therefore much better to work on the principle that it is better to prevent incidents than to deal with them after they have occurred.
- 1.2 The Port Marine Safety Code, which harbour authorities have adopted and agreed to implement, proposes that all the functions of a harbour authority in relation to marine operations should be regulated through a safety management system, based on a formal risk assessment of the hazards facing their port and appropriate measures to prevent them. The Code aims to improve safety for those who use or work in ports, their ships, passengers and cargoes, and the environment. A Guide to Good Practice has been issued by the Department for Transport to assist authorities to develop such systems and to manage their marine operations thereby. The Guide to Good Practice does not deal in detail with planning a response to marine pollution – that is the function of these Guidelines. These Guidelines also support a National Contingency Plan, prepared and managed by the Maritime and Coastguard Agency (MCA).
- 1.3 The purpose of a port's contingency plan for marine pollution is to ensure that there is a timely, measured and effective response to incidents. A port that is prepared will be able to deal with an incident more quickly, so that normal port operations can be resumed sooner – with obvious benefits to port users and the harbour authority.
- 1.4 The marine pollution contingency plan is likely to be just one part of a port's overall emergency planning – which will also cover commercial and other aspects beyond the scope of either the Guide to Good Practice or these Guidelines.
- 1.5 These Guidelines relate in the first instance to implementation of the OPRC Convention (see paragraph 1.10), under which obligations are placed on harbour authorities and oil handling facilities in relation to the pollution from oil. Most of the material contained in these guidelines is therefore specific to oil pollution. Oil is the most significant pollutant associated with port marine operations and strategies for dealing with it have been well-advanced through experience. As discussed later, harbour authorities have a statutory duty to plan a response to such incidents. It is expected that this statutory duty will be extended to other pollutants in due course. A contingency plan that is effective for oil pollution will have much in common with plans required to combat other

pollutants. The hazards, and techniques for cleaning-up, will vary, but command and control procedures will be very similar.

- 1.6 These Guidelines recommend a quantified and risk based approach to contingency planning. The advantage of this method is that it is a transparent process which lends itself to rational decision making. Benefits accrue both to those who draw-up the plans and to those who approve them. It is a sophisticated method but all harbour authorities have to ask themselves the question: 'What is it worth planning for?' and a quantified analysis will help provide the answer.
- 1.7 These Guidelines, first issued in 2002, have been revised with the benefit of practical experience. It is hoped that they will in turn assist harbour authorities with both the implementation and revision of their plans.

### **Legal basis for marine pollution contingency planning**

- 1.8 As a party to the UN Convention on the Law of the Sea (UNCLOS), the UK has an obligation to protect and preserve the marine environment.
- 1.9 Section 293 of the Merchant Shipping Act 1995, as amended by the Merchant Shipping and Maritime Security Act 1997, gives the Secretary of State for Transport the function of taking, or co-ordinating, measures to reduce and minimise the effects of marine pollution. The Environment Act 1995 places similar duties on the Environment Agency for England and Wales with respect to pollution from land-based sources.
- 1.10 The UK Government also has obligations under the International Convention on Oil Pollution Preparedness, Response and Co-operation 1990 (the OPRC Convention). The Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998 (SI 1998 No 1056) implement the obligations of the Convention. In particular, they require harbour authorities to have a duty to prepare plans to clear oil spills from their harbour and for those plans to be compatible with the National Contingency Plan for Marine Pollution from Shipping and Offshore Installations (NCP).
- 1.11 The NCP was first published by the MCA in January 2000, a revised document was published in August 2006. It sets out the circumstances in which the Maritime and Coastguard Agency deploys the UK's national assets to respond to a marine pollution incident to protect the overriding public interest. It is essential reading for anyone preparing a marine pollution contingency plan for a port. These Guidelines assume that the reader is familiar with that document. The plans prepared by harbour authorities, oil handling facilities, coastal local authorities and offshore installations underlie this national plan and provide detailed information on the local response to marine incidents. They should also describe arrangements for mutual support and need to be fully compatible with plans that operate at national levels.
- 1.12 Other legislation that is relevant to these Guidelines is:
- the Dangerous Vessels Act 1985

The Port Marine Safety Code recognises the potential need to give directions in relation to a dangerous vessel and states that this should be addressed in the port's safety management system. Dangerous vessels are those which, because of their condition, or the nature or the condition of anything they contain, might involve a grave and imminent danger to the safety of persons or property. A harbour authority should hold contingency plans to deal with the threat posed by dangerous vessels when admitted to, or ordered to leave the port. These should also cover the threat of marine pollution from such vessels which may sink or founder in the harbour thereby preventing or seriously prejudicing the use of the harbour by other vessels.

- the Dangerous Substances in Harbour Areas Regulations 1987 (SI 1987 No 37)<sup>1</sup>

The Port Marine Safety Code also notes that harbour authorities have a duty to prepare emergency plans for dealing with substances which are dangerous owing to their condition or the condition of their packaging, or the vessel on which they are being carried is such as to create a risk to health and safety. To the extent that such substances are hazardous to port marine operations and can lead to marine pollution, guidance is offered on contingency planning. The Code also reminds harbour authorities that such plans must also extend to dangerous substances brought to the port from inland, but as this is not a marine operation it falls outside the scope of these Guidelines. Readers are directed to the Regulations and the associated Approved Code of Practice and Guidance that is currently being revised by the Health and Safety Executive.

- 1.13 Local authorities in England and Wales have a general power under The Civil Contingencies Act 2004 – duty to assess, plan and advise. Local authorities in Scotland have similar powers under the Local Government (Scotland) Act 1973. Local authorities have prepared, and implemented, local response plans based on these powers. MCA advises them to submit revised plans every five years, or earlier if there is a substantial change.
- 1.14 In Northern Ireland, the Water (Northern Ireland) Order 1999 gives the Department of the Environment powers to undertake pollution clean-up work through the Northern Ireland Environment Agency (NIEA) as it considers appropriate. NIEA prepares local response plans in the same way as local authorities do elsewhere in the United Kingdom.

## Marine Pollution

- 1.15 “Marine pollution” in the National Contingency Plan refers to pollution by oil or other hazardous substances. “Oil” means oil of any description (see section 151 of the 1995 Act) and “other hazardous substances” are those substances prescribed under section 138A of the 1995 Act. This covers any substance that is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

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<sup>1</sup> HSE expect to replace these regulations by mid 2002 with New Dangerous Goods in Harbours Regulations

- 1.16 MCA is presently drafting legislation in respect of the HNS Protocol to OPRC. In the future ports and harbours will have to submit plans which encompass not only crude oil and refined petroleum products, but in addition hazardous and noxious substances. Ports and harbours should be aware of these impending changes. They are encouraged to consider adopting an equally wide definition of marine pollution when drawing-up contingency plans to deal with other pollution hazards associated with the marine operations of the port, including Hazardous and Noxious Substances (HNS).

### Area Covered

- 1.17 The Port Marine Safety Code calls for every harbour authority to have a safety management system for marine operations in its waters, developed after formal risk assessment. That safety management system should include plans to deal with emergencies arising in those waters. To ensure that the contingency plan for marine pollution dovetails with other plans developed by the harbour authority, they should cover the same area.
- 1.18 The integrity of a harbour authority plan depends upon removing any doubt over who is responsible for what. The National Contingency Plan gives some guidance on the responsibilities that have been imposed or accepted for the clean up of pollution within the jurisdiction of a harbour authority as follows:

Location of pollution	Responsibility for clean up lies with:
On the water	Harbour authority
Jetties/wharves/structures owned by Harbour Authorities	Harbour authority
Beach/shoreline owned by the harbour authority	Harbour authority
Foreshore owned by a private individual or group	Foreshore owner(s)
Shoreline (including land exposed by falling tide) and other structures	Local authority/NIEA

- 1.19 An agreement may need to be reached with the local authority on working together and to determine whether or not the harbour authority will deal only with the vertical faces of harbour structures. Agreement will also be required with the Agencies responsible for the regulation of waste in order to ensure that satisfactory arrangements are in place for the collection, storage, treatment and disposal of contaminated materials by the responsible party.

### Consultation and Approval

- 1.20 The MCA undertakes the approval of harbour authority and oil handling facility plans on behalf of the Secretary of State for the Department for Transport. Plans should be compiled in consultation with adjacent ports, local authorities, oil handling facilities, the Marine Management Organisation (MMO)), the Environment Agency, Natural England and their equivalents under the devolved administrations. Some of the agencies required to be consulted have to prepare response plans of their own. For consultation to be most effective they need to be given the harbour authority's pollution potential assessment

(see Section 2). These organisations should be able to assist greatly with the assessment of consequences of potential pollutants (again see Section 2). It is therefore good practice to involve them from the outset in the port plan: it is not good practice to make a first approach with a completed draft. Following consultation the plan must then be submitted to the MCA for formal approval. Harbour authorities must review their plans every five years or earlier if a substantial amendment is required and submit them to the MCA. The consultation and approval process is described in Section 4.

## **2 PRE-CURSORS TO CONTINGENCY PLANNING**

### **Pollution potential assessment**

- 2.1 As a starting point, harbour authorities should draw upon the data collected as part of its formal risk assessment to assess the pollution potential of port marine operations in the port. In doing so they should have regard to the vessels which visit the port, the cargoes they carry, as well as any vessels which may resort to it in an emergency.

### **Vessels**

- 2.2 Port traffic will determine the pollution potential in terms of the number and size of vessel entering the port. For example, the size and type of vessel together with the frequency of visits will determine the potential for bunker spills. The potential for a bunker spill will be affected by whether or not the port is used for bunkering. If so, what quantities of bunker oil are transferred. The spill potential will be determined by pipe volumes and the reliability of shut-down mechanisms in the event of a spill being detected. Other factors that will have a bearing will be the condition of the vessels visiting the port, the quality and extent of pilotage services, the towing capability and manoeuvrability of harbour tugs, navigation hazards, complex tidal patterns, wave and weather exposure etc.

### **Vessels seeking a place of refuge in an emergency**

- 2.3 Section 1 explains that these Guidelines relate in the first instance to implementation of the OPRC Convention. The UK also has obligations under the Safety of Life at Sea Convention (SOLAS) to provide shelter for maritime casualties which may require use of waters within a port as a place of refuge. It is not suggested that any such requirement derives from OPRC. MCA and SOSREP are responsible for discharging this SOLAS obligation. In this connection, they aim to have an assessment of potential refuges in all areas of the UK's territorial waters, and to work with harbour authorities whose facilities might be called upon for this purpose. The probability that waters controlled by a harbour authority will be used as a place of refuge will depend on the one hand upon the port and passing traffic and on the other upon the facilities likely to be available.
- 2.4 It is difficult to plan for the reception of a casualty, but to have no plan at all is imprudent. MCA and SOSREP will therefore seek understandings with harbour authorities likely to be asked to assist, and to plan with them for this

contingency as far as possible. It is suggested that harbour authorities might make any such plan an adjunct to their OPRC contingency plan, since the two will have many common elements. Place of refuge plans may not be able to anticipate in detail the circumstances in which they may have to be used, but it should be possible to achieve a well-developed understanding of the suitability of any potential refuge. For this purpose, MCA will seek information about port waters under the following headings –

- the maximum draught which could be considered within each area – taking into account depth of water, substrate which would be encountered, etc.;
- the maximum length of vessel which could be considered in that area;
- the navigational access around the area;
- the nature of the holding ground;
- the local tidal / current influences;
- area shelter - from which wind directions is shelter provided;
- the general population distribution in the area under consideration;
- any fishery activities within the area – including consideration of seasonal activities;
- environmental issues, which may be seasonal in nature giving particular consideration to areas of conservation, bird reserves, feeding, breeding and roosting grounds, marine biological interests etc;
- the amenity value of the area including consideration of the recreational value of the water, beaches and holiday resorts;
- any other commercial interests.

2.5 Beyond providing shelter for a casualty, a harbour authority may be called upon to take a casualty into port. In preparing to deal with vessels seeking refuge, MCA will look to harbour authorities and oil handling facilities to provide information about:

- The capacity and constraints of wharves, berths and jetties; (in terms of maximum ship length / size, draught restrictions, suitability of mooring arrangements etc);
- The availability of other moorings including temporary moorings;
- The availability of harbour tugs and pilotage services;
- The availability of counter pollution equipment;
- The presence of ship repair facilities and dry docks;
- The specialist skills of the harbour workforce or of plant based at the port;

- The distribution of the population in the vicinity of the port.

MCA, SOSREP and the Counter Pollution and Salvage Officers (CPSOs) will recognise the context of any information gathered in this way and will talk to harbour authorities and oil handling facilities to avoid misunderstanding.

- 2.6 It is recognised that requests for ports to act as a place of refuge can only be made having considered all the circumstances surrounding an incident. The provision of this information will therefore enable MCA to collect, collate, and analyse the data in a manner which lends itself to quick but considered decision making in an emergency. The suitability of any harbour to act as a place of refuge will only be determined after data that is specific to an emergency has been combined with the information supplied by the harbour authority.
- 2.7 In considering the potential of a port to act as a place of refuge, the MCA will, among other things, take account of the port's own response capability to respond to casualties and to supplement that response by deploying national resources as part of the National Contingency Plan.

## **Cargoes**

- 2.8 The pollution potential will be affected by the quantity and type of cargo carried by the vessels and the number of movements of that cargo through the port. Cargoes carried in bulk have at least one less level of containment than packaged goods. Therefore an incident involving cargoes carried in bulk may be more liable to create a marine pollution incident. An incident leading to pollution will be more likely during cargo handling operations than at other times. Whereas some cargoes will be loaded or off-loaded at the port thereby increasing the risk of an incident, other cargoes may not need to be handled while the ship is in the port.
- 2.9 The harbour authority should also consider the pollution potential created by damaged goods that may pass through the port. Not all goods are correctly packaged and most are packaged to withstand only normal conditions of transport which may be exceeded in very heavy weather during passage or when handled carelessly. Packages can be handled carelessly at any stage, before the goods enter the port or at the port itself. Both situations give rise to a potential for marine pollution and should be included in the potential pollution assessment for the port.
- 2.10 Paragraph 1.12 refers to regulation of dangerous goods in harbour, which govern packaging, signage and documentation. Harbour authorities and oil handling facilities recognise – and will cover in their plans - the possibility that these regulations have not been complied with in particular cases, and that unsuspected dangerous goods might become involved in a marine incident. (For example, there is a possibility that petrol being moved illegally might be jettisoned to avoid detection of the offender.)

