

Hawke's Bay Marine Oil Spill Contingency Plan

Annex 6 Memoranda of Understanding (MOU)



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Annex 6 – Memoranda of Understanding (MOU)

Hawke's Bay Regional Council is supported in response by a number of other agencies, some of which have statutory responsibilities to respond. A number of MOU's to support the response to oil spills within the region have also been agreed, namely with neighbouring regions and Napier Port Ltd . The details of the statutory responsibilities and support provided are shown in this annex.

6.1 Fire and Emergency New Zealand

The Fire Service has a responsibility under the Fire Service Act 2017 to handle any type of incident, where it is considered that lives or properties are in imminent danger at an emergency irrespective of whether there is a risk of fire or not (*Fire Service Act 2017, Section 11*). The Fire Service role stops at the water's edge.

If the Fire Service is called to a non-fire incident and the circumstances are of such a nature that no danger to life and/or property, then the Fire Service should not become involved in tasks which the occupier (the ship in this case), their agent (shipping agent) or other authority (Regional Council) are capable of carrying out.

Responsibilities

The overall responsibility for incidents that occur within the water areas controlled by the Regional Council are the responsibility of that organisation. However, other organisations may become involved in such incidents if the material causing the problem comes within that organisations particular field, i.e.:

Toxic chemical:	Hawke's Bay District Health Board - Ask for on-call Health Protection Officer	06 878 8109
	Dangerous Goods Inspectors of relevant Territorial Local Authority	
Narcotic Drug:	Police	06 831 0700
Explosives:	Labour Department, Occupational Safety & Health	06 835 7017
	Dangerous Goods Inspectors of relevant Territorial Local Authority	

As stated in Hazardous Materials Incidents [IP/III/1] Operational Procedures, the Police are responsible for co-ordination of non-fire emergencies but the Fire Service usually continue to handle and stabilise the incident under the overall guidance of the Hazardous Substances Technical Liaison Committee (HSTLC).

Fire Service Contacts

Area Eastern Fire Region, telephone **06 835 2114**. In case of emergency dial **111**.

Ken Cooper Area Manager – Hawke's Bay (06) 835 2114

General procedures:

As with all calls to assist the public, if the Fire Service receives a call to a substantial spill then a normal response will occur - special service chemical spillage;

If upon arrival it is considered that life and/or property is at risk, then the responding appliances are to stabilise the situation (if possible) and carry out the actions for a hazardous spillage;

Contact is to be made immediately with the Regional Council, the Enforcement Officer of the relevant Territorial Local Authority and Occupational Safety & Health. The Regional Council representative (OSC) is to be requested to attend;

The Fire Service's actions will be such to ensure that the situation is stabilised and to that end will handle the incident under the guidance of the HSTLC;

Notify the Regional Council of the non-hazardous nature of the spillage;

In the unlikely event of not being able to contact the Regional Council, then the Police are to be informed and the information on the spillage relayed to them.

Environmental considerations

While the substance spilled may not create a life/property hazard, it may be of such a nature that damage to the environment could occur, e.g. major oil spillage from a ship could threaten marine life. In such cases the Fire Service has a moral and social responsibility to assist where it can.

The fact that a substance presents an environmental or other hazard will have to be determined by the officer of the first arriving appliance. However, to avoid any conflict of interest, a Senior Officer of the Fire Service will respond to such incidents and if necessary, make the decision as to whether the Fire Service becomes involved or not. It should be fully appreciated that Fire Service equipment and training are such that assistance could result in a substantial reduction in clean-up costs which could occur if a time delay in the response of other organisations did occur.

Pollution response procedure (environmental hazard)

All requests for assistance would be actuated via the Regional Council which will serve as the initial communications centre for any pollution incident. These requests can be made by phone **06 835 9200** or **0800 108 838**.

One appliance and the appropriate resources will respond to the advised location.

If the substance is considered hazardous, i.e. chemical etc, then the following procedure is to be followed:

Regional Council personnel are to be contacted and arrangements made for equipment procurement and transport to the pollution area;

Before any assistance is given, authorisation is to be received from the Incident Controller.

Indemnity authorisation and costs

If the Fire Service carries out any actions at a spillage in the Port or any other part of the coastal marine area, then as soon as is practicable, a contract to carry out a response and claim costs is to be signed by the Incident Controller or the Chief Executive at the Hawke's Bay Regional Council.

6.2 New Zealand Police

The Police are responsible for co-ordination of non-fire emergencies, but the Fire Service usually continue to handle and stabilise the incident under the overall guidance of the Hazardous Substances Technical Liaison Committee (HSTLC).

6.3 Oil Company Supervisors / Oil company Contractors

Because of the nature of their duties, it is to be expected that in many cases the oil transfer contractors will be the first to discover an oil spill should such a spill occur during bunkering or bulk transfer operations. Due to their continued involvement these personnel will form the nucleus of all pollution response teams for a Tier 1 Spill in oil transfers.

Please note: any Tier 1 Spill must be reported to the Hawke's Bay Regional Council Duty Manager.

6.3.1 Oil Spill reported / discovered

- Confirm that the substance is oil
- Inform Port Security; and
- Telephone Hawke's Bay Regional Council **06 835 9200**; and
- Investigate;
- Report findings to the Hawke's Bay Regional Council; and Port Security.
- No Clean Up Required. Stand down.

6.3.2 Clean up required (Tier 1 response)

- Commence clean-up operations in accordance with Tier 1 Plan; and
- Keep the Regional OSC updated with respect to how the response is proceeding.

6.3.3 Clean up required (Tier 2 response)

Commence clean-up operations in accordance with Tier 1 Plan until the Regional OSC declares a Tier 2 response and issues instructions to the contrary in accordance with the Tier 2 Incident Action Plan.

