



Strategic Memorandum of Understanding

Between

The Chief Fire Officer Association (Scotland)
Representing the Scottish Fire and Rescue Services

and

The Scottish Environment Protection Agency

28/04/05

This Memorandum of Understanding is between THE CHIEF FIRE OFFICERS ASSOCIATION (SCOTLAND) representing the Scottish Fire and Rescue Services AND THE SCOTTISH ENVIRONMENT PROTECTION AGENCY, incorporated under the Environment Act 1995 and having its Corporate Office at Erskine Court, Castle Business Park, Stirling, FK9 4TR.

Whereas:-

- i) The Scottish Fire and Rescue Services, in the course of complying with its statutory duties faces incidents where there is potential for contamination of the environment through - fighting fires; using foam or similar agents; potential dealing with chemicals or other hazards; dealing with end of life vehicles; or whilst engaged in other activities which could result in environmental pollution or impact;
- ii) SEPA are the Environment Protection Agency and regulator for Scotland;
- iii) The Scottish Fire and Rescue Services and SEPA wish to enter into these presents to promote areas of common interest, future co-ordination and the monitoring of new development;

THEREFORE in implement of the forgoing purposes The Scottish Fire and Rescue Services and SEPA hereby agree as follows:

Introduction

- 2 The Scottish Fire and Rescue Services have responsibility for protecting life in conjunction with other emergency services, the rescue of trapped casualties, tackling fire and, as necessary released chemicals and other hazards and assisting the Police and Ambulance Service with casualty handling and recovery of bodies. At the scene of an incident the Scottish Fire and Rescue Service is normally best placed to advise on the safety of personnel of all agencies involved within an inner cordon and will gather information on chemical hazards via the UK databases 'Chemdata.' In connection with the Fire (Scotland) Bill the Scottish Fire and Rescue Service will have the responsibility for urban search and rescue and may have the mass decontamination of casualties delegated to it by NHS Scotland. The Scottish Fire and Rescue Service may take any action it considers appropriate in response to an event or situation that causes or is likely to cause harm to the environment (including the life and health of plants and animals and the fabric of buildings)
- 3 SEPA is a non-departmental public body, with statutory responsibility for the protection of the environment in Scotland and is accountable to the Scottish Executive. SEPA is responsible for licensing discharges to inland waters and coastal waters, most emissions to air and the carriage and disposal of waste, and has a duty to care to conserve the environment. SEPA also has duties requiring it to protect Special Areas of Conservation, Special Protection Areas and Sites of Special Scientific Interest, particularly during environmental licensing, and to further the conservation of biodiversity through the exercising of its functions. SEPA's long term goals are to provide and excellent environmental service at local and national level for the people of Scotland, ensure sustainable waste management, ensure good quality air, maintain and restore the water environments, promote respect for the environment in Scotland, and provide the environmental framework for the economic well-being of Scotland

Areas of Common Interest

- 4 The Scottish Fire and Rescue Service is the lead agency in Scotland for emergency fire fighting and rescue service responses. These activities may result in water run off which may

or may not contain various pollutants or fire fighting foam agents. Certain types of fires may result in air pollution; dealing with emergency chemical incidents could result in the potential contamination of the environment as could the use of end of life vehicles for training purposes.

Working together the Scottish Fire and Rescue Services and SEPA may consider fire fighting strategies and possible methods of reducing the amount of firewater run-off generated, for example by using sprays rather than jets, controlled burn and the possible re-cycling of fire water where safe and practicable to do so. Such decisions will always be based on best fire-fighting practice. In some cases with a view to minimising pollution of the environment the option to allow a fire to burn in a controlled way could be less harmful than the effects of the contaminated firewater run-off however this would be dependant on the risks associated with a particular incident. Although SEPA in the interests of the environment may recommend a controlled burn the decision and the responsibility for the method of operational fire fighting response will always rest with the Scottish Fire and Rescue Service

Incident Commander if human life is at risk.