## The assessment of potential consequences

- 2.11 The pollution potential assessment will identify potential pollutants, provide an estimate of the potential scale of a release of each pollutant and give a broad indication of the likelihood of a release of that scale. The port authority will then be in a position to undertake an assessment of the consequences of these conditional releases. In doing so, account will be taken of the;
- Health effects and economic impact on port workers, visitors and the surrounding population from:
    - the risk of mortality – acute and chronic
    - the risks of morbidity – acute and chronic
    - the risk of sheltering (asking people to stay indoors)
    - the risk of evacuation (short term restrictions on the movement of people), and
    - the risk of relocation (long term restrictions on movement)
  - Economic impact on port operations
    - Port marine operations – restrictions on vessel movements, loading / unloading operations and bunkering
    - Other port operations
  - Agricultural / mariculture effects
    - The risk and economic impact of imposing food bans and fishing restrictions
  - Effects on wildlife and amenity, including any economic cost.
  - Other effects on the local environment
    - Other users of the maritime environment
    - Effects on local economy (eg tourism)

## The results of the pollution risk assessment

- 2.12 The pollution risk assessment will provide the port authority with information on the risks faced by the port from pollution incidents and can be used by the harbour authority to reach decisions about contingency planning. In establishing its approach to the reasonableness of contingency planning, the harbour authority should consider the combination of the probability and consequences of an incident. This will allow them to prioritise their needs for contingency planning. For example, a port should use its own resources to handle incidents that may arise from routine port operations, such as small spills of oil. Such costs as accrue to the harbour authority or oil handling facility from planning for, and dealing with, these contingencies can be recovered from port dues.
- 2.13 A risk assessment needs to include a sensitivity analysis, and to identify where results are particularly sensitive to changed assumptions. If not, the use of results may lead to some highly spurious outcomes. There will always be some uncertainties, although these may be reduced as experience allows assumptions to be tested. Risk assessment is therefore a continuous process in practice.

- 2.14 The results of the uncertainty and sensitivity analysis will show where the data is weakest and show where the best return on future data collection efforts can be found. The results will also give harbour authorities an insight into the level of confidence they can apply to decisions on contingency planning.
- 2.15 For effective analysis, the results of the assessment need to be shared with others to realise the mutual benefits. The information is unlikely to be proprietary and should be made available to the following organisations and bodies:
- The MCA – who will be able to advise the extent to which the UK’s national assets will be deployed in mitigating the consequences of identified hazards. The MCA will also be keen to assess the port’s ability – and willingness – to contribute regional and national assets to counter pollution operations. The Counter Pollution and Salvage Officers (CPSOs) of the MCA will be key points of contact.
  - The local authority – who will be able to advise the extent to which its assets will be deployed as part of its own emergency plans. The local authority is likely to be keen to establish the limit of the port authorities jurisdiction in its emergency plans.
  - Neighbouring ports – who will also share their own assessments with a view to establishing mutual support arrangements. By sharing the results of the uncertainty and sensitivity analyses, ports may be able to collaborate in the common ground of future data collection efforts and agree priorities.
  - The relevant Environmental Regulator - to ensure that all regulatory issues have been adequately assessed.
  - Other statutory consultees – who can advise on whether the consequences have been adequately assessed.
- 2.16 In analysing the results, it would be sensible to establish, in agreement with these bodies, minimum levels of contamination resulting in insignificant consequences and minimum levels of probability for groups of events. These factors should then be combined to establish a threshold beyond which contingency planning for those groups of events has no utility for the port nor its immediate environs. These levels will also be useful as a basis for pollution incident reduction, forming part of the pollution prevention culture to be driven by the port management.
- 2.17 Similarly, consideration should be given to identifying intolerable risks, should there be any that are characterised by incidents usually having both a high frequency of occurrence and a high consequence. It is much better to manage such risks through preventative measures taken to ensure safe operations in a port rather than having to deploy a contingency plan to deal with an event that should not have been allowed to happen. The port’s safety management system and counter-pollution plan are therefore mutually dependent.
- 2.18 Contingency planning for events that have a very low probability of occurrence may be unjustified. The consequences would need to be extremely high to

justify contingency planning for events that have a probability of occurring, say, only once every three hundred years or more. So, for example, a port may choose to set transparent criteria and plan for contingencies that are only likely to happen more often than the pre-determined frequency criteria. Furthermore, a response is likely to be effective only when it has been exercised frequently in real or realistically simulated conditions. To reinforce the point, equipment that is used very infrequently is likely to be defective or out of date and the personnel are unlikely to be properly trained in its use. Ultimately, those paying dues to the port authority might successfully argue that it is unreasonable to charge for the exercise and up-keep of assets and skills which are not expected to be used.

- 2.19 In reaching such decisions a harbour authority will need to give careful consideration of the validity of any assessment that demonstrates the need or otherwise for the port to develop contingency plans. Within reasonable bounds, as the consequences become greater, the more important it is for the port to maintain a contingency plan to deal with that event, even though the probability of occurrence may diminish.
- 2.20 Adjacent ports are encouraged to join forces and share contingency plans in circumstances where actions taken unilaterally cannot be justified. Thus, the costs of maintaining an effective response would be shared between those paying port dues.
- 2.21 In taking such an approach, a harbour authority is strongly encouraged to consider in detail the need to address events which may escalate. The initiating events in a sequence may have a probability of occurrence which is sufficiently frequent for a port acting reasonably to maintain contingency plans. However, such plans should allow for subsequent escalation of events which, while being too improbable for the port to hold its own contingency plan, may be of sufficient consequence and likelihood for regional plans, or the National Contingency Plan, to be deployed. It is vital that contingency plans deal effectively with incidents that escalate, sometimes rapidly, in a planned and foreseeable way. Owing to the importance of this aspect of contingency planning, a considerable amount of advice on this point is offered to port authorities in these Guidelines.

### **Relationship between the results of the pollution risk assessment and the OPRC obligation**

- 2.22 The obligation placed upon ports to make contingency plans under the OPRC Regulations is limited to incidents up to a certain size (**see Appendix A**). This may bear little relationship with the results of the pollution risk assessment. Some harbour authorities may conclude that the OPRC requirement falls short of what is required by way of contingency plans when considered against the pollution risk assessment. That is to say the OPRC Regulations fail to place a requirement on the port to prepare contingency plans to deal with events that are quite common. In contrast, the pollution assessment may indicate that the OPRC Regulations require ports to lay down contingency plans for events that are predicted to occur only very rarely.

- 2.23 The reason for the discrepancy arises because the OPRC Regulations were drawn-up as a broad brush measure that would find international acceptance. They represent the best that could be achieved using a pragmatic approach to suit all signatory States and all ports within those States.
- 2.24 A tiered approach may nevertheless be an appropriate method of determining the level of response. An example of this can be found in the OPRC Regulations for responding to oil pollution and is described in Appendix A, A.5.

### 3 DEVELOPMENT OF THE PORT'S PLAN

#### Introduction

- 3.1 Armed with the information from the risk assessment, the feedback from those with whom it has been shared, and a framework for decision making on contingency planning, the harbour authority or oil handling facility should be able to develop its marine pollution contingency plan. In doing so, it should maintain an open dialogue with those with whom it shared its risk assessment.
- 3.2 Any questions on the preparation or implementation of a plan should be referred to the MCA. This may include obtaining advice on a resolution of differences that occur between harbour authorities and statutory consultees or environmental groups regarding respective areas of responsibility and appropriate response techniques.
- 3.3 A detailed account of the mechanics of producing a contingency plan, the consultation and the approval procedure is provided in Section 4.

#### Document Structure

- 3.4 A contingency plan should comprise three parts:
- **A Strategy Section** – This should describe the scope of the plan, including the geographical coverage, overview of the perceived risks, division of responsibilities, roles of authorities and the proposed response strategy. This section should be used for reference and for planning.
  - **An Action Section** - Information detailing emergency procedures which allow for rapid mobilisation of resources such as notification flow charts and individual action cards.
  - **A Data Section** - This section should contain all relevant maps, lists and data sheets and support information required to assess an incident and conduct the response accordingly.
- 3.5 More detail on the content of these sections is provided in 0. However, some of the key points are addressed below.

#### Command and Control

- 3.6 A successful contingency plan will clearly define the command and control structure that will be in place during an incident. The National Contingency Plan does so for responses requiring the deployment of national assets. The purpose of this section is to elaborate Chapter 7 of the National Contingency Plan: Harbour Response.
- 3.7 The Government has appointed the Secretary of State's Representative (SOSREP) to provide overall direction for all actual and potential marine salvage incidents which may involve marine pollution from ships or offshore installations that require a national response. The National Contingency Plan

explains SOSREP's powers of intervention and if he considers it necessary, he will assume control of the salvage operation, or containment in the case of an offshore installation.

- 3.8 It should also be understood that SOSREP, once advised of an incident, cannot ignore a situation. Government policy is that ultimate control of any salvage operation where there is actual pollution or a significant risk of pollution to the UK environment must be exercised by SOSREP. In this situation, an Environment Group (EG) will normally be established as described in the NCP. Appointed Environment Liaison Officers (ELOs) will provide environmental and public health advice to the response centres and the relevant harbour authority.
- 3.9 It is envisaged that many pollution incidents will be handled entirely adequately by implementing the local contingency plan and through the combined efforts of the Harbour Master, salvors, ship owners and MCA staff from the region. In such cases SOSREP may not need to issue any direction notices. However he will be tacitly approving the decisions and actions being taken and ensuring that they are being taken with a full knowledge of the relevant environmental sensitivities and an understanding of the effects that might ensue.
- 3.10 The statutory powers of the Secretary of State empower SOSREP to take over command of all operations in certain circumstances. However it is difficult to imagine many scenarios when this would occur. An example could be the case of a Master who refused to accept salvage assistance and thereby creates a dangerous situation involving a threat of significant pollution. In such a case SOSREP may override the authority of the Master. That apart, the exercise of his powers will almost always be confined to exercising "control" of the salvage operation. Furthermore, that control need not be total. It will normally be limited to requiring certain general courses of action to be adopted or avoided. This control need not take the active form by the giving of directions. It can, and often will, take the passive, but nevertheless positive form of monitoring the proposals for, and progress of operations.
- 3.11 It may take the form of being satisfied that the wider public interest in the welfare of the environment is being safeguarded to the greatest possible extent and of lending all possible assistance and encouragement. It is only if there is a difference of opinion as to the best way of serving the overriding public interest that SOSREP will assert responsibility for controlling operations in a more active manner by giving Directions.
- 3.12 A harbour authority should be aware that SOSREP might use the powers of intervention to support them by – for example – directing the ship owner or salvor to assist the local plan. Harbour authorities and oil handling facilities should note that such use of the intervention powers in support of the local plan could still leave the harbour authority or oil handling facility in control.
- 3.13 The contingency plan for a harbour authority or oil handling facility must presume that at the outset of an incident occurring in its jurisdiction it will control the incident in accordance with the approved local plan. The harbour authority should keep SOSREP informed about how the harbour authority's powers will be exercised to deal with the incident.

- 3.14 If (exceptionally) SOSREP felt that the harbour authority was unable to execute its local plan effectively, perhaps because the incident lies outside the scope or scale of the local plan, or the plan is failing to function effectively, SOSREP will use the powers of intervention to take control of the salvage operation. In that event, all those involved will act on his directions rather than those of the harbour authority. SOSREP's directions overrule any directions issued by the harbour master in respect of the casualty or its cargo. It is crucial that contingency plans deal adequately with this transition. It is likely that resources commanded and controlled up to that point by the harbour master will be required by SOSREP. The contingency plan needs to provide for this possible intervention by SOSREP. The contingency plan also needs to provide for the continued function of the harbour so far as possible. This will remain the responsibility of the harbour master, who may also be controlling pollution mitigation measures during the salvage operation. There must be a mechanism to ensure that SOSREP and the harbour master are able to work effectively alongside one another.
- 3.15 The results of the pollution risk assessment should provide the framework for agreeing with MCA an appropriate match between the experience and expertise that should be available at the local level and the scope of the local plan.
- 3.16 There is much to be said for those in command and control of the local plan being made fully aware of any plans for the port held under the National Contingency Plan. It is important that a harbour authority knows what national resources are available, at what notice they can be deployed on-site and how they will be managed. This should be seen as a two-way street as it is equally important for those in command and control of the national plan to be fully aware of the port's readiness to contribute towards national plans. For example, a port may be able to offer specialist equipment or expertise. Neither the National Contingency Plan nor local plans in their published form can substitute for effective liaison between harbour authorities and the regional CPSO in developing these aspects of the plans.

### **Escalating incidents**

- 3.17 A local plan should be able to function in its initial stages almost regardless of what is thrown at it. The processes of notification, establishing and manning the command and control centre, placing salvage and counter pollution measures on standby or initiating them, and matters like reserving hotel rooms etc., are likely to be similar for most foreseeable incidents.
- 3.18 Sometimes an incident, which at the outset lies within the scope of the local plan, will escalate to the extent where, even though national and regional assets are assisting efforts, the incident may outstrip the experience and expertise of those in command and control at the local level. It is therefore important that the local plan allows for command and control of a salvage operation to pass to SOSREP in a controlled and predictable way. Similarly the plan should address the mechanisms by which a pollution incident may be escalated to a tier three level of response. Consideration should also be given to the mechanism for passing back control to the harbour authority, within the plan.

## Long running incidents

- 3.19 The local plan should also make provision for long-running incidents. Not only for incidents for which command and control will lie with the harbour authority, but also for incidents in which SOSREP takes command and control of the salvage operation. The local plan can play a vital role in ensuring that emergency duty rosters allow for adequate periods of rest for all involved in the response. That applies equally to both locally based personnel and to visiting personnel. Sometimes difficult decision making and the clearest thinking is needed some 48 or 72 hours into an incident. Hence, as indicated above, local plans should extend to detailed matters such as having standing arrangements with local hotels and caterers.

