

MEMORANDUM OF UNDERSTANDING BETWEEN THE MARITIME AND COASTGUARD AGENCY AND THE SCOTTISH ENVIRONMENT PROTECTION AGENCY ON COUNTER POLLUTION RESPONSE

This MOU seeks to clarify the role and responsibilities for the MCA and SEPA in dealing with marine oil and chemical pollution incidents. It does not cover marine incidents involving radioactive materials.

INTRODUCTION

1. The Department of the Environment, Transport and the Region's executive agency the Maritime and Coastguard Agency (MCA), exercises the Government's statutory responsibilities for responding to major oil and chemical pollution incidents from shipping at sea that threaten UK interests. The MCA maintains the National Contingency Plan for Marine Pollution from Shipping and Offshore Installations (NCP) and the resources to support it.

2. The Scottish Environment Protection Agency (SEPA) is a non-departmental public body responsible for the protection of the environment in Scotland and is accountable to the Secretary of State for Scotland. 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 of care to conserve the environment. SEPA also takes enforcement action against persons breaching licence conditions or illegally polluting the environment and can refer cases to the Prosecutor Fiscal for prosecution. In the case of marine pollution, SEPA is concerned with discharges to coastal waters arising from land-based sources and with the storage, transfer and disposal of waste arising from marine pollution.

MAJOR SPILLS FROM SHIPS: ROLE OF MCA

3. The MCA has lead responsibility for dealing with oil and chemical spills from ships where these threaten to cause pollution in UK waters or on the UK shoreline. In the event of a major pollution incident from a shipping casualty at sea, the MCA will activate the National Contingency Plan (NCP) and deal with the spillage. The response will normally be through a combination of aerial dispersant spraying and mechanical recovery operations at sea. The MCA will deploy appropriate staff and equipment to the scene of the incident.

4. In the event that coastal local authorities in Scotland are unable to cope with a major incident causing exceptional pollution, MCA would, if requested and agreed, set up a Shoreline Response Centre to co-ordinate joint local authority and MCA resources and provide beach clean-up equipment and other resources free of charge. Further information is contained in the NCP.

5. The MCA will control salvage from a Salvage Control Unit, and counter pollution operations at sea from a Marine Response Centre (MRC). The harbour master will lead on oil spill response within his harbour limit and has statutory responsibilities to do so in accordance with the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998. Advice on environmental matters, as they relate to the proposed operational response will be sought from SEPA, Scottish Natural Heritage (SNH) and the Scottish Executive Rural Affairs Department (SERAD).

MAJOR SPILLS FROM SHIPS: ROLE OF SEPA

6. SEPA is concerned with the impact of spills on the marine environment and the shore, investigation of the incident and taking enforcement action and with the actions to store, transport and dispose of waste and contaminated materials. SEPA will advise on the storage of oily waste close to the shore, will issue waste consignment notes for movement of special waste to treatment and disposal sites, and will advise on suitable disposal routes. SEPA will also be able to advise on the impacts of spills and at-sea operations as far as these affect licensed sites such as marine fish farms.

7. In a Shoreline Response Centre, SEPA will be represented on the technical and environment teams as described in the relevant STOp Note.

DISCHARGES ENTERING TIDAL WATERS FROM RIVERINE OR LAND BASED SOURCE

8. SEPA is responsible for the monitoring of and remedial action resulting from all discharges from land based sources in Scotland. Such discharges can only be made with the consent of SEPA. SEPA will consider enforcement action against those who discharge without consent, including accidental releases. SEPA may take samples and other evidence

to support such enforcement action and can reclaim the costs of undertaking remedial action from those responsible.

OFFSHORE INSTALLATIONS: OPERATOR ROLE

9. In accordance with the Merchant Shipping (Oil Pollution Preparedness Response and Co-operation Convention) Regulations 1998, operators of offshore installations are responsible for preparing and submitting oil spill response contingency plans via the Department of Trade and Industry's (DTi's) Oil and Gas Office to MCA's counter pollution officers who will recommend acceptance or otherwise to DTi. In a spill which calls for a response beyond that available from the industry, the MCA's resources will be mobilised.

10. For the purposes of this MOU a spill from an offshore installation will be treated as a spill from a ship.

REPORTING PROCEDURES

11. Reports of spillages of oil and chemicals into the sea must be reported to HM Coastguard who maintain a 24 hour radio watch and can also be contacted by dialling 999. HM Coastguard will alert the MCA counter pollution officers, who are on call 24 hours a day. MCA will pass confirmed pollution reports (POLREPS) to SEPA using the contact arrangements shown in Annex A. MCA reporting arrangements are at Annex B.

