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Section 1: Introduction

1.1 Purpose of the Plan

This Oil Spill Contingency Plan is designed to guide Fowey Harbour Commissioners' response personnel through the processes required to manage an oil spill originating from operations within Fowey harbour or a spill entering their jurisdictional area.

The requirement to have an Oil Spill Contingency Plan for Harbours, Ports and Oil Handling Terminals around UK waters has been formalised by the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998, which implements the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC, 1990). The convention, adopted by the International Maritime Organisation (IMO) is aimed to "mitigate the consequences of major oil pollution incidents involving, in particular, ships, offshore units, sea ports and oil handling facilities".

This plan has been prepared in accordance with the "Oil Spill Contingency Plan Guidelines for Ports, Harbours & Oil Handling Facilities" issued by the Maritime and Coastguard Agency who are responsible for applying the regulations to all Harbours, Ports and Oil Handling Facilities in the UK.

1.1.1 Consultation

This document has been compiled by Fowey Harbour Commissioners in consultation with the following statutory bodies and Authorities:

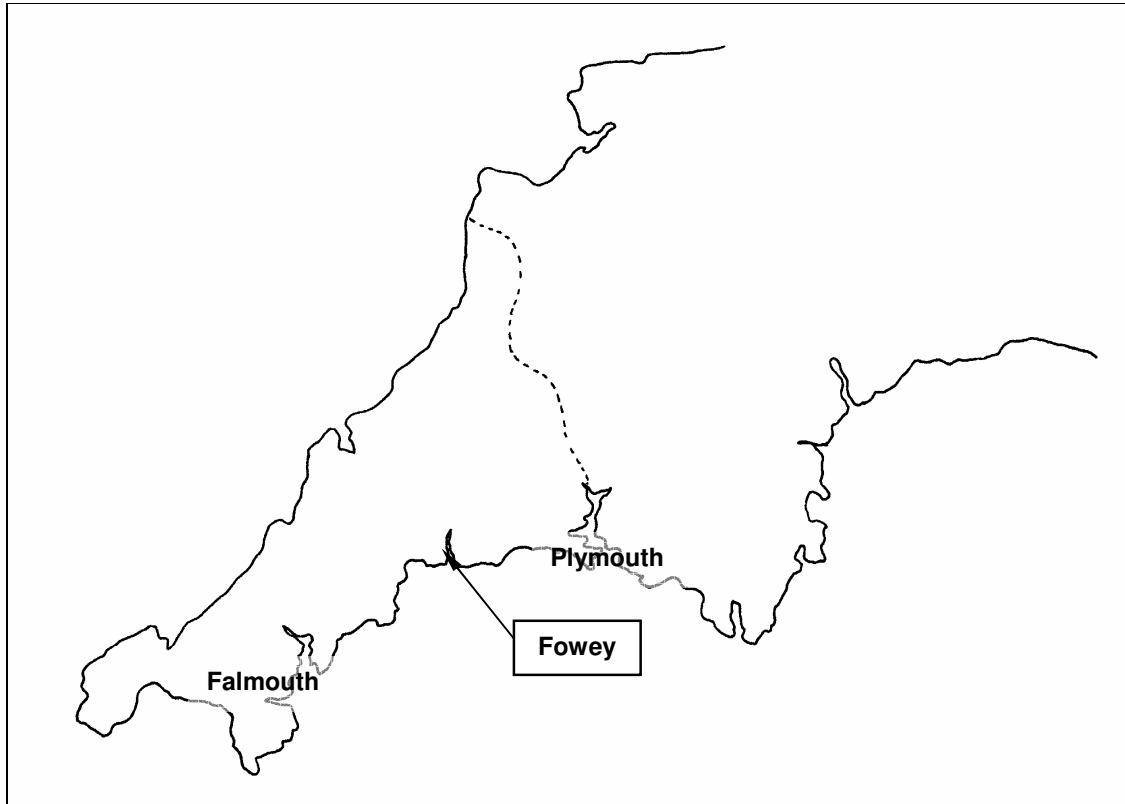
- Imerys Minerals Ltd
- Cornwall Council
Emergency Management Service
- Devon & Cornwall Constabulary
- Natural England (NE)
- Environment Agency (EA)
- Marine & Fisheries Agency/Marine Management Organisation (MFA/MMO)
- Waste Operators
- Fowey Harbour Consultation Group
- Harbour Users

1.2 Use of the Plan

This Plan is specifically for operations within Fowey harbour and for vessels passing through the Harbour Commissioners' boundaries. The plan is designed to initiate an appropriate oil spill response in the event of an incident. It details a tiered response strategy that is in accordance with UK legislative requirements and takes into account the spill risk associated with the operation; the nature of the hydrocarbons that could be spilt; the prevailing meteorological and hydrographic conditions and the environmental sensitivity of the surrounding areas.