## Exercising

- 3.20 This important topic is discussed in detail in Appendix J.
- 3.21 Experience gained from real events and exercises should be taken into account when plans are reviewed. The interval between exercises should be determined on the basis of the risk assessment, but as a norm, plans should be exercised to a level that includes the deployment of Tier 2 equipment at least once every three years, however, where a port, harbour or oil handling facility considers this requirement to be unduly onerous on the basis of the risk assessment, they may submit an alternative exercise programme to the Regional CPSO for consideration and approval, on an individual basis. In certain circumstances it may be permissible to undertake an Incident Management Exercise in the fourth year of the plan's five-year life-cycle providing for the "lessons-learned" to be captured within the final plan review / update year. In practice this means that an equipment deployment exercise should be held sometime during the first four years after a plan has been approved (see "Validity" – section 4.11 and 4.12). This enables any lessons learned to be incorporated during its revision in the fifth year or sooner, if required.
- 3.22 Whether a single exercise can adequately test a plan will depend on the scope of the plan in terms of the geographical area covered and the range of contingencies it covers. Clearly, exercise fatigue would quickly arise if all plans were to be exercised for every type of event and in each distinct geographical area covered. It stands to reason that for a small port, a single exercise is likely to test the full scope of its plan. Whereas holders of plans that cover a wide area, possibly embracing two or more ports, will have to consider whether single exercises can adequately test the full jurisdiction of their plans. Careful consideration should be given to ensuring that all those with a role in equipment deployment are embraced by the exercise and that a representative range of the equipment cited in the plan is deployed. It will be for the plan holder to justify to the satisfaction of the Regional CPSO that the programme of exercises does adequately test the full scope of the plan.

## **Training**

- 3.23 All personnel likely to be involved in a marine pollution incident have to meet specific training requirements and standards. Training requirements will be dependent on size of operation and number of staff. Training should be conducted by a Nautical Institute accredited training provider. Refer to the training section in Appendix J for more details regarding this.

## 4 CONSULTATION AND APPROVAL PROCEDURES

### The Consultation Process

4.1 Statutory consultees do not approve contingency plans. Their input to plan development is advice, guidance and in some circumstances, provision of regulatory clearances. Any comments provided by these consultees should be confined to matters for which they have formal responsibility. Some of the agencies required to be consulted have to prepare response plans of their own. In order to comment effectively they need the port, harbour authority or oil handling facility's pollution potential assessment. In particular, they may be able to assist greatly with the assessment of consequences. It is therefore good practice to involve them from the outset in the port plan: it is not good practice to make a first approach with a completed draft.

4.2 The statutory authorities that must be consulted with and involved with plan development are:

#### The Government Fisheries Departments

- Marine Management Organisation (MMO) (England and Wales)
- Marine Scotland – Marine Laboratory (MS-ML)
- Northern Ireland Environment Agency (NIEA)

#### The Environmental Regulator

- The Environment Agency (EA) (England and Wales)
- Scottish Environment Protection Agency (SEPA) (Scotland)
- Northern Ireland Environment Agency (NIEA) – Environmental Protection.

#### The Statutory Nature Conservation Body

- Natural England (NE)
- Countryside Council for Wales (CCW)
- Scottish Natural Heritage (SNH)
- Northern Ireland Environment Agency (NIEA) - Natural Heritage

#### Local Authorities (NIEA).

- In this respect, Borough, District and Unitary Councils in whose area the facility is situated, or may have impact upon, should be consulted.

4.3 Guidance on the consultation process has been issued by the Government Fisheries Departments, summarised in Appendix C, by the Nature Conservation Organisations, summarised in Appendix D, and by the Environmental Regulators summarised in Appendix E.

- 4.4 Statutory consultees should issue their comments on plan content to the plan author with a letter stating that they '*formally agree with plan content subject to the following amendments being carried out*'. It is then the responsibility of the plan author to amend the plan in accordance with consultee's requests. If there are any disputed issues, the plan author should contact the consultees and try to resolve the issue(s) or speak directly to the MCA for their advice and guidance. It is the MCA's intention that wherever possible, disagreements should be resolved through correspondence or personal discussions.
- 4.5 The statutory consultees should also send a copy of their comments direct to the MCA Regional CPSO. When the plan has been finalised by the plan author, in the light of comments from those consulted, and submitted to the Regional CPSO, a check will be made to ensure the plan author has taken account of the consultees' comments.
- 4.6 In Northern Ireland all contingency plans should be agreed with the NIEA -, before being submitted to the MCA for approval to ensure that they are compatible with NIEA procedures. Regard should be given to NIEA responsibility for shoreline clean-up.
- 4.7 The plan should then be sent to the Regional CPSO.

### **The Approval Process**

- 4.8 When all appropriate comments have been incorporated into the plan it will be approved by the Regional CPSO on behalf of the Secretary of State for the Department of Transport.
- 4.9 The MCA will not accept any plan for the approval process unless the following points have been addressed:
- The plan has been prepared following consultation with the statutory consultees.
  - The plan has been agreed by the statutory consultees and a statement from each body is included within the plan.
  - Where the plan covers more than one port, harbour and / or oil handling facility, each party to the plan is in agreement with its contents and will co-operate in exercising the plan and implementing it following an incident.
  - A contract is in place with a UKSpill or ISAA Level 3<sup>2</sup> accredited Tier 2 contractor or a proposed in-house Tier 2 capability has received MCA approval.

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<sup>2</sup> The spill response contractors accreditation scheme is administered by UKSpill and ISAA on behalf of the environmental protection agencies throughout the UK. Where a port, harbour or installation contracts with a response service provider for provision of Tier 2 response services, the MCA require the contractor to have attained level three accreditation under the scheme. Details of the scheme are available from UKSpill and ISAA

## **Issuing Approval**

- 4.10 The MCA aims to issue a certificate of approval and accompanying letter within eight weeks of receipt of a fully prepared contingency plan, subject to the need for discussion with the issuing authority and others as required.

## **Validity**

- 4.11 A plan is valid for 5 years and has to be revised before the fifth anniversary of its approval. In order to secure approval for the revised plan before it lapses, the process of review should commence a year before the original plan is due to expire. As in the initial approval process, the plan is re-issued to statutory consultees prior to submitting to the MCA for re-approval.
- 4.12 However, if during this five year period changes occur within the operational area of the plan, revisions must be made to the document within three months of these changes occurring. Any change that has a significant impact upon the effectiveness of the plan, i.e. a change in Response Strategy, will require the relevant statutory bodies to review the document before its submittal to the MCA. The plan should also be reviewed following any incident and/or exercise that required its use.

## **The Appeal Process**

- 4.13 If a submitting authority objects to a direction/notice made by the MCA, on the grounds that any requirement of the direction is unnecessary or excessively onerous or inconvenient, they can write to the Secretary of the State setting out the reasons for objecting. This must be done before the end of a period of 30 days, commencing from the date on which that notice/direction was given. The Secretary of the State will consider the reasons and may appoint a person to review the terms of the direction. The Secretary of State will confirm the notice/direction as originally given, confirm it subject to one or more modifications, or cancel it.

## **Document Production and Control**

- 4.14 One of the main aims in producing these Guidelines is to promote a consistent approach during plan development. A contingency plan can be written in-house or externally and should follow the format described within these Guidelines. Whilst much of the plan will be textual information, flow diagrams, electronically produced photographs and charts are an efficient and useful representation of data and their use is encouraged. Report forms should be located within the plan and their formats should be consistent throughout. It is important to include contents for each section as well as the entire plan to facilitate rapid access to the appropriate data. A plan is best kept in loose leaf A4 format to simplify plan updates. This also enables the user of the document to remove pages, laminate or photocopy them for use during an incident.
- 4.15 Contingency plans should be controlled documents and adhere to a recognised standard for quality control. The chosen standard will require an updated list of holders and locations where plans are held. The plan will also require a controlled revision list. In effect this means that each time amendments are

carried out on the plan, details are noted within a revision record. This should be located at the front of the document and signed by the reviser on receipt of amendments.

- 4.16 Amended pages should be sent direct to all holders of the plan. Any changes to text should be indicated by a vertical line within the left-hand margin on the appropriate page. This will ensure that all responders are working from the same document and, in the event of an incident all appropriate personnel have an updated and accurate plan to work from.
- 4.17 Further requirements for a controlled document include version numbers, page numbers and issue date, within each page footer or header.
- 4.18 Once the plan has received approval from the MCA, copies should be issued to the full distribution list of the Plan. As a minimum this distribution list should include statutory consultees<sup>3</sup>, the Tier 2 responder, any neighbouring ports / harbours / oil handling facilities, all relevant internal departments and any other appropriate bodies.
- 4.19 The MCA requires three controlled copies of the Plan – and of any amendment made to it for distribution to :
- The nearest Coastguard Station appropriate to the Plan.
  - The Regional CPSO
  - The Marine Emergency Information Room (MEIR) at MCA HQ in Southampton.

MCA copies of the approved plan should be sent to the Regional CPSO for distribution.

- 4.20 To ensure that MCA's copies remain up-to-date, authorities are asked to provide an annual return of changes made (for example, exercises conducted, new personnel trained etc.) "Nil" returns should also be submitted. MCA also wish to receive copies of port exercise reports (see Appendix K).
- 4.21 In accordance with the Freedom of Information Act, copies of the plan should be made available to the public on request. This should not include information or personal details where an individual has explicitly requested that such information must not be made available to the public.

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<sup>3</sup> In England, a copy of the approved plan should be sent to the Natural England Local Team Offices. Plan authors should check with NE's national contact as to how many copies are required, as a port area may cover more than one NE local office.

## APPENDIX A

### The OPRC 1998 Regulations

- A.1 The 1998 OPRC Regulations are the principal legislation on counter pollution from a harbour authority and oil handling facility perspective. The OPRC obligation arises for:
- Any harbour for which there is a statutory harbour authority having an annual turnover of more than £1 million.
  - Any harbour and any oil handling facility offering berths alongside, on buoys or at anchor, to ships of over 400 gross tonnes (GT) or oil tankers of over 150 GT.
  - Any harbour and any oil handling facility which the Secretary of State has served the harbour authority or operator with a notice stating that he is of the opinion that maritime activities are undertaken at the harbour or facility which involve a significant risk of discharge of over 10 tonnes of oil.
  - Any harbour or oil handling facility in respect of which the Secretary of State has served the harbour authority, operator (as the case maybe) a notice stating that he is of the opinion that it is located in an area of significant environmental sensitivity, or in an area where discharge of oil or other substances could cause significant economic damage.
- A.2 The obligation in the Regulations relates to pollution by oil spilt in harbour waters from vessels. The requirement is to plan to remove oil pollution from the harbour waters; and from structures and shoreline owned by the harbour authority. Cleaning other shoreline areas is assigned to local authorities and the landowners.
- A.3 Each harbour, port or oil handling facility, to which the legislation applies, shall within its capabilities either individually or through bilateral or multi-lateral co-operation as appropriate with the oil and shipping industries, neighbouring port authorities and other relevant bodies establish:
- A minimum level of pre-positioned oil spill combating equipment, commensurate with the risk involved, and programmes for its use.
  - A programme of exercises for oil pollution response organisations and training of relevant personnel.
  - Detailed plans and communication infrastructure for responding to an oil pollution incident.
- A.4 For the purpose of planning, tiers are used to categorise oil spill incidents. The tiered approach to oil spill contingency planning identifies resources for responding to spills of increasing magnitude by extending the geographical area over which the response is co-ordinated:
- |        |                   |
|--------|-------------------|
| Tier 1 | Local (District)  |
| Tier 2 | Regional (County) |

Tier 3 National

A.5 The Tier classification system can also be defined as follows:

Tier	Definition
Tier 1	Small operational type spills that may occur within a location as a result of daily activities. The level at which a response operation could be carried out successfully using individual resources and without assistance from others.
Tier 2	A medium sized spill within the vicinity of a company's location where immediate resources are insufficient to cope with the incident and further resources may be called in on a mutual aid basis. A Tier 2 incident may involve Local Government.
Tier 3	A large spill where substantial further resources are required and support from a national (Tier 3) or international co-operative stockpile may be necessary. A Tier 3 incident is beyond the capability of both local and regional resources. This is an incident that requires national assistance through the implementation of the National Contingency Plan and will be subject to Government controls.

A.6 The level of response will be broadly dependent upon this Tier classification. However, the specific response to a pollution incident may require additional support and resources. In general it is unrealistic to expect every port / harbour or oil handling facility, to maintain an adequate capability to mitigate the effects and consequences known to occur during an oil spill incident at Tier 2 level and above. Accredited Tier 2 Responders have prepared for, and are capable of, providing this service on a contractual basis.

A.7 Harbour authorities and oil handling facilities should have in place sufficient equipment to adequately deal with what the regulations term a Tier 1 response. They should also have in place a contract with a competent response company that has the capability to respond to what the regulations term a Tier 2 spill. There is no requirement for a harbour authority to actually have in place arrangements with a competent response company but there must be a formal agreement in place to ensure that a response will be guaranteed in the event of an accident. The effect of these provisions is to limit the quantity of spilled oil for which a harbour authority must plan removal. Harbour authorities' plans may provide for a larger response capability, subject to approval of such plans.

A.8 The level of response and response equipment required to comply with OPRC legislation should be detailed alongside any existing agreements with a contractor to respond on behalf of the plan owner.

**Consideration for a Tier 2 Response**

A.9 Every port, harbour or oil handling facility has the choice of preparing their OPRC compliant contingency plan either in-house or by employing a contractor to prepare the plan for them.

A.10 In House. If a Tier 2 response is to be provided in-house, an MCA authorised representative must have inspected the facility and conducted an equipment

audit. Equipment should be in a secure and dry environment and be maintained and exercised regularly. The Regional CPSO will provide advice on this. An in-house Tier 2 capability will have to be demonstrated to the satisfaction of the MCA (in the form of an exercise if necessary). The criteria set out in the following paragraphs will need to be considered and addressed in the plan.