12. All reports of spillages of oil or chemicals on land or into rivers, estuaries and the sea should be reported to SEPA using the contact arrangements shown at Annex A.

CONTINGENCY PLANNING

13. SEPA and MCA will make equipment and resources available subject to operational requirements. MCA holds stockpiles of beach cleaning equipment at Southampton and Inverness, At-Sea oil recovery equipment at Milford Haven and Dundee, aerial surveillance and dispersant spraying aircraft at Inverness and Coventry and stockpiles of oil dispersant at strategic locations throughout the UK. An indication of MCA equipment is at Annex C. details of hire charges for equipment are obtainable from MCA.

14. SEPA will contribute to local plans by advising on protecting vulnerable estuaries, identifying priority sites, sensitivity analyses and booming plans.

15. Joint exercises will be held periodically to exercise the contingency planning arrangements. Both Agencies will share expertise and exchange information on Research and Development projects.

PROSECUTION OF OFFENDERS

16. The relevant legislation is the Merchant Shipping Act 1995 and secondary legislation made under that Act and the Control of Pollution Act (1974) as amended. Action generally under both Acts can only be brought by the Procurator Fiscal, although in the case of the Merchant Shipping Act 1995 use can be made of provisions giving jurisdiction to any court where the defendant is for the time being.

17. The organisation responsible for taking the lead role in a pollution incident will normally be the one responsible for passing the papers through to the Procurator Fiscal for consideration of prosecution. For offences from offshore installations DTi will take the lead, for ships in harbours it will be the harbour authority or MCA if the harbour authority declines to act. For discharges from land based operations or from a riverine source, the lead will be taken by SEPA under the Control of Pollution Act 1974 (as amended).

REVIEW ARRANGEMENTS

18. Changes to this Memorandum may be initiated by either party at any time and will be agreed in writing.

Signed for the Maritime and Coastguard
Agency

Signed for Scottish Environment Protection
Agency

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Position:
Director of Maritime Operations

Position
Chief Executive Officer

Date.....

Date.....

Contacting SEPA Staff

1. Routine contact during office hours should use the contact details shown on the following page.
2. Emergency contact out of office hours should use the numbers provided on the table below. The area relevant for each area is shown on the map.

SCOTTISH ENVIRONMENT PROTECTION AGENCY Out of Hours Telephone Numbers

Office	Telephone	Comment
West Region		
East Kilbride	01355 574 200	
Ayr	01292 294 000	
Dumfries	01387 720 502	
North Glasgow (Maryhill)	0141 945 6350	
North Region		
Dingwall	01349 862021	
Aberdeen	01224 248 338	
East Region		
Riccarton	0131 449 7292	Out of office hours only
Perth	01399 783 158	Out of office hours only
Galashiels	01896 752 425	Out of office hours only

ANNEX B

Contacting MCA Counter Pollution Staff

1. Reports of pollution should be directed to the MCA via the nearest Coastguard station. HM Coastguard have their own contact routes and have all the on-call details for counter pollution staff.

2. Routine calls for advice during office hours should be made to the following:-

Operational staff: for at-sea contingency planning, advice on operational matters and methods of at-sea response.

Tel: 01703 329407

Tel: 01703 329448

Scientific staff: for Local Authority contingency planning and scientific and technical advice on clean-up techniques on the shoreline and in-shore waters.

Tel: 01703 329411

Administrative staff: for residential courses, finance and invoicing, hire of counter pollution equipment, legislative queries and investigation and prosecution of polluters.

Tel: 01703 329484 (use of stockpile equipment, compensation claims)

Tel: 01703 329483 (residential course bookings, invoices)

Tel: 01703 329481 (counter pollution related contracts, international agreements, NCP, MCA counter pollution policy)

4. The Marine Emergency Information Room can be contacted by telephone on 01703 329445 and by facsimile on 01703 329446. The telex number is 47655 MEOR G.

MCA Directly Owned & Contracted Counter Pollution Resources

A broad indication of the resources owned by or under contract to MCA is listed below.