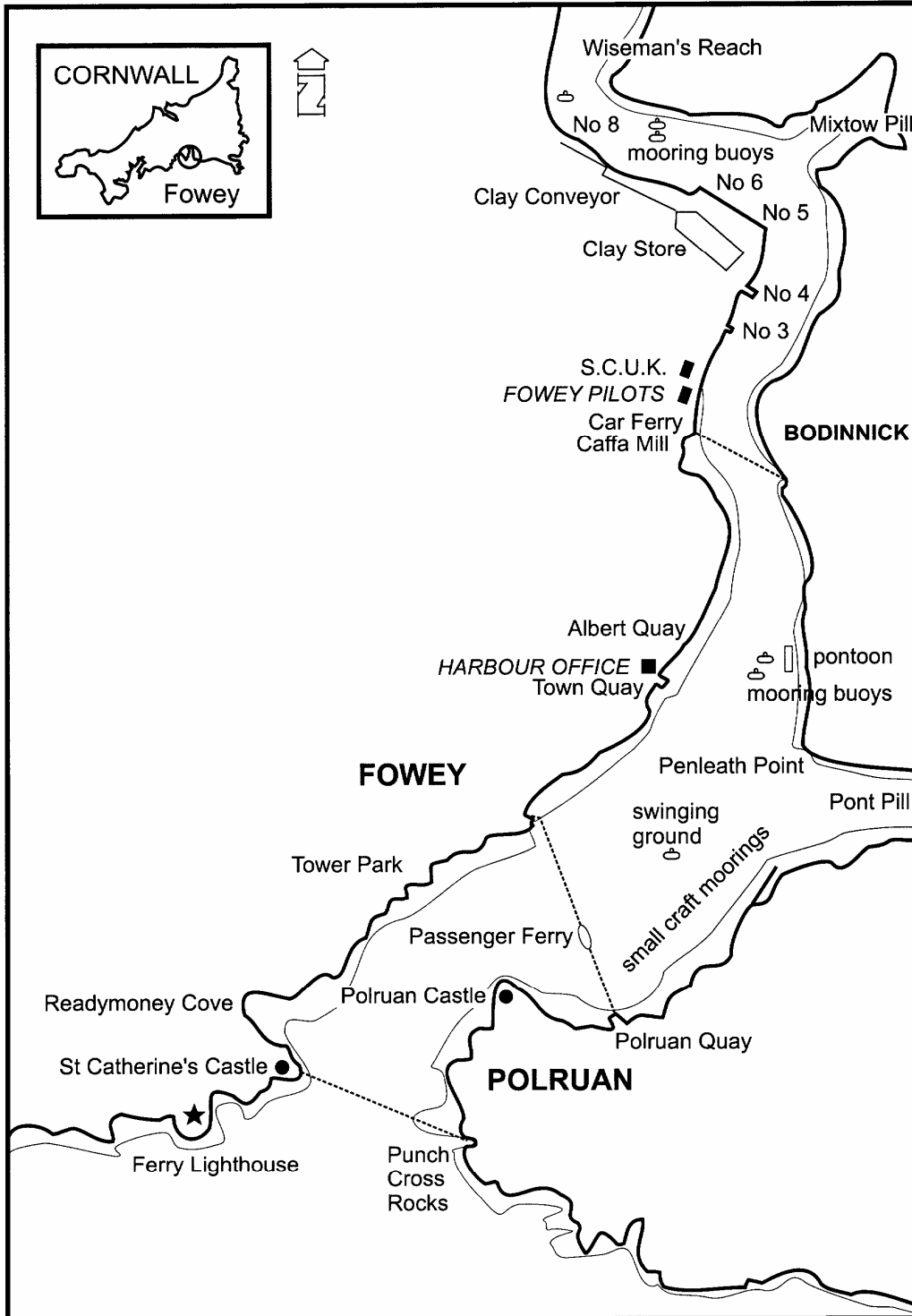
1.3 Area of Operation

Map of South West illustrating location of Fowey Harbour

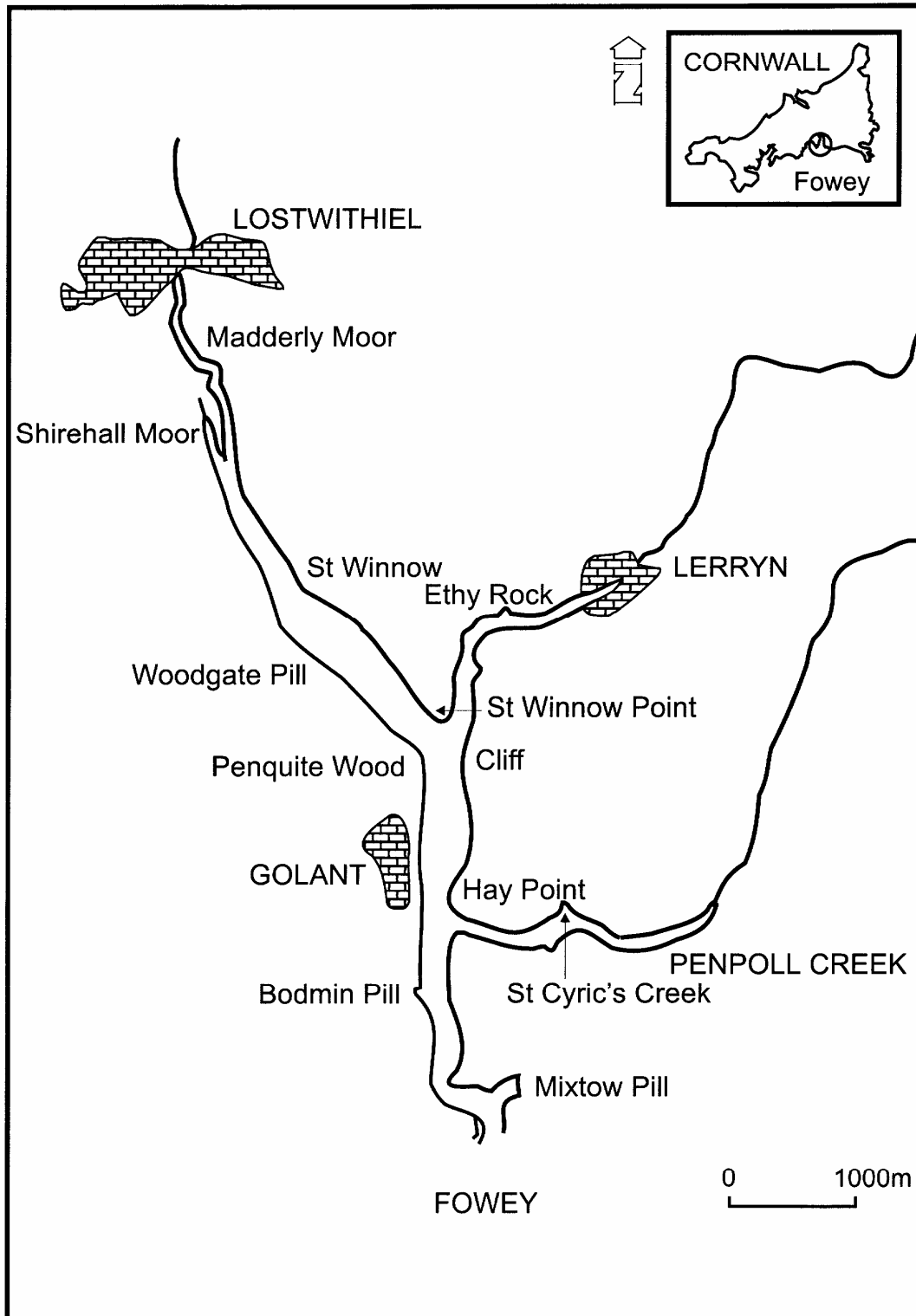


1.3.1 Fowey Harbour

FOWEY LOWER ESTUARY



FOWEY UPPER ESTUARY



1.4 Identification of the Roles and Responsibilities of Parties Associated with this Plan

Within the UK there is an adopted structure and procedure for response to Marine Oil Spills, which clearly defines the roles and responsibilities of Industry, UK Government (including environmental agencies) and Maritime Authorities as part of National Contingency Plan. Each statutory body has a designated area of jurisdiction within zones extending from the High Water Mark to 200nm or the UK Territorial Limit.

The competent national authority designated to oversee all matters pertaining to the OPRC convention under the Merchant Shipping Act 1995 and the Merchant Shipping and Maritime Security Act 1997 is the Maritime and Coastguard Agency (MCA).