- A.11 **Contractor.** A contractor providing Tier 2 response services must be accredited to Level 3 of the oil spill responder accreditation scheme administered by UKSpill or The International Spill Accreditation Association (ISAA)

### **Exercise and Training**

- A.12 A Tier 2 response requires a programme of on-going exercises and training for maintained proficiency and continual improvement. The programme should include hands-on equipment deployments, site familiarisation and communications exercises. The possibility of integrating exercises with nearby/ local facilities sharing a Tier 2 response contractor (if applicable) should be considered.

### **Availability Requirements**

- A.13 The plan should take account of the following requirements regarding availability:

- The response system should cover 24 hrs / 365 days a year
- A clear method of authorising a response
- Immediate expert advice and guidance on equipment deployment
- Response time: within 6 hours (or as agreed by the MCA)
- Call out procedures for response personnel
- Mobilisation of appropriate equipment and travel time to the spill location should be realistically achievable
- Where Tier 2 response is provided from a specific response centre, the ability to back up the resource in the event of a second response call on the centre is essential.
- Back-up resources for long running incidents - throughout the response phase and during recovery, cleaning and repair of used equipment.

### **Additional Requirements**

- A.14 Additional resources needed to cope with a Tier 2 spillage can include mutual help agreements with other ports, oil companies and local authorities, and resources may also be available from oil spill contracting companies. The harbour authority has to demonstrate in the plan and through the arrangements they have made that they can deal with a Tier 2 response. It is prudent to share with other local interests' information about the external resources being relied upon – if only to ensure that they are not double-counted. All Tier 2 responders must be capable of conducting a complete and thorough site specific risk

assessment for the site. When undertaking this task, the following points will be among those to be considered.

- Perceived oil spill risks
- Health and safety issues
- Environmental concerns (including interim storage and waste disposal).
- Access routes etc;
- Booming plans developed to protect prioritised environmentally sensitive areas in the region concerned
- Other relevant emergency plans covering OPRC and adjacent areas.

### **Personnel**

A.15 The plan should give consideration to the following personnel matters so that:

- Sufficient personnel are available to provide an adequate response and safe operations;
- Staff are familiar with the port environment;
- Staff are mobile;
- A supervisory structure is in place;
- Staff training requirements are met - familiarity with equipment handling, and
- Staff participate in exercise programmes.

### **Equipment**

A.16 Regarding the provision of equipment, the plan should ensure:

- The suitability of generic packages or specific packages (inshore / offshore);
- Its ease of deployment;
- That it is fit for purpose, reliable and supported by the manufacturer.

### **Additional Information**

A.17 During a response operation additional information should be readily available to the Tier 2 responders who are likely to be in communication with the Harbour Authority or oil handling facility. This information should include:

- directions to the site
- key personnel
- key contact details

### **The Implications of not having a Tier 2 Response**

- A.18 If the port / harbour or oil handling facility is considered to be included under the OPRC regulations then failure to have a Tier 2 response established may result in enforcement action by the MCA that may lead to prosecution.

## APPENDIX B

### Guidance on the Structure of an OPRC Tier 2 plan

B.1 A contingency plan should comprise three parts:

- **A Strategy Section** – This should describe the scope of the plan, including the geographical coverage, overview of the perceived risks, division of responsibilities, roles of authorities and the proposed response strategy. This section should be used for reference and for planning.
- **An Action Section** - Information detailing emergency procedures which allow for rapid mobilisation of resources such as notification flow charts and individual action cards.
- **A Data Section** - This section should contain all relevant maps, lists and data sheets and support information required to assess an incident and conduct the response accordingly.

#### The Strategy Section

B.2 This section of the plan should address the plan scope and purpose. A possible structure for this section is detailed below

Subject Headings	Notes
Statutory requirements	
Responsibility for plan	Nominated person responsible for upkeep and amendment.
Geographical boundaries / jurisdiction limits	These may be taken from the authority's enabling legislation and should be drawn clearly on a map / chart. If maps or charts are used a copyright licence must be obtained from the originator.
Identification of lead authority and other authorities represented within the plan	Include details of bodies consulted during plan preparation, statutory and other. Also detail any liaison procedures with other agencies.
Interfacing contingency plans	Council, emergency and any other relevant existing plans must be referred to. It is important that plans for oil handling facilities and installations within a port / harbour should dovetail with the port / harbour authority contingency plan.  Tier 2 response may be shared between installation and port / harbour, or be separate. If separate, the Tier 2 response must meet the criteria described on pages 26, 27 and 28 and all details should clearly reflect the pre-agreed arrangements between the installation, the port / harbour and the Tier 2 responder.
Summary of risk assessment	Description of oil spill risk, associated quantity and type of oil likely to be encountered. The additional risk associated with land-based sources within the port

Subject Headings	Notes
	jurisdiction should be included
Categories of incident	Description of Tiers, an explanation of how Tiers may escalate and who has the authority to increase response capability to a higher level.
Incident organisation	The responsibility of key personnel at each Tier, describing the role of the Oil Spill Management Team (OMT) and how, when and why this would be established. Also who is to be involved and at which Tier level.  The nomination of an appropriate deputy to the Harbour Master should be given, recognising that the Harbour Master may be unavailable when an incident occurs.
Tier 2 responder	Basic details of Tier 2 response capability - e.g. who is providing the service.
Incident control arrangements	Establishing and identifying a location for a Shoreline Response Centre (SRC) , Marine Response Centre (MRC) , Salvage Control Unit (SCU) and the Environment Group <sup>4</sup> .
Details of action	Details of the strategic approach required for any incident i.e. prevention, containment, recovery, dispersal and the waste management principles of waste prevention, waste minimisation, waste segregation, reuse, recovery and disposal.

## The Action Section

B.3 This section of the plan should address emergency call out procedures and mobilisation of resources. A possible structure for this section is detailed below:

Subject Heading	Notes
Introduction	How to use this section of the plan and requirement for completion and submission of the CG77 POLREP (see Appendix F) – nominating post-holder to complete this activity.
Operations planning and notification of key team members and authorities	Details of all personnel likely to be involved in an oil spill incident ranging from Tier 1 through to Tier 3 – illustrating at which Tier each team member will be called upon.
Call out procedures	Details of mobilisation procedures for internal staff and external contractors – including Tier 2 response.
Reporting	CG77 POLREP (see Appendix F), together with internal and external reporting procedures. Checklists should be included for sampling (MCA's STOp Notice 4/01) <sup>5</sup> , spill assessments, incident briefing, personal log and incident log (see Appendix

<sup>4</sup> These Response Units are described in detail in the NCP.

<sup>5</sup> STOp notices can be found on the MCA website – [www.mcga.gov.uk/publications/stop/index.htm](http://www.mcga.gov.uk/publications/stop/index.htm)

Subject Heading	Notes
	G).
Action cards	The roles, responsibilities, initial and final actions of all personnel likely to be involved (see Appendix H). If copied and laminated, these cards can be used as an aide-memoir.
Response Guidelines	<p>Identification of immediate response priorities – mobilising or placing resources on standby, establishing which resources will be utilised within prioritised response sites - this may be in the form of booming plans and/or tactical response plans. (Give access routes and grid references with regard to booming plans.) Outline the philosophy and objectives behind pre-agreed strategies for response at sea, within coastal zones and on shorelines including limiting factors and adverse conditions. Early identification of environmental, commercial and recreational sensitivities as collated within the relevant data section of the plan. (See Appendix D for Nature Conservation Organisation guidance). Identification of interim waste storage sites, treatment sites and disposal options.</p> <p>A method for predicting the fate of spilled oil should be provided which may include the results of modelling exercises, where appropriate. If modelling is considered to be a useful predictive tool, ports should identify those with capability to undertake such a task.</p> <p>Consideration should be given to places of refuge and beaching areas for the stabilisation of stricken vessels, see paragraph.</p>
Dispersant	If dispersant use is an option to be considered, all relevant details should be included – e.g. locations where dispersant use is appropriate and conditions of use, copy of the standing approval (if applicable). See Appendix I for DEFRA guidance and requirements on dispersant spraying.
Communications	<p>Details of communication between internal personnel and external bodies should be given including details of communications between harbour/port/oil handling facility personnel and the Tier 2 response contractor whilst on site and off.</p> <p>This information is best presented in a flow diagram with job titles and organisation names, method of communication during working hours and outside working hours, fully detailed.</p>
Press Details	Details of media guidelines should be given – including routing of media enquiries, personnel responsible for talking to the press, location where press will be situated in the event of an incident and the need for regular SITREPS. A sample “holding” statement could be prepared confirming that an oil pollution incident has occurred.
Health and Safety	Details of all health and safety related issues. These should relate to all factors associated with an oil spill incident and

Subject Heading	Notes
	<p>should range from manual handling assessment to helicopter landing sites.</p> <p>If current health and safety documents already exist, name the documents and refer to their use.</p> <p>Relevant health and safety legislation, employer and employees duties should be included.</p>
Waste Management	<p>The plan must fully comply with the requirements of the Environmental Regulator's policy with regard to the management of wastes in an emergency. A copy of this policy is included with Appendix E. Initial roles of agencies and authorities responsible for waste disposal and storage etc. should be discussed. Any existing waste management plans should be referenced, along with any locations of pre-agreed waste disposal sites (waste disposal and storage sites must be approved by the environmental regulator.)</p> <p>The importance of informing the statutory nature conservation bodies of proposals to dispose of or store oily waste material to ensure that local wildlife sites are not affected needs to be stated here. Proposals for waste segregation and minimisation should be addressed.</p> <p>The environmental regulator will provide guidance as to routes and methods of waste disposal and if these can be pre-agreed, details should be included.</p> <p>If no waste disposal strategies are in place the following issues should be agreed in consultation with the Environmental Regulator:</p> <ul style="list-style-type: none"> <li>• Sites for the interim storage of waste</li> <li>• Where could waste be treated or disposed of – locally and regionally and what methods of treatment are available?</li> <li>• What types of waste can be handled?</li> <li>• Are there any restrictions on the volume of waste that can be handled?</li> <li>• Is the waste disposal facility privately or publicly owned?</li> <li>• Are there any permits required to utilise the facility?</li> <li>• What are the requirements for waste containers?</li> <li>• How can waste be transported to the facility together with any waste transfer permits that will be required?</li> </ul>

**The Data Section**

B.4 This section of the plan should contain all maps, lists and data sheets and support information. A possible structure for this section is detailed below:

Subject Heading	Notes
Contact Directory	<p>All contact details should be in a tabular format – preferably in alphabetical order.</p> <p>Contact details should not contain names of personnel – only organisation names or job titles. This keeps the plan current and amendments will not have to be made every time there is an employment change.</p>
Training and Exercise	<p>Ports / harbours and oil handling facility staff who have or are likely to have any involvement in an oil spill incident require training (see Appendix J) from a provider accredited by The Nautical Institute (see Appendix L) on behalf of the MCA for the required level of training.</p> <p>Training and exercise programmes must progressively prepare the OMT to perform effectively in realistic representations of all the risks that the contingency plan has been designed to meet. These requirements should illustrate the type of programme and the personnel nominated to participate. The frequency and duration of the course / exercise, the accreditation associated with it (if applicable) and a description of who this programme is aimed at should also be included.</p> <p>The contingency plan should be exercised once a year. Where possible this should incorporate equipment deployment and incident management, in addition to notifications. Separate notification exercises should be carried out at more regular intervals. This enables contact details to be periodically updated.</p> <p>An exercise report should be completed following each exercise. A copy of this information sheet should be sent to the regional CPSO for their records. Similarly if a real incident were to occur details should be logged and copied to the MCA.</p> <p>Training and exercise records should be updated annually.</p>
Environmental, Commercial and Recreational Sensitivities	<p>The possible response options outlined above will have to be established with the relevant authorities. Ecological, commercial and recreational concerns should be carefully considered.</p> <p>In this section of the plan the consequences of applying or not applying a technique should be fully discussed and understood by all parties.</p> <p>In practice an incident could involve the use of a variety of response techniques and a key decision in some instances may be whether or not to use dispersants.</p>

Subject Heading	Notes
	<p>If dispersant is an available option this should be clearly stated and the restrictions upon its use explained. Reference should be made in the response strategy section of the plan. A copy of any standing approval should be included within the plan.</p> <p>The effectiveness of any response operation varies with sea and weather conditions. The response strategy section of the plan should reflect this and oil spill movement prediction should take differing environmental and meteorological conditions into consideration. This information can be combined with the resources available and provide a realistic assessment for protection and clean-up strategies applicable to the location.</p> <p>This section of the plan should clearly identify areas of environmental, commercial and recreational sensitivity and their importance including:</p> <ul style="list-style-type: none"> <li>• Identification of different types of shoreline and habitats to be encountered and the response (clean-up) strategies applicable to each. This information should be as thorough as possible illustrating the reasoning behind pre-agreed strategies and illustrating the impact of season and how this may affect and alter the structure of the environment and the applicable clean-up strategies. Information regarding environmental prioritisation of areas, should be obtained from the Local Authorities in conjunction with environmental groups. This data will enable the assessment of short term economic and amenity value against the longer term ecological value. The use of maps and charts to illustrate these areas is encouraged.</li> <li>• Relevant details of waste disposal facilities. This information should refer to local and on-scene facilities, all other waste disposal strategies should be contained in the waste disposal section of the plan.</li> <li>• Access routes – a map would be ideal.</li> <li>• Wildlife interests, details of flora and fauna, seasonal affects and locations within jurisdictional limits.</li> <li>• Commercial activity details, including fishing, water intakes serving aquariums and fish storage facilities and other mariculture activities.</li> <li>• Recreational activity - locations, types and number of vessels using the location and seasonal impacts.</li> <li>• Environmental sensitivity mapping. Maps should be clear and illustrate any areas discussed within the environmental section of the plan. This should include wildlife habitats, commercial, recreational, fishery activities and seasonal changes.</li> </ul> <p>Status of the local Environment Group including key contact</p>

Subject Heading	Notes
	points for liaison and advice from local contacts or if not available then the contact point for national Statutory Nature Conservation bodies.
Roles and Responsibilities	<ul style="list-style-type: none"> <li>• Details of all authorities and organisations who have a role to play in both the development of the plan and in the event of an oil spill incident should be included within this section. (See paragraph 1.18 for areas of jurisdiction).</li> </ul>
Counter Pollution Resources	<ul style="list-style-type: none"> <li>• Details of available resources should be given.</li> <li>• Tier 1 – including manpower, and equipment held on site or locally available. Details of key holders should be maintained for locked facilities.</li> <li>• Tier 2 details should follow the format above (if contractor, state name and generic equipment list, location of response base(s), estimated response time and back up facilities).</li> </ul>
Appendices	<p>Information to support the plan should be contained in the appendices.</p> <ul style="list-style-type: none"> <li>• Material Safety Data Sheets for any product likely to be encountered within the location, or as part of the response.</li> <li>• Supporting documentation of a Tier 2 response contract, if appropriate. This may be in the form of a contract signed by the relevant harbour/port/oil handling facility and by the contractor. If port/harbour/oil handling facility has an in-house Tier 2 response capability then the MCA must approve the facility and the equipment stockpile and there must be a document signed by the MCA stating that they are in agreement with this.</li> <li>• Evidence of consultation. All statutory consultees must produce evidence of agreement with plan content (this letter may state that the consultee is in agreement with plan content subject to amendments being carried out).</li> <li>• MCA's Sampling STOp Notice 4/01<sup>6</sup>.</li> </ul>

<sup>6</sup> MCA STOp Notices can be found on the MCA Website "www.dft.gov.uk/mca".