Part 1 - At-Sea Resources

Resource	Location
1 Dispersant Spraying Aircraft, DC3	Inverness Airport
1 Dispersant Spraying Aircraft, DC3	Coventry Airport
2 Dispersant Spraying Aircraft, DC6	Coventry Airport
1 Remote Sensing Aircraft, Cessna 404	Inverness Airport
1 Remote Sensing Aircraft, Cessna 404	Coventry Airport
Oil Dispersant	Blackpool Airport
Oil Dispersant	Coventry Airport
Oil Dispersant	Derry Airport
Oil Dispersant	Dundee Harbour
Oil Dispersant	Exeter Airport
Oil Dispersant	Humberside
Oil Dispersant	Inverness Airport
Oil Dispersant	Lerwick
Oil Dispersant	Milford Haven
Oil Dispersant	Manston
Oil Dispersant	Prestwick Airport
Oil Dispersant	Redruth
Oil Dispersant	Southampton
Oil Dispersant	Stornoway
Dispersant Spraying Vessels	Various
Portable Dispersant Spray Systems	Inverness
Springsweep Oil Recovery Systems	Dundee & Milford Haven
Ro-Skim Oil Recovery Systems	Dundee & Milford Haven
"Sea Devil" Heavy Oil Skimmers	Milford Haven
Jackson Net System	Milford Haven
Inert Gas Generators	Milford Haven
At-Sea Boom	Milford Haven
Emergency Lighting (Hazardous Areas)	Milford Haven
Emergency Lighting Trailers	Milford Haven
Beach Hose	Milford Haven
Compressors	Milford Haven
Low Pressure Fenders: 4m x 1m x 16m x 4m	Milford Haven
Gas Freeing Equipment	Milford Haven
Self Contained Breathing Apparatus Chacon	Milford Haven
Chemical Equipment Chacon	Milford Haven
Coupling Chacon	Milford Haven
Engineering Support Trailer	Milford Haven
Cargo Transfer Pumps with power packs & back-up units	Milford Haven
Oil Transfer Equipment Chacon	Milford Haven
Communications Van	Milford Haven
Oil Bags	Milford Haven
Fastanks	Milford Haven
Intrinsically Safe Radio Sets	Milford Haven
Portable Showers	Milford Haven
Portable Hi-Ab Cranes	Milford Haven

Part 2 - Shoreline Clean-up Resources

Resource	Location
Lightweight Skimmex Boom (Metres)	Southampton
3m ISO Containers	Southampton
Inflation Boom	Southampton
Shore Barrier Boom	Southampton
Komara Skimmers	Southampton
Desmi Heavy Oil Skimmers	Southampton
OMI Oil Mop Units, On Trailer	Southampton
Wickham Steam Units, On Trailer	Southampton
Manta Ray Surface Skimmers	Southampton
Rope Mops	Southampton
Fastanks	Southampton
Plastic Waste Sacks	Southampton
One Tonne Bags	Southampton
Pit Liners & Sheeting	Southampton
Sorbent: Sheets, Granular, Fibre And Cushion	Southampton
Unisperse M74 Demulsifier (Litres)	Southampton
Inshore Spray Sets	Southampton
All Terrain Beach Vehicles & Trailers	Southampton
Vaculite Recovery Devices	Southampton
Beachguard Super Unit Trailers	Southampton
Knapsack Spray Sets	Southampton
Dispersant Gel Sets	Southampton
HP Washers & Steam Cleaners	Southampton
Universal Matthey Static Mixers	Southampton
S/R Hi Flow Pumps	Southampton
4KW D/V Generators	Southampton
Protective Clothing Sets	Southampton
Wellington Boots & Gloves	Southampton
Shovels, Rakes, Squeegees & Yard Cleaners	Southampton
Straw Matting Machine & Netting (Frogmat)	Southampton
Expandi Boom	Inverness
Lightweight Skimmer Boom	Inverness
Komara Skimmers	Inverness
Desmi Heavy Oil Skimmers	Inverness
Oil Mop Units On Trailers	Inverness
Steam Units On Trailers	Inverness
Manta Ray Surface Skimmers	Inverness
Inflation Boom	Inverness
Shore Barrier Boom	Inverness
Vaculite Recovery Devices	Inverness
Fastanks	Inverness
Plastic Waste Sacks	Inverness
One Tonne Bags	Inverness
Pit Liners and Sheeting	Inverness
Sorbent: Sheets, Rolls, Granules, Fibre & Cushion	Inverness
Unisperse M74 Demulsifier	Inverness
All Terrain Beach Vehicles & Trailers	Inverness
Beachguard Super Unit Trailers	Inverness
Knapsack Spray Sets	Inverness
Dispersant Gel Sets	Inverness

Resource	Location
HP Steam Cleaners & Hot/Cold Water Washers	Inverness
Static Mixers	Inverness
4KW D/V Generators	Inverness
Protective Clothing Sets	Inverness
Wellington Boots & Gloves	Inverness
Rakes, Squeegees, Scrapers & Yard Cleaners	Inverness