1.4.1 Statutory Jurisdiction

JURISDICTION	
AUTHORITY	HWS LWS 1NM 3NM 6NM 12NM 200NM
Harbour Authority	(All operations within Harbour limits)
Local Authority ¹	(Oil Spill Response out of Harbour limits)
MCA	(Oil Spill Response – Monitor, respond)
MCA (HMCg)	(Assist Search & Rescue)
NE ²	(Conservation of the Marine Environment)
MFA/MMO ³	(Marine Management)
EA ⁴	(Water Quality and Waste Disposal)
HMC & E	(Import Duty)

Key: -

¹Local Authority

under a duty of care the Local Authority undertakes the obligation to prepare and / or implement an oil spill contingency plan for response to a spill from HWS to LWS

²NE

NE requires to be notified up to 12nm.

³MFA/MMO:

Approves dispersant products and approves or bans their use to treat oil spill.

⁴EA:

Water Quality Issues from land based sources up to 3nm. Disposal of Waste

1.4.2 Roles and Responsibilities of Concerned Authorities

Fowey Harbour Commissioners are the statutory Trust Port body set up in 1869 to promote and regulate trade in the Port of Fowey. The Fowey Harbour Commissioners are also the Pilotage Authority for Port.

In the event of an oil spill incident, the Fowey Harbour Commissioners will be ultimately responsible for the overall control and spill response in their area from the outset of the incident, in accordance with this plan.

In a local response (Tier 1) incident, the MCA has no role other than to be kept informed to allow them to maintain records of any pollution for statistical purposes.

However, Harbour Authorities may face problems that exceed their response capabilities or that they can reasonably maintain for moderate (Tier 2) or large spills (Tier 3), especially in

the provision of counter pollution equipment. On reporting an incident to the MCA Coastguard it is the duty of their PCPSO to decide in the first instance what level of response (national, regional or local) the incident warrants, taking into account the advice of the reporting party. If the PCPSO decides to initiate a national or regional response the National Contingency Plan (NCP) will be activated. This plan will then feed into the NCP within the local context.

Therefore, the MCA may need to use regional or national assets in the response to a marine pollution incident. The Harbour Master in determining the level of incident will advise the MCA of the size of the incident, the MCA will react appropriately in line with this plan and the National Contingency Plan.

1.4.3 Vessels in Transit

The statutory duty for reporting and dealing with pollution from any vessel on route to Fowey Harbour prior to entering the harbour area lies with the Master and vessel owners. After commencing pilotage through the designated area of jurisdiction covered by this plan, reporting and response to any pollution incident will be co-ordinated through the FHC Oil Spill Contingency Plan. This requirement is placed on all types of vessels including those outside of pilotage arrangements.

In the event of a threat of significant pollution from a vessel in the Port or its approaches it is the responsibility of the Harbour Master to advise the Government appointed SOSREP (employed by the MCA) of the incident details. The SOSREP will then decide if he needs to use his intervention powers to direct the incident response and salvage needs.

It is the duty of the SOSREP to provide overall direction for all marine pollution incidents involving the salvage of ships that require a national response. The normal arrangement is therefore for him to exercise operational control. It would be required in writing to relieve the Chief Executive/ Harbour Master of their incident controller status.

The roles and responsibilities of all authorities requiring notification in the event of a spill and the appropriate paths of communication to be followed in the event of a spill are shown within *Section 12 page 36*.

1.5 Scope of the Plan

This Plan has been compiled to cover the response to any spillage in addition to those caused by or during operations associated with safe passage within Fowey Harbour jurisdictional areas. Risk Assessments and Response Strategies for Fowey Harbour are shown in *Section 2 page 14*.

The scope of the Plan covers response to all the “Essential Elements” contained within the MCA Oil Spill Contingency Guidelines for Ports, Harbours & Oil Handling Facilities.

The Plan indicates the Tier 1 response relevant to the perceived risk through normal operations as well as a mechanism for calling upon Tier 2 or 3 response in the event of an abnormal incident or major accident. A definition of the tiered levels used Fowey Harbour is shown below and the process of response escalation is described in *Section 4 Page 22 & notifications are found in Section 17 page 53*.

Response Tier	Definition
Contained Operational Spills.	These are spills, which are contained on the ship or dockside and do not enter the water.
Tier 1:	Small operational spills where events can be controlled by onsite resources. A Tier 1 spill is not likely to require recourse to intervention by resources outwith the harbour, an external incident response organisation or external authorities, except for purposes of notification.
Tier 2:	Medium sized spills within the Harbour Authority's area, that will be handled by Harbour Personnel and Contractors or other external assistance as nominated within this plan.
Tier 3:	Larger spills or a loss of containment incident that will require full involvement of other authorities and possible mobilisation of Tier 3 and national stockpiles.