## APPENDIX C

### Guidance from the Fisheries Departments

#### Preparing and agreeing your plan and standing approval to use dispersants.

##### Consultation

- C.1 In drawing up your plan you should consult with the following:
- In England and Wales - the Marine Management Organisation (MMO) Marine Pollution Response Team, Newcastle upon Tyne
  - In Scotland – Marine Scotland , Marine Planning and Policy Division
  - In N.Ireland – DARD
- C.2 Staff in these organisations will be able to advise you on other local fisheries organisations which may wish to be consulted. Contact points can be found at the end of this Appendix.
- C.3 Your plan should comment on the potential impact of oil spills on local fisheries interests and describe the remedial action to be taken to protect them.
- C.4 Your plan should advise whether there are any fisheries considerations (e.g. the presence of an important seasonal fishery in your waters), which may make it necessary to contact MMO, Marine Scotland or DARD (NI) to report an oil spill, even though no use of oil treatment products is intended.
- C.5 Your plan must demonstrate that you have taken fisheries interests into account in all aspects of oil spill contingency response. It is therefore essential that you consult your national contact points for MMO, Marine Scotland and DARD (NI) when drawing up your plan. You should also specify in the plan how these organisations can be contacted in the event of an oil spill, (if appropriate) and state whether they have asked to be consulted about any remedial action you propose to take.
- C.6 Some typical measures to protect fisheries interests are listed below by way of illustration. They should help to highlight some of the key points that you ought to consider in preparing your plan.
- If there is an oyster farm or mussel bed in the area of a spill, it may be appropriate to alert the owners by telephone so that they can take preventative measures. It may also be appropriate for the harbour authority to take its own measures such as arranging for booms to be placed in the vicinity of the farm to deflect or retain oil and for a dispersant spraying exclusion zone to be specified to protect the oyster/mussel beds.
  - If there are fish storage tanks or aquarium using a sea-water intake in the area of the spill it may be appropriate to alert the owners by telephone so that they can stop pumping sea-water into their facility.

- Many fishermen use “keep” pots hanging from vessels, pontoons and quaysides, or at other locations. It may therefore be appropriate to alert fishermen by telephone of a spill so that they can remove their pots and catch from the water before oil arrives in the area.
- If there is a locality in the area of a spill where fixed nets or gear are operated by fishermen it may be appropriate for notices to be placed on the shoreline to warn of the oil spill and indicate that, as a precautionary measure, fishing is not advised.
- If a river is traversed by migratory fish it may be appropriate to alert the local Environment Agency, Scottish Environment Protection Agency or in NI the Department of Culture, Arts and Leisure (DCAL) or the Loughs Agency (LA) for Foyle and Carlingford Loughs fisheries officers so that preventative measures can be taken to protect the freshwater fishery if an oil spill occurs during the period of migration.
- If there is a commercial fishery operating in the area of a spill it may be appropriate to alert fishermen by telephone so that they can avoid the area. It may also be appropriate for the harbour authority to take its own measures such as arranging for booms to be placed in the vicinity of the fishing grounds to deflect or retain oil and for a dispersant spraying exclusion zone to be specified to protect the grounds.
- If there is a seasonal spawning ground or a seasonal fishery in the area of a spill, it might be appropriate for the local Fisheries Office to be contacted by telephone before using dispersant or taking any other action that might affect the fish or fishery. The Fisheries Office should be able to confirm whether fish are still spawning or whether the fishery is still being exploited.

C.7 When finalising the plan it would be helpful to prepare or obtain a chart showing the location of fisheries within the geographical area covered by the plan which can then be placed in the plan to guide the responding teams.

### **Agreeing your plan and any associated standing approval with MMO/Marine Scotland**

C.8 Once you have carried out these consultations and completed the drafting of your plan you should forward it (or relevant sections) to MMO (Marine Pollution Response Team based in Newcastle) in England and Wales, Marine Scotland in Scotland or DARD in Northern Ireland for agreement. If you wish your plan to include a standing approval you should explain this in the covering letter, and address the various points raised in Appendix I on dispersants.

C.9 Having considered your plan, MMO/Marine Scotland will then write to you to confirm that the plan is acceptable and issue you with any requested Standing Approval or explain what improvements and changes they would wish to see.

C.10 Please note that your contingency plan as a whole must have been approved by the Maritime and Coastguard Agency (MCA) before the MMO/Marine Scotland standing approval can be operational. Any existing standing

approval or derogation from MMO/Marine Scotland will remain operational until MCA approval is granted.

- C.11 In Northern Ireland any plan which proposes to use dispersants should be agreed with DARD prior to submission to NIEA for any standing approval. Any comments made by DARD should be forwarded to NIEA along with the plan.

### **Contacting MMO/ Marine Scotland/NIEA in an emergency**

- C.12 You will need to contact MMO/ Marine Scotland/NIEA urgently if you wish approval to spray dispersants or use other products in the sea to clean up an oil spill. These organisations will provide details of appropriate out-of-hours contacts on request.

### **Contacting MMO/ Marine Scotland/NIEA with general enquiries**

- C.13 General enquiries and requests for lists of approved oil treatment products<sup>7</sup> should be addressed to :

Marine Management Organisation, PO Box 1275, Newcastle upon Tyne, NE99 5BN. Tel: 0191 376 2511

[dispersants@marinemanagement.org.uk](mailto:dispersants@marinemanagement.org.uk)

[www.marinemanagement.org.uk](http://www.marinemanagement.org.uk)

Marine Scotland, Marine Planning and Policy Division, Scottish Government, Area 1-A(S), Victoria Quay, Edinburgh, EH6 6QQ

Telephone 0131 244 6233 Fax: 0131 244 6313

Telephone switchboard 0131 556 8400

DARD Fisheries Division, Room 426, Dundonald House, Stormont, Belfast, BT4 3SB Telephone; 02890 524814 Fax; 02890 378320

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<sup>7</sup> The approved list of dispersants issued by MMO can also be downloaded from the web site [http://www.marinemanagement.org.uk/protecting/pollution/documents/approval\\_approved\\_products.pdf](http://www.marinemanagement.org.uk/protecting/pollution/documents/approval_approved_products.pdf) .

**WALES DISTRICT - Chepstow to Connahs Quay**

DEFRA Fisheries Office, 4/5 Hamilton Terrace, Milford Haven, Pembrokeshire  
SA73 3AL

Tel: 01646 693412/693466 Fax: 01646 690158

District Inspector - Martin Hearn

**NORTH WEST DISTRICT - Connahs Quay to the Scottish Border.**

DEFRA Fisheries Office, Bradley's Chambers, 26 London Street, Fleetwood,  
Lancashire FY7 6JG

Tel: 01253 873515 Fax: 01253 779414

District Inspector - Mike Parker

**WALES DISTRICT - Chepstow to Connahs Quay**

DEFRA Fisheries Office, 4/5 Hamilton Terrace, Milford Haven, Pembrokeshire  
SA73 3AL

Tel: 01646 693412/693466 Fax: 01646 690158

**NORTH WEST DISTRICT - Connahs Quay to the Scottish Border.**

DEFRA Fisheries Office, Bradley's Chambers, 26 London Street, Fleetwood,  
Lancashire FY7 6JG

Tel: 01253 873515 Fax: 01253 779414

## APPENDIX D

### Guidance from the Nature Conservation Organisations

- D.1 These recommendations summarise the advice of the nature conservation organisations in relation to the content of OPRC oil spill contingency plans. The nature conservation bodies are Natural England, Scottish Natural Heritage, Countryside Council for Wales, Joint Nature Conservation Committee and Northern Ireland Environment Agency.
- D.2 The inclusion of appropriate environmental information and response strategies in a plan will help to ensure that nature conservation interests are adequately addressed in the event of an incident.
- D.3 There are two stages in contingency planning in relation to environmental sensitivity, i.e. the identification of sensitive species and habitats and the planning of appropriate response strategies.

### Recommendations

- D.4 Plan authors must consult with the relevant nature conservation organisation (see above) in drawing up their plan. National contact points for the Statutory Nature Conservation Bodies are as follows...

#### SCOTLAND

Dr. J Baxter  
Scottish Natural Heritage  
2/5 Anderson Place  
EDINBURGH  
EH6 5NP  
Tel. 0131 446 2434  
Fax: 0131 446 2405

#### WALES

Mr J Hamer  
Countryside Council for Wales  
Ffordd Penrhos  
Plas Penhros  
Bangor  
LL57 2LQ  
Tel: 01248 385735  
Fax: 01248 385510

#### ENGLAND

Marine Pollution Specialist  
Natural England  
Pydar House  
Pydar Street  
Truro TR1 1XU  
Tel. 0300 060 1316  
Email:  
MarineIncident@naturalengland.org.uk

#### NORTHERN IRELAND

Mr K Anderson  
Calvert House,  
23 Castle Place  
BELFAST  
BT1 1FY  
Tel: 0289 025 4868  
Fax: 0289 025 4777

- D.5 Plans should include accurate and easy to interpret maps which clearly summarise the location, both spatially and seasonally, of sensitive species or habitats. Include up-to-date data on designated sites.

- D.6 Tables should be used in conjunction with the maps to provide detailed information on why a species or habitat is sensitive to pollution, what measures may be taken to protect it from pollution and what are the most appropriate clean-up measures (if any). Maps should also include details of access to nature conservation sites, particularly with regard to booming.
- D.7 Pre-agree priorities for protection and clean-up in collaboration with all interested parties, e.g. identifying potential booming sites and potential sacrificial beaches which would minimise damage to other more sensitive wildlife areas. Priorities should be considered in conjunction with economic and amenity concerns.
- D.8 Identify and address any outstanding information requirements or areas of uncertainty.
- D.9 Ensure that the correct contact details are held and regularly checked with the relevant nature conservation body.

## APPENDIX E

### Guidance from The Environmental Regulator

#### The Environment Agency (England and Wales)

- E.1 The Environment Agency is a non-departmental public body and has responsibilities for protecting the environment as a whole (air, land and water) in England and Wales, and regulates:
- discharges to controlled waters (from land based sources) including territorial waters up to three miles seaward of the territorial baseline;
  - disposal and management of waste;
  - major industrial processes;
  - management and disposal of radioactive substances.
- E.2 The Environment Agency has wide ranging powers relating to the control of pollution which it is empowered to exercise for the purpose of preventing, minimising, remedying or mitigating the effects of pollution of the environment (Section 5 of the Environment Act 1995). The Environment Agency also has a principal aim to make a contribution towards attaining the objective of achieving sustainable development wherever possible.
- The Environment Agency's powers in relation to water pollution are principally set out in the Environmental Permitting (England and Wales) 2010 Regulations and in Part 3 of the Water Resources Act 1991.
  - It is an offence to 'cause or knowingly permit any water discharge or groundwater activity under EPR. For coastal waters and the sea that means the entry or discharge of poisonous, noxious or polluting matter to those waters.
  - Section 104 defines 'relevant territorial waters' as the waters which extend seaward for three miles from the baseline from which the breadth of the territorial sea adjacent to England and Wales is measured and 'coastal waters' as the waters which are within the areas which extend landward from those baselines as far as the limit of the highest tide or the freshwater limit of any watercourse together with the waters of any enclosed dock which adjoins waters in that area. England and Wales excludes the Isles of Scilly although the Act provides for the Secretary of State to extend the Environment Agency's powers to include them if deemed necessary.
  - The Environment Agency's powers in relation to Waste Regulation are set out principally in the Environmental Permitting (England and Wales) Regulations 2010, The Waste (England and Wales) Regulations 2011 and Environmental Protection Act 1990 and Environment Act 1995.

- These powers make it an offence to deposit or knowingly cause or knowingly permit controlled waste to be deposited, kept or treated except in accordance with an environmental permit.
- Environmental Permits issued by the Environment Agency include a range of conditions which ensure the environment is protected through adequate standards for the design, construction and operation of any site where waste is deposited, stored or treated. This includes the management of any site by a suitably qualified and experienced person.
- The legislation also provides for additional more stringent requirements to apply to the mixing, movement and ultimate disposal of certain wastes that have hazardous properties and are designated as 'hazardous waste'.
- Wastes arising from marine pollution incidents fall within the definition of 'controlled waste' and will need to be assessed on a case by case basis to decide if it is considered as 'hazardous wastes'. The collection, temporary storage and subsequent disposal of the wastes arising from a marine pollution incident therefore potentially fall within the scope of this legislation.
- The Environment Agency recognises the special provisions provided for in the Environmental Permitting (England and Wales) Regulations 2010 and the Hazardous Waste Regulations 2005 to enable those responsible for the management of waste from oil spills in emergencies to do so, whilst taking all reasonable steps to minimise the risk of pollution to the environment or harm to human health. During such cases of emergency or grave danger, the Agency will act in a proportionate manner. It will however still remain the duty of the Agency to ensure that appropriate measures are employed to protect the 'on shore' environment. Such measures and the limits to such emergencies are set out in the Environment Agency's Enforcement and Sanctions guidance.