6.4 Napier Port Ltd

Because of the day-to-day involvement with the transfer of oil products, it is to be expected that in the majority of incidents it will be Napier Port personnel or users who will be on hand should a spill occur during bunkering etc.

The Napier Port Ltd has undertaken to assist the Council with labour and/or equipment in its endeavour to combat an oil spill.

Accordingly, the Napier Port will, within the company's ability:

- supply equipment, labour, supplies and facilities for the cleaning up operations relating to pollution incident;
- store specialist equipment owned by the Regional Council and the Maritime New Zealand;
- assist the Regional Council, in every possible way to discharge its responsibilities under the provision of the Maritime Transport Act 1994.
- report to the Hawke's Bay Regional Council every pollution incident that comes to the attention of any site user or Employee of the company.
- The Napier Port Safety Advisor or such other person nominated by the Napier Port Safety Advisor, will coordinate the company's activities.

For most oil spills in the port, the Napier Port staff will be the first persons at the scene (in addition to the oil transfer contractors). **Port staff will assist in a Tier 1 response until the Regional On-Scene Commander declares a Tier 2 response and issues instructions to the contrary in accordance with the Tier 2 Response Action Plan.**

6.4.1 Oil Spill/Pollution Reported to Napier Port Ltd

Upon receipt of a report of oil or pollution to the Napier Harbour Control (Security), via VHF Marine Channel 16 or VHF Marine Channel 12 or by Phone (**06 833 4400**), the Napier Harbour Control (Security) will then contact the Duty Safety Advisor (+64 6 833 4317) who will ensure that the following actions are carried out:

a) Spills in the Port Operational Area

- Confirm that oil has been spilt
- Inform Hawke's Bay Regional Council, Duty Manager (06) 835 9200

b) Spills outside the Port Operational Area

- Inform Hawke's Bay Regional Council, Duty Manager (06) 835 9200
- Stand down unless further assistance is required by the Regional OSC in accordance with the Tier 2 response.

6.4.2 Use of Napier Port Ltd vessels

All request for access to a tug, pilot launch or the survey boat owned and operated by Napier Port, must be actioned via the Duty Pilot (+64 6 833 4471) or the Duty Safety Advisor (+64 6 833 4317).

It will be the responsibility of the Duty Pilot or Marine Operations Manager to arrange for the allocation, crewing and control of such vessel[s].

If resources owned and operated by Napier Port are required for a Tier 2 response, then the Hawke's Bay Regional Council will refund the actual and reasonable costs incurred in the response and recovery.

6.4.3 Napier Port staff welfare

It will be the responsibility of the Safety Advisor to ensure that Port staff engaged in clean-up operation on behalf of the Hawke's Bay Regional Council are relieved and catered for when and as required.

6.4.4 Recovery of costs

The Hawke's Bay Regional Council will assist in collating documentation required when port company staff and/or equipment are employed in a pollution incident. All activities undertaken by the Napier Port Ltd will be authenticated by appropriate documentation to enable recovery of clean-up costs from the spiller and if that is unsuccessful, from the Maritime New Zealand.

6.5 Hawke's Bay District Health Board

The Hawke's Bay District Health Board will lead public health risk communication to the public through the Medical Officer of Health and undertake public health risk assessments as required.

6.6 Gisborne District Council

A cooperative approach has been taken with Gisborne District Council to allow for the sharing of On-Scene Commanders to act as alternates for each region when required in the event of a marine oil spill. The attached Memorandum of Understanding at the back of this annex outlines specific details of arrangements.

6.7 Ministry of Primary Industries (MPI)

MPI staff can be contacted on 06 835 1065 (24 hrs).

MPI Services have agreed to offer their services in the event of a major pollution problem affecting the Hawke's Bay harbour and regional coast. There are several areas in which their resources and expertise might be best utilised. These are:

helping out with advice on the possible immediate and long-term effects that pollutants and dispersants may have on fish and shellfish stocks;

- identification of polluted shellfish and fish specimens;
- making available MPI small vessels for pollution control and marine life rescue in the event of a big spill;
- providing labour and resources e.g. vehicles.

Toxic effects of pollutants on fish/shellfish

MPI will endeavour to offer advice on the possible immediate and long-term effects that pollutants and dispersants may have on fish and shellfish stock.

Contact: the District Compliance Manager, Napier.

Identification of Polluted Shellfish and Fish Specimens

Contact: MPI Napier, 0-6-835 1065.

Loan of vessels

MPI may be able to make their vessels available for pollution control or marine life rescue. All the vessels are well equipped and maintained. These vessels are:

- (i) Various small craft including inflatables: 1 in Gisborne (5.8m Naiad), 5.95m Stabicraft (115hp) x 2: 1 in Napier and 1 in Masterton;
- (ii) Contact with local fishermen who could provide almost any vessel on relatively short notice.

6.8 Department of Conservation (DoC)

DoC has offered to provide their services in the event of a major marine oil spill. These services could include:

- Advice on wildlife habits and habitats;
- Advice on sensitive areas and areas of special value;
- On the spot reports from rangers in the field;
- Logistic support including vessels, communications, facilities etc;
- Access to skilled and semiskilled labour, both DoC and volunteer.

6.9 Coastguard Hawke's Bay

Coastguard Hawke's Bay has a Bareboat Charter Agreement with the Hawke's Bay Regional Council and will assist (where possible) the Council on request with personnel and/or equipment during a marine oil spill response. Their response vessel is an 11.7m RHIB powered by twin jet units.

6.10 Indemnity authorisation and costs

If any organisation becomes involved in a Tier 2 response, then as soon as is practicable, a contract to assist in the response and claim costs is