- 5 SEPA's interests are to ensure that the necessary environmental protection measures are built into the operational procedures of other agencies to minimise or prevent environmental pollution. In particular SEPA seeks to ensure that the risks of polluting groundwater from fire fighting or rescue activities are minimised. Under the Groundwater Regulations 1998 SEPA is required to prevent the direct or indirect discharge of certain dangerous substances to groundwater resulting in pollution.

Under the Control of Pollution Act 1974 SEPA is responsible for the protection of 'Controlled Waters' which includes all watercourses, lakes, lochs, coastal waters and water contained in underground strata (or 'groundwater')

Co-ordination

- 6 There will be a Co-ordination Group at policy level formed by the Scottish Fire and Rescue Services and agreed representation from SEPA Head Office Water and Waste Policy Teams and representation from SEPA's Emergency Planning Unit. Meetings will be jointly arranged as required or when either party intimates the need to communicate issues. A minimum requirement would be that the group meets at least once per annum
- 7 The Co-ordination Group will co-ordinate operational guidance for both the Scottish Fire and Rescue Services and SEPA in relation to their respective activities with a view to minimising the potential for environmental pollution. It will also advise on strategies to prevent and minimise environmental pollution during fire fighting or rescue activities.
- 8 In addition to the scheduled annual meeting the Co-ordination Group will meet as required:
 - a) to resolve any operational issues referred to the group from either the Scottish Fire and Rescue Services or SEPA and to identify, consider and resolve any problems arising from the practical applications of statutory provisions and responsibilities existing or developing for the Scottish Fire and Rescue Services or SEPA personnel
 - b) to consider operational implications of policy decisions
 - c) to identify subjects for inclusion in this MOU or for which a supplementary MOU should be prepared

d) to make recommendations for changes to the Memorandum as necessary and

e) to discuss other matters of mutual interest.

- 9 Operational and tactical command levels within the Scottish Fire and Rescue Services when responding to an incident will contact representatives of SEPA (please see Appendix A of the Operational MOU for examples) notifying them expeditiously through established channels of any situation where either there is or it is suspected there might be a potential threat to the environment and of actions they deem necessary to mitigate any environmental damage by virtue of the discharging of their statutory responsibility
- 10 SEPA will respond appropriately to urgent requests from the Scottish Fire and Rescue Service and make assessments as to the potential for environmental pollution and advise the most appropriate countermeasures to prevent or minimise pollution during an incident.

During April 2005 SEPA have obtained and supplied to the Scottish Fire and Rescue Services, spill kits to assist them in dealing with minor pollution incidents

Both organisations will cascade any modifications in working practices agreed by the Co-ordination Group.


Monitoring of New Developments

- 11 The Scottish Fire and Rescue Services and SEPA should keep each other informed at the earliest stage of new developments which are likely to be of mutual interest. The aim is to ensure the appropriate operational response in light of any new developments

Review Arrangements

- 12 Changes to this Memorandum may be initiated by either party at any time and will be agreed in writing. Notwithstanding this Memorandum should be reviewed on an annual basis by both parties to ensure its currency and accuracy.
- 13 In the event of any disagreement of interpretation of the MOU which cannot be resolved by the members of the Co-ordination Group the matter(s) will be passed to the President of the Chief Fire Officers Association (Scotland) and the Chief Executive Officer of SEPA who jointly either personally or through delegated responsibility will review the matter(s)

Signed for the Chief Fire
Officer Association
(Scotland)

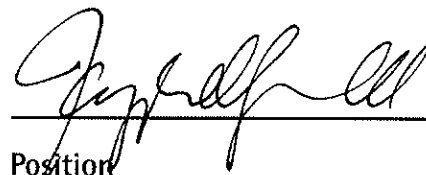


Position

President

Date 8 September 2005

Signed for the Scottish Environment
Protection Agency



Position

Chief Executive Officer

Date 8 September '05