E.3 Where appropriate the Environment Agency will take lead responsibility for responding to incidents originating from a land based source, including pipelines on, above or below the terrestrial land surface conveying materials that have caused or have the potential to cause environmental harm. The Environment Agency will define the requirements and co-ordinate and evaluate the monitoring of and remedial action resulting from all polluting discharges from land based sources in England and Wales.

E.4 The Environment Agency's order of priorities when dealing with marine casualties and associated environmental impacts are as follows:

- protecting/saving human life
- protection of the environment
- protection of cargo or other economic interests.

- E.5 The OPRC Convention requires port and harbour authorities to prepare response contingency plans for dealing with marine pollution within its area of jurisdiction. This will include plans to clean up oil afloat and any shoreline and harbour structures in their ownership and within their operational area of responsibility. They must deal with pollution, which may arise not only from vessels likely to be using their facilities but also from any shipping casualty likely to be brought in from the sea into their operational area of responsibility. All port and harbour authority plans (OPRC) must be approved by MCA who will consult with the Environment Agency, the statutory nature conservation bodies, DEFRA and local authorities, and as far as practicable include any conditions requested by them.
- E.6 When assessing OPRC plans to determine whether the regulatory and advisory responsibilities of the Agency are fully satisfied each plan should contain the following information:-
- Clear instruction that all discharges, or potential discharges, of polluting materials onto land, into rivers, estuaries or the sea where the pollution is likely to affect waters within three miles of the territorial baseline, should be reported to the Environment Agency using the National contact number **0800 807060**. The telephone system will automatically transfer callers to the relevant Communications Centre which is staffed 24 hours a day, 365 days a year.
  - Plans should clearly identify all the environmental sensitivities (ecological, amenity, recreational and commercial including any sites where water is abstracted) within the area managed by the port.
  - Sensitivity mapping of the coastal environment should be provided to the standard and format recommended in the relevant MCA STOp notice.
  - Strategic protective booming plans for particularly sensitive areas should be provided to the standard and format recommended in the relevant MCA STOp notice.
  - All potential sites or activities where spillage could occur should be clearly identified and each site subjected to a full risk assessment which will include identification of what measures need to be put in place to reduce the risk of any spillage occurring and the proposed response to any spillage e.g. containment booming.
  - A clear response strategy for all incidents and clear links to other relevant contingency plans prepared by other parties such as Local Authorities.

- The Environment Agency must be consulted on the proposed use of dispersant chemicals either above the mean high water mark or within enclosed docks. In determining whether the use of such chemicals is appropriate the Agency would require any dispersant product to have been approved by the MMO in England and Welsh Government in Wales and used in accordance with the manufacturers directions. All plans should therefore include the requirement to only use MMO/Welsh Government approved products in any response strategy and the requirement to consult the Environment Agency prior to use above the Mean High Water mark or within enclosed docks.
- Appropriate measures for the collection, handling, storage, treatment and ultimate disposal of waste from an incident which ensure that the 'on-shore' environment is protected is essential. The plan must clearly and comprehensively address all the requirements of the Environment Agency position relating to the management of waste in an emergency. The main requirements of this position are summarised below.
  - In an emergency the Environment Agency will not normally enforce the requirement for sites for the keeping and treating of oil or oil contaminated materials (hereafter known as “temporary sites”) to hold a waste management licence. An emergency only applies if proved that the acts were done in order to avoid danger to public health and:
    - steps are taken to minimise pollution, and
    - the Environment Agency are notified of the acts as soon as reasonable practicable.
  - Temporary sites proposed for use should be agreed with the Environment Agency, relevant health bodies and local authorities and be identified in the OPRC emergency plan
  - The appropriate duration of a temporary site will be reviewed by the Environment Agency on a case by case basis and with consideration of public interest factors. The position will be reconsidered if:
    - the scale of the activities at the temporary site goes beyond what was agreed;
    - the activity has caused, or is likely to cause, pollution or harm to health or;
    - otherwise consideration of the public interest factors no longer justifies it.
  - Where the Environment Agency decides that this temporary derogation from the need to hold a waste management licence no longer applies, deposits of waste must either be licensed, registered exempt, removed or mitigated as appropriate, within a time scale specified by the Environment Agency.
  - The Environment Agency will not normally take enforcement action where the holders of hazardous waste have taken steps to avert an emergency or danger. The Environment Agency will require the

maintenance of records so that movements of all wastes from the clean up area can be audited.

- When the Environment Agency has determined that the steps proposed are no longer required to mitigate or avert danger or otherwise consideration of the public interest factors no longer justifies it, compliance with the requirements of the Hazardous Waste Regulations will be required as soon as possible after the emergency event is complete.

E.7 In order to ensure that plans are developed with the minimum of delay it is recommended that the Environment Agency is consulted at an early stage of the plan development. These discussions will not be considered as pre-application advice under the Environmental Permitting (England and Wales) Regulations 2010.

E.8 Contact should be made through the relevant Environment Agency office which can be accessed using the general enquiry number **03708 506 506**.

### **The Scottish Environment Protection Agency**

E.9 The Scottish Environment Protection Agency (SEPA) was established in 1996 as the national public body responsible for environment protection and improvement in Scotland. It is accountable to the Scottish Ministers and, through them, to the Scottish Parliament.

E.10 All port and harbour authority plans (OPRC) must be approved by MCA who, in Scotland, will consult with SEPA, the statutory nature conservation bodies and local authorities, and, as far as practicable, include any conditions requested by them. When assessing OPRC plans, to determine whether the regulatory and advisory responsibilities are fully satisfied, SEPA requires each plan to contain the same information identified in Para. E6 above

E.11 SEPA's Principal Duties and Functions

- Enforces environmental legislation to prevent, minimise or reduce pollution of the environment (air, water and land);
- Maintains, restores and improves the environmental quality of the inland, coastal and tidal areas of controlled waters adjacent to Scotland (i.e. a seaward limit of 3 miles as defined by Part 1, Chapter 1, Section 3 of the Water Environment and Water Services (Scotland) Act 2003);
- As a Category 1 responder in the terms of the Civil Contingencies Act 2004, is required to co-operate with other responder organisations in planning for and supporting the response to, and recovery from, any incident or emergency;
- Regulates the treatment, storage, movement and disposal of waste that is not radioactive waste. This includes registration of waste carriers and brokers and regulation of the trans-frontier shipment of waste;

- Administers jointly with the Health and Safety Executive the Control of Major Accident Hazards (COMAH) legislation;
- Regulates in Scotland the keeping and use of radioactive material and mobile radioactive apparatus, and the accumulation and disposal of radioactive waste;
- Provides flood monitoring and warning service and maintains flood risk maps.
- SEPA also has duties requiring it to have regard to the protection of Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Sites of Special Scientific Interest (SSSI), particularly in the context of environmental licensing. Section 34 of the Environment Act 1995 places a duty on SEPA to the extent that it considers desirable to promote “the conservation of flora and fauna which are dependent on an aquatic environment”.
- Has a duty to take into account the likely costs and benefits of exercising its powers.

E.12 In the event of a pollution incident SEPA’s key priorities are:

- Protect and save human life;
- Mitigate the impact on the environment, people and property (i.e. to stop, contain, control and warn);
- Investigate the cause of the pollution, collect evidence and consider enforcement action;
- Seek remediation, clean up and restoration of the environment.

E.13 In responding to a marine pollution incident SEPA will:

- Cooperate and share information with other incident responders and ensure that its actions are undertaken in an integrated and co-ordinated manner;
- Provide appropriate representatives to response units established under the National Contingency Plan and/or other command and control centres established (e.g. under the Civil Contingencies Act);
- Provide advice on environmental sensitivity, impact of the incident and actions required to mitigate or remediate the impact;
- Regulate any waste management activities and provide advice on recovery / disposal options.

E.14 Contact with SEPA should be made through its Communication Centre based in Perth using the **Pollution Hotline 0800 80 70 60** ([www.sepa.org.uk](http://www.sepa.org.uk)).

## APPENDIX F

### Reporting Pollution: Format of CG77 POLREP

#### Part 1: Information which should be provided in an Initial Pollution Report

- A     **Classification** - of Report:
- i.     Doubtful
  - ii.    Probable
  - iii.   Confirmed
- B     **Date and Time** - pollution observed / reported and identity of observer / reporter
- C     **Position and Extent of Pollution** - by latitude and longitude if possible, state range and bearing from some prominent landmark and estimated amount of pollution, e.g. size of polluted area; number of tonnes of spilled oil; or number of containers, drums etc. lost. When appropriate, give position of observer relative to pollution
- D     **Tide and Wind** - speed and direction
- E     **Weather** - conditions and sea state
- F     **Characteristics of pollution** - give type of pollution, e.g. oil crude or otherwise; packaged or bulk chemicals; garbage. For chemicals, give proper name or United Nations Number, if known. For all, give appearance e.g. liquid; floating solid; liquid oil; semi-liquid sludge; tarry lumps; weathered oil; discoloration of sea; visible vapour etc.
- G     **Source and Cause of Pollution** - from vessels or other undertaking. If from a vessel, say whether as a result of apparent deliberate discharge or a casualty. If the latter, give a brief description. Where possible, give name, type, size, nationality and Port of Registry of polluting vessel. If vessel is proceeding on its way, give course, speed and destination, if known.
- H     Details of **Vessels in the Area** - to be given if the polluter cannot be identified and the spill is considered to be of recent origin.
- I     Not Used.
- J     Whether **photographs** have been taken, and / or **samples** for analysis.
- K     **Remedial action** taken, or intended, to deal with spillage
- L     **Forecast** of likely effect of pollution (e.g. arrival on beach, with estimated timing).
- M     **Names** of those informed other than addressees.
- N     Any **other relevant information** (e.g. names of other witnesses, references to other instances of pollution pointing to source).

**Part 2: Supplementary Information to be Provided Later**

This section may be disregarded when POLREP is for UK internal distribution only.

- O **Results of sample analysis.**
- P **Results of photographic analysis.**
- Q **Results of supplementary enquiries.**
- R **Results of mathematical models.**

**APPENDIX G**

**An Example of a Personal Log Format**

<b>Incident Log</b>		
Incident name:		Date:
Location:		Page No.      of
Time:	Comment / Action / Detail	
Signature:		
Print Name:	Position:	

**APPENDIX H**

**An Example of an Action Card**

<b>Harbour Master</b>		
Responsibilities	<ul style="list-style-type: none"> <li>Assumes responsibility for oil spill response</li> </ul>	
	<ul style="list-style-type: none"> <li>Deputises for General Manager in his absence</li> </ul>	
	<ul style="list-style-type: none"> <li>Carries out initial response call-out and notification</li> </ul>	
	<ul style="list-style-type: none"> <li>Directs Harbour personnel as required by the nature of the incident</li> </ul>	
Step	Actions	Additional Information
Alert	MCA-HM Coastguard General Manager County Public Relations Department Environment Agency Vessel traffic	Using the CG77 POLREP form Mobile if out of hours  VHF Channel x
Initial Actions	Authorise closure of river Initiate personal log Assess the situation  Mobilise Tier 2 response  Seek approval for dispersant use from MMO/MS-ML /NIEA.	Decide if Tier 2 response is required. (Remember over- reaction is better than under- reaction.) Using pre-agreed mobilisation procedures. Refer to appropriate section in Oil Spill Contingency Plan.
Further Actions	Attend press conference Issue SITREPs	If required Using appropriate format e.g. SITREP form familiar to personnel
Final Actions	Prepare for hand over if required Attend debrief Collate personal logs Revise oil spill contingency plan	Full hand over brief prepared

## APPENDIX I

### Guidance on the use of Oil Dispersants and other Oil Treatment Products. (MMO/MS-ML/NIEA)

#### Introduction

- I.1 The use of oil dispersants or other oil treatment products such as surface cleaners and loose absorbent granules to clean up an oil spill in the sea is subject to control. The purpose of this appendix is to provide some advice and information on this issue which we hope you will find useful in preparing the plan and to indicate how MCA and the relevant licensing authority (MMO, MS-ML or NIEA as appropriate) would expect your oil spill contingency plan to cover this form of response.
- I.2 If you are considering the use of any oil treatment product as part of your oil spill response, it should be fully described in the plan including the reasons why this response method has been selected. Guidelines and Forms used to assist in obtaining approval and reporting on dispersant use, and any standing approval issued by the licensing authority should be placed here. If you have no plans to use dispersants or other treatment products the entry in this section should be limited to a statement that this is so.

#### Oil Treatment Products

##### Legal position

- I.3 Thoughtless and uncontrolled use of chemicals in the sea or on the shoreline to treat oil can cause more problems than would have occurred if the oil had been left alone. This may be due to the toxicity of the chemicals themselves or because the chemicals disperse oil into the water column whereby the oil can affect fish and shellfish living below the surface of the sea. In some instances dispersant use can, however, be very effective in preventing damage to wildlife and contamination of recreational beaches by removing oil from the surface of the sea or the shoreline.
- I.4 For this reason the Government has set up a regulatory and advisory regime to protect the environment from indiscriminate use of dispersants and to encourage appropriate use of dispersants and other chemicals where this would be beneficial to the environment. Details of the regulatory regime are set out in paragraphs I.6 – I.9 below.
- I.5 MMO, MS-ML and NIEA all operate a 24-hour regime to regulate and advise on the use of dispersants. Even outside office hours their emergency contact numbers give access to a network of fisheries staff, scientists, nature conservationists and administrators familiar with the impacts of oil spills, the benefit or disadvantages of dispersant use, and knowledge of the wildlife and fisheries in the vicinity of the spill. Ports and Harbours and other responders should seek advice from the Licensing Authority before using any chemicals

to treat an oil spill so that the environmental consequences are properly considered.

I.6 MMO for England and Wales, MS-ML for Scotland and NIEA for Northern Ireland are the statutory (licensing) authorities responsible for approving oil treatment products for use at sea. This means that MMO, MS-ML or NIEA approval is necessary for the use of dispersants, surface cleaners (for structures such as walls and piers) and loose sorbents in all tidal coastal waters including estuaries, docks and waters behind breakwaters.

I.7 Licensing Authority approval is not formally required:

- where dispersant use is restricted to those parts of a beach above the height of mean high water springs;
- in situations where products are only applied manually not involving the use of aircraft, vessels or vehicles (e.g.: from a knapsack sprayer or a manhandled sack – but not if these are used whilst in a vessel or vehicle or the sprayer is powered by a vessel or tractor engine or pump. Shovelling or discharging oil treatment material from a tractor's bucket loader or trailer will need approval);
- where approved products are used in deeper water more than one mile from the 20 metre contour line.

**You should however note that even in situations where there are no or minimal restrictions on dispersant use environmental damage may nonetheless be caused by inappropriate use. The licensing authorities therefore encourage those proposing to use oil dispersants or other oil treatment products to consult the appropriate Licensing Authority in advance on all proposals to use oil dispersants. The licensing authorities aim to respond to such consultations quickly and efficiently even out of hours.**

I.8 The legislative provisions which cover dispersant use are summarised in the following paragraphs, which you may wish to include in your plan:

Under the terms of the Marine and Coastal Access Act 2009 and the Marine Licensing (Exempted Activity) Order 2011, it is a legal requirement that oil treatment products may normally only be used in UK waters if they have been formally approved for this purpose by the licensing authority. **In addition, specific permission from MMO, MS-ML or NIEA must be obtained under this legislation before any such products are used in shallow waters – these are defined as any area of the sea which is less than 20 metres deep, or within one nautical mile of such an area.** This covers all areas submerged at Mean High Water Springs including any use in tidal docks and locks and on beaches, shorelines, or structures such as piers and breakwaters. Use of approved oil treatment products in deeper waters is generally less likely to cause damage and is therefore not subject to the same restrictions as inshore use.

**Although certain small scale manual clean up operations and those taking place above Mean High Water Springs, are not subject to the**

**provisions of FEPA, any inappropriate use of dispersants or other chemicals can cause significant damage to important fishery and nature conservation areas. It is therefore of utmost importance that those proposing to use oil dispersants should consult the Licensing Authority in advance on *any* proposed use of oil treatment products even on a small scale and only use approved products.**

- I.9 You may also wish to mention that approved oil spill treatment products can, exceptionally, be used without prior consultation with the licensing authority in force majeure situations where there is a genuine risk to human life or to the safety of an installation or vessel – for example, where there is a serious danger from fire or explosion.
- I.10 Under the terms of the Marine Licensing (Exempted Activity) Order 2011 it is not necessary to have a licence for the use of equipment to control, contain or recover oil. Equipment would include items like recoverable absorbent booms, absorbent rolls and absorbent pads. Items like loose absorbent granules, moss, sawdust and chemicals however fall under the definition of substances and Licensing Authority approval is required if there is a possibility of these substances entering the marine environment.

#### **Conditions under which oil treatment products may be used**

- I.11 Detailed guidance is contained in the booklet ‘The approval and use of oil spill treatment products in the United Kingdom’ which can be found on the MMO web site:  
[www.marinemanagement.org.uk](http://www.marinemanagement.org.uk)
- I.12 The booklet stresses that for many oil spills, the best option is to leave the oil to disperse or degrade naturally. In preparing your plan you should therefore consider the circumstances (if any) under which intervention may be needed, and assess whether other response methods, such as mechanical recovery, might be used instead of, or in addition to, dispersants or loose sorbents.
- I.13 As the booklet explains, spraying dispersant is not appropriate for all types of oil - for example, diesel, gas oil and other light oil types usually disperse readily and therefore do not require treatment. Sea conditions, tides and a number of other factors are also important in determining whether spraying is the most appropriate response. In addition, there is a wide range of oil treatment products available which have different properties and may be suitable for use only on certain types of oil and under certain sea conditions.
- I.14 If your plan includes provision for use of oil treatment products then it should also describe how you will take account of all of the above factors. In particular, it should state the types of oil which might be spilled, the type of products with which you would propose to treat them, the quantity of product available, and describe the conditions under which it may be appropriate to apply the products.

### **Environmental and fisheries sensitivities**

- I.15 Your plan must also demonstrate that you have taken full account of the need to protect any areas of particular environmental or fisheries sensitivity in developing your strategy for using oil treatment products in response to a spill. This includes designated areas such as Sites of Special Scientific Interest and Special Areas of Conservation, and areas of particular fisheries interest such as shellfish beds. See also paragraphs I.19 to I.26 below.

### **Requests to use oil treatment products, and reports to the Licensing Authority**

- I.16 Your plan should describe when and how such requests and reports should be made. Most importantly, it should emphasise that Licensing Authority approval must be obtained on each occasion before any oil treatment products are used, unless that use is covered by the terms of a standing approval. You will also need to obtain Licensing Authority approval if you wish to use a larger quantity of product than the standing approval specifies, or to use the product in a sea area not covered by the standing approval.
- I.17 In order to obtain approval it will be necessary to contact MMO/MS-ML/NIEA. Emergency contact lists are available from these organisations. The official who takes the call will require certain key items of information so that an informed decision can be taken on whether use of the product is appropriate. Paragraph I.29 lists the types of information which will be useful - as much of this as possible should be provided. The official will then need to consult colleagues with fisheries and scientific expertise, and, where appropriate, Natural England (NE), the Countryside Council for Wales (CCW), or Scottish Natural Heritage (SNH) before he or she can confirm that approval has been given. If the spill is a small one at a location with no special environmental or fisheries sensitivities, approval may only take 20 minutes. For other spills approval will still normally be given within an hour. A formal record of the approval will then be sent as a fax to confirm the Licensing Authority's verbal agreement. If the Authority decides not to approve the use of the product, the reasons for this will be explained and other options discussed.
- I.18 Once you have completed your response to the oil spill, the Licensing Authority will require a report on any use of oil treatment products that has taken place, whether under the terms of a standing approval or otherwise. A sample form for this purpose is at the end of this Appendix and can be included in your plan if you wish.

### **Responsibility for applying oil treatment products**

- I.19 The plan should identify the person responsible for initiating and overseeing the use of products and deciding when their use should cease. It should also identify who is responsible for seeking Licensing Authority approval and, subsequently, for reporting to the Licensing Authority. In addition, it may be useful to identify who is responsible for maintaining and testing/replacing stocks of products.

## **Stocks of oil treatment products and re-testing requirements**

I.20 Care should be taken that all oil treatment products (including loose absorbents) which may be considered for use as part of your oil spill response have been approved by the licensing authority. A list of currently approved oil treatment products is available free of charge from MMO. If you are in doubt about old stocks you should contact MMO for advice. All products must be used in accordance with the manufacturer's instructions, and you may wish to include the key points from those instructions in your plan. The up-to-date list of approved products can be found at web site:

[www.marinemanagement.org.uk/protecting/pollution/approval.htm](http://www.marinemanagement.org.uk/protecting/pollution/approval.htm)

I.21 Dispersant products held in stock must be tested for continued efficacy at the appropriate intervals. If dispersant has been transferred from the manufacturer's packaging (e.g. poured from the drum into a bulk tank on a vessel) then it must be retested for efficacy every 5 years after manufacture. If the dispersant remains sealed in the manufacturer's original packaging then the retesting can be delayed but must be carried out after 10 years and thereafter every 5 years. Where only a limited stock is held it may prove cheaper to replace the stock with a fresh batch than to go to the expense of carrying out the test. Redundant stocks should be disposed of within the normal framework of legislation for the disposal of chemical waste. A summary of retesting requirements and procedures should be included in your plan.

## **Standing Approvals**

I.22 When submitting your plan you may also seek permission for a standing approval which would allow you to use an appropriate quantity of a specified oil treatment product or products on a spill without having to seek specific Licensing Authority approval at the time of the incident. This is designed to facilitate rapid response to a minor spill in areas where there are no special environmental sensitivities.

I.23 If you already hold a standing approval from the Licensing Authority and wish to maintain it as part of your oil spill contingency plan you must reapply for it at the same time as you submit your plan to the Licensing Authority for comment and agreement. Your reapplication should take account of the points raised in this section. Any existing standing approval or derogation previously agreed with the Licensing Authority will lapse once your revised contingency plan is approved.

I.24 In order to obtain a standing approval, a request must be made in writing to the Licensing Authority at the same time as the draft contingency plan is submitted to them for agreement. This request should be by the body or organisation who will be responsible for directing and controlling the use of oil dispersants following an oil spill and should provide information under the following headings (or references to where this information can be found in the accompanying draft contingency plan) :

**Quantity**

The maximum amount of oil treatment product, which may be applied under the standing approval, should be specified under this heading.

**Oil types and types of treatment product**

The types of oil which may be treated by spraying and the types of treatment product to be used should be specified under this heading.

**Areas covered by, and excluded from, standing approvals**

The areas covered by the standing approval, and those areas excluded from it, should be clearly marked on an Admiralty Chart included in your plan and referred to in the accompanying letter by positions of longitude and latitude.

- I.25 In order to protect the marine environment, no standing approval will be issued for use of oil treatment products in any National Nature Reserve (NNR), Site of Special Scientific Interest (SSSI); Special Area of Conservation (SAC); Sensitive Marine Area; Special Protection Area; or Ramsar Site unless specific agreement to this has been obtained in writing from NE, CCW or SNH as appropriate. It may also be necessary to exclude other sensitive conservation areas (e.g. salt marshes and mud flats) from a standing approval.
- I.26 Your proposals should take account of seasonal migratory patterns for birds, fish and other wildlife.
- I.27 In order to protect fisheries interests no standing approval will be issued for use of oil treatment products directly over shellfish beds or over water intakes to fish storage tanks or aquariums unless a special case can be made for this. It may also be necessary to exclude areas which are regularly fished and fish spawning grounds during the spawning season.
- I.28 It may be helpful for those involved in the oil spill response if the boundaries of the areas of operation and the areas where oil treatment products should not be used are defined, by reference to clearly visible landmarks (e.g. an overhead line, the line between two buoys or a specified distance from a rig or refinery pontoon). Specific approval from the Licensing Authority must be obtained for any proposed use of oil treatment products outside the areas covered by the standing approval.

**Guidelines to Information Required by the Licensing Authorities in Considering Request for Dispersant Spraying Approval**

- I.29 As much of the following information as possible should be provided when requesting approval.
- Name of authority or organisation requiring approval.
  - Name of contact and telephone and fax number to be used.
  - Locality of spill preferably in degrees of longitude and latitude (but could be grid reference or description such as “Western end of King George Dock” or “Length of river between power station and oil refinery”).

- Oil type or description of appearance if not known. If crude - what type?
- Quantity of oil spilled - preferably in tonnes.
- Source of spill.
- Potential for further spill.
- Description of slick - including dimensions and colour.
- Volume and name of dispersant for which approval is requested.
- Other methods of response being applied or considered and assistance being sought (e.g. MCA, Environment Agency).
- Local fisheries considerations (such as seasonal fisheries, advice given to fishermen).
- Local wildlife considerations (e.g. whether migrant birds are present).
- Tide - type and speed, and time of HW/LW particularly.
- Wind and weather (such as "Moderate breeze NW" "Overcast drizzle").
- Sea state.
- Water depth.

**Sample of a report of use of an oil treatment product which could be sent to MMO, MS-ML or NIEA**

\_\_\_\_\_ (Name of port authority)

<b>INCIDENT NO.</b> .....	<b>DATE</b> .....
<b>VOLUME &amp; TYPE OF OIL</b> .....	
<b>LOCATION</b> .....	
<b>REMEDIAL ACTION TAKEN</b> .....	
.....	
<b>NAME &amp; TYPE OF OIL TREATMENT PRODUCT</b> .....	
<b>DATE OF MANUFACTURE</b> .....	<b>EFFICACY LAST TESTED ON</b> .....
	<b>(IF APPLICABLE)</b>
<b>COMMENTS ON EFFECTIVENESS</b> .....	
.....	
.....	
<b>REPORT MADE TO MMO/MS-ML/NIEA AS APPROPRIATE BY</b>	
.....	
<b>OTHER REMARKS</b> .....	
.....	

## APPENDIX J

### Exercise and Training

- J.1 The ultimate test of any contingency plan is measured by performance in a real emergency, and the effectiveness of the plan should be examined in the light of any actual oil spill emergencies, which occur. It may be that activation of the plan to a real event may negate the requirement for a subsequent exercise of the plan. However, notwithstanding such events, the plan must be tested regularly, through a programme of realistic exercises.

#### Exercises

- J.2 The following provides guidance on planning and conducting exercises which have been designed to evaluate the contingency plan and include a degree of training for any personnel likely to be involved in an oil spill incident. Each port / harbour / oil handling facility must participate in exercises in accordance with the provisions within their OPRC Compliant Oil Spill Contingency Plan.

- J.3 The objectives of any exercise need to be pre-agreed, enabling the exercise planners to tailor the exercise to the needs of the players. For example, it may be desirable for different aspects of the plan to be exercised separately such as notifications or equipment mobilisation / deployment. A larger exercise, encompassing all aspects of the response, may not explore the detail of each of these individual themes but will help promote a wider understanding of the purpose and scope of the whole plan. Whatever the scale or type of exercise, the invited participation by the appropriate environmental and regulatory authorities, and others, will aid the collective understanding of the plan, to the benefit of all involved.

- J.4 The following list gives examples of exercise types that can be undertaken.

- **Notification Exercise - announced or unannounced**

Used to test alert and call-out procedures for response teams, test communication systems, availability of personnel, evaluate travel options and arrangements and test the transmission of information. Such an exercise can be used to check the validity of contact information within the plan and should be carried out twice per year.

- **Mobilisation Exercise**

May be used to test the actual mobilisation times of individuals and contracted resources. Ideally mobilisation should be tested without prior warning, although the requirement for an unannounced callout will need to be balanced against the practical difficulties and financial penalties of doing so. Whilst this important aspect of the response may be exercised in isolation, it may be seen as beneficial to incorporate this as a specific objective within the scope of another of the framework exercises.

- **Table-Top Exercise**

Whilst the degree of complexity can be decided upon by the exercise co-ordinator, a table-top exercise can be used to test the emergency management knowledge and capability. It provides individual and also team training, enabling personnel to be familiarised with the various roles and responsibilities and identification of resources. A table-top exercise can also explore the interaction between the different parties involved, particularly by testing the principles of the response strategies. These exercises can be used to test co-ordination with local authorities and the emergency services. Some organisations, which have peripheral responsibilities, may be role-played. During this exercise the capability to respond to a Tier 2 type spill and initiate the primary actions in the event of a Tier 3 response can be put to the test. As discussed above, it can be effective to combine this exercise with an equipment mobilisation / deployment exercise, but in any case a table-top exercise of the incident management structure should be incorporated within the exercise programme at least annually.

- **Incident Management Exercise - requires significant planning**

These exercises can test the capability of local teams to respond to Tier 1, Tier 2 and Tier 3 type incidents, providing experience of local conditions and spill scenarios, enhancing individual skills and teamwork, integrating the roles of external bodies and organisations. MCA considers that each port, harbour and oil handling facility must hold an Incident Management Exercise, incorporating equipment deployment to a Tier 2 level at least every three years unless a different timescale had been agreed with the Regional CPSO<sup>8</sup> during initial plan approval. This is likely to incorporate, or be combined with a Tier 1 equipment deployment. Such exercises need, so far as possible, to involve actual involved organisations to represent a real emergency. However, if this can not be achieved, role-playing personnel can be used to simulate roles and responsibilities.

## **A Balanced Programme of Exercises**

J.5 Different types of exercises will test different facets of the plan whilst even the most ambitious Incident Management Exercise cannot be expected to test every aspect of the plan. Notification exercises, which are useful to update contact-details within a plan, should be undertaken with greater frequency than equipment mobilisation exercises, for example. Before an exercise takes place, the appropriate authorities should be notified. This notification procedure should be formally documented and a copy of this documentation held and logged within the port / harbour / oil handling facility.

J.6 A post-exercise form should be completed and forwarded to the regional CPSO, and all relevant plan holders, each time an exercise is carried out. An example format for this form is included at the end of this appendix.

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<sup>8</sup> MCA considers this to be a minimum requirement. The interval between exercises should be determined on the basis of the risk assessment, but as a norm, plans should be exercised to a level that includes the deployment of Tier 2 equipment at least once every three years,. however, where a port, harbour or oil handling facility considers this requirement to be unduly onerous on the basis of the risk assessment, they may submit an alternative exercise programme to the Regional CPSO for consideration and approval, on an individual basis

J.7 A typical programme of exercise frequency is as follows:

<b><u>Exercise Type</u></b>	<b><u>Frequency</u></b>
Notification exercise	Twice per year
Mobilisation exercise	Twice per year
Table-top Exercise (may incorporate mobilisation and deployment of local response equipment)	Once per-year
Incident Management Exercise (will incorporate mobilisation and deployment of resources up to Tier 2 level)	Once every 3 years*
*The interval between exercises should be determined on the basis of the risk assessment, but as a norm, plans should be exercised to a level that includes the deployment of Tier 2 equipment at least once every three years,. however, where a port, harbour or oil handling facility considers this requirement to be unduly onerous on the basis of the risk assessment, they may submit an alternative exercise programme to the Regional CPSO for consideration and approval, on an individual basis	

### Sharing of Exercises

J.8 In a situation where a group of ports and harbours within a distinct geographic region and sharing the same Tier 2 contractor, there may be scope to undertake a joint exercise at one of the ports. Key individuals from nearby ports could be invited to observe or participate, thus gaining from the experience of the hosting port. In any case, each plan holder must host their own exercise involving mobilisation and deployment of their Tier 2 response at an interval as decided in discussion with the Regional CPSO.

### Tier 3 Exercises

J.9 J.8 Tier 3 exercises, having national / international implications, and which require the activation of the National Contingency Plan, are held at regular intervals. They are generally organised by MCA. It is likely that the exercise will contain elements of Search and Rescue, salvage and pollution response involving the deployment of containment and recovery equipment. Whilst the number of ports which can be directly involved is limited, exercise reports are made available to the ports industry trade associations BPA, UKMPG and UKHMA.

### Training

J.10 All personnel likely to be involved in a marine pollution incident have to meet certain training requirements and standards. Training requirements will be dependent on size of operation and number of staff. Training should be conducted by a Nautical Institute accredited training provider. All contact details for organisations able to provide accredited training can be obtained from the Nautical Institute (refer to Appendix L for details).

- J.11 The MCA considers that as the norm, unless alternative levels have been discussed and agreed with the Regional CPSO, the minimum level of training required for a small port using a Tier 2 contractor should be as follows:

**All ports:**

**Level 4P** - for person(s) who will have a management role or be in a position of responsibility for port operations, e.g. harbour master.

**Level 1P** - accredited training but port specific - for all staff who will operate oil spill response equipment and need to be fully aware of correct and safe deployment techniques etc.

A large port should train further individuals to 1P, 4P and 5P as deemed appropriate.

- J.12 A port that will be using an 'in-house' Tier 2 response would have to be assessed individually as to the training requirement. Details should be discussed with the CPSO for the region.
- J.13 The following table of minimum course length and entry level criteria was agreed at the Training Providers meeting on 27th September 2001. At the same meeting the principle of Refresher Training was established. This will be required for all courses except the 1P (8 hours duration) course, which in view of the length and nature of this specific training, the whole course should be undertaken again.
- J.14 The required frequency of refresher training is three years from the date of issue of the previous training certificate. The proposed duration for the refresher training is one day, with the morning being spent updating delegates on any changes that have taken place since previous training. The afternoon would comprise of a "table top" exercise to give practical application. Certificates would be valid for three years, if refresher training is undertaken within that time, a one day course would be sufficient. However, if 39 months has elapsed delegates would be required to undertake the full training.

<b>AWARENESS</b>	<b>MINIMUM HOURS</b>	<b>PORTS &amp; HARBOURS</b>	<b>NON PORT</b>	<b>TARGET AUDIENCE</b>	<b>IMO EQUIVALENT</b>
Basic use of Tier 1 sorbents & understanding contingency plans and operations	8	MCA 1p	MCA 1	First responder – absorbent response	(In preparation as IMO foundation course level)
Basic use of Tier 1 equipment including booming and recovery techniques	12	MCA 2p	MCA 2	First responder – mechanical containment	None
Ability to act as shoreline cleanup supervisor/ beachmaster	24	MCA 3p	MCA 3	Supervisor or beachmaster with previous training to at least type 2p or 2	<b>5 IMO 1</b>
Ability to control and put a specific contingency plan into action as OSC	32	MCA 4p		Assistant harbourmaster, Harbourmaster of small or medium port	None
Ability to act as an On Scene Commander/ incident controller including command and control	16	Endorsement up to course type 5p		Trained commanders or those with previous training to type 4p	<b>6 IMO 2</b>
Ability to act as an Executive Commander/ IMO level 2 incident controller starting from basic entry	40	MCA 5p		Harbourmaster of intermediate or large port, Oil Terminal Supervisor	<b>7 IMO 2</b>

<b>AWARENESS</b>	<b>MINIMUM HOURS</b>	<b>PORTS &amp; HARBOURS</b>	<b>NON PORT</b>	<b>TARGET AUDIENCE</b>	<b>8 IMO EQUIVALENT</b>
Refresher	8	MCA R	MCA R	Those who undertaken training not more than 3 years previous.	<b>9 NONE</b>
National Training Course on Oil Pollution, Contingency Planning and Response	40		LA1	Local authority emergency planning staff	<b>10 NONE</b>
Regional Training Course on Oil Pollution, Contingency Planning and Response	16		LA2	Local authority employees who would be involved in oil spill response	<b>11 NONE</b>

J.15 Any queries regarding levels of training and identification of which personnel should be attending which courses can be discussed with one of the accredited training providers or with the Regional CPSO.

## Post Exercise/Incident Report

Name of Port / Harbour / Oil Handling Facility:

Level of exercise (Tier 1, 2 or 3) and details of any other participating ports / harbours / oil handling facilities if joint equipment deployment exercise:

Level:

Names:

Date of exercise/Incident:

Time of exercise/Incident:

Location of exercise/Incident:

Name of exercise co-ordinator:

Name of personnel participating in exercise/Incident and role played:

List of equipment deployed:

Name of any other organisations / authorities participating in exercise/Incident:

Details of amendments to be made to the Contingency Plan resulting from this exercise/Incident:

(in addition to this form the revision list should be updated and the appropriate pages within the plan amended and issued to all plan holders)

I can confirm that the details on this form provide a realistic summary of the exercise/Incident carried out. Any action points resulting from this exercise have been dealt with accordingly, the relevant documents updated and copies provided to the appropriate bodies for their attention.

Authorised by (name in block capitals):

Position / Job Title:

Signature:

Date:

**APPENDIX K**

**EXAMPLE OF PORTS & HARBOURS ANNUAL RETURN FORM**

<b>Port of</b> _____		
<b>Annual Return for period:</b> _____ <b>to</b> _____		
<b>Plan Approval Date:</b> _____	<b>Plan Re-approval by:</b> _____	
<b>Summary of Exercises Undertaken:</b>		
<p>(NB: response to actual incidents which require activation of the plan should also be summarised here)</p>		
<b>New Pollution Training Undertaken:</b>		
<p>(ie: changes in personnel from those originally trained with dates and accredited training certificate numbers where appropriate. Include also details of refresher training)</p>		
_____ <b>(signed)</b>	<b>(print)</b>	_____ <b>(dated)</b>

## APPENDIX L

### Reference Material

#### National Contingency Plan (NCP)

- L.1 The NCP, developed by the MCA in consultation with all interested parties, sets out the arrangements for dealing with pollution arising from spills of oil or other hazardous substances from vessels into the marine environment.
- L.2 The NCP has been revised as of August 2006.
- L.3 Copies of the revised NCP are available on the MCA website ([www.mcga.gov.uk](http://www.mcga.gov.uk)) or from the Maritime and Coastguard Agency at the following address:
- Counter Pollution & Response Branch  
Maritime and Coastguard Agency  
Spring Place  
105 Commercial Road  
Southampton  
SO15 1EG  
**Telephone number: 023 8032 9482** (Office Hours)
- L.4 Copies of the following STOp notices, issued by MCA are also available from the address above or may be downloaded from the MCA web site directly at :

[STOp 4/2001](#) (PDF 105KB)

Advice to Local Authorities on the collection and Handling of Oil Samples.

[STOp 3/2003](#) (PDF 170KB)

Preparing Local Authority Oil and Chemical Spill Contingency Plans in line with the "National Contingency Plan for Marine Pollution from Shipping and Offshore Installations".

[STOp 1/2009](#) (PDF 68.2KB)

Guidance for Contingency Planning and Operation of the Technical Team Waste Management Sub Group within a National Contingency Plan Shoreline Response Centre in England and Wales.

[STOp 2/2009](#) (PDF 118KB)

Maritime Pollution Response in the UK - The Environment Group

[STOp 3/2009](#) (PDF 142KB)

The Establishment, Management Structure Roles and Responsibilities of a Shoreline Response Centre during a Maritime Pollution Incident in the United Kingdom.

[STOP 4/2009](#) (PDF 260KB)

Guidelines for the preparation of Coastal and Estuarine Booming Plans

**The Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998 (SI No 1056 / 98 ISBN 0-11-065937-6)**

- L.5 These regulations implement, in part, the OPRC Convention within the UK. Copies of the regulations can be ordered from the Stationery Office: Telephone number: 0207 873 9090 or through most book shops. These can also be found on the Stationery Office internet web pages in full text form:

Web site: [www.hmso.gov.uk/stat.htm](http://www.hmso.gov.uk/stat.htm) (under Statutory Instruments)

**The Oil Pollution Preparedness, Response and Co-operation Convention 1990**

- L.6 Copies of the Convention can be obtained from the International Maritime Organisation (IMO) at the following address:

4 Albert Embankment,  
London  
SE1 7SR

**Telephone number: 0207 735 7611**

Quote: IMO sales number; IMO-550. ISBN is 92-801-1267-8

**IMO Manual on Oil Pollution: Section II - Contingency Planning**

- L.7 This publication provides useful background information on contingency planning, including general response planning considerations, local and area oil pollution emergency plans, national systems for preparedness and response, international agreements and intervention and cost recovery.
- L.8 Copies are also available from IMO (address as above) quote: IMO sales number; IMO-560E. ISBN is 92-801-1330-5

**Directory of Spill Response Training Exercises**

- L.9 Information compiled on an annual basis (April to March) by UK Spill Association under contract to MCA, contains details of exercises and training planned by local authorities, ports, harbours, oil companies and Government Departments / Agencies.
- L.10 Copies are available from UK Spill at the following address:
- 4th Floor  
30 Great Guildford Street  
London  
SE1 0HS  
**Telephone number: 0207 928 9199**  
**Fax: 0207 928 6599**

**Directory of Marine Spill Response Training Courses**

- L.11 Under contract to MCA, UKSpill compiles and updates an annual directory of marine spill-related training courses (January to December). Copies are available from UK Spill at the previously mentioned address or the information

can be accessed from the MCA's web site: [www.mcga.gov.uk](http://www.mcga.gov.uk) or  
<http://ukspill.org/>

### **UK National Oil Spill Response Training Standards**

- L.12 The Nautical Institute (NI) has been appointed by the MCA to accredit oil spill response training courses, which meet a nationally agreed training standard. Details of the training standard together with details of accredited training providers can be obtained from the following address:

Nautical Institute  
202 Lambeth Road

London  
SE1 7LQ

**Telephone number: 020 7928 1351**

**Fax: 020 7401 2817**

**E-mail: [icg@nautinst.org](mailto:icg@nautinst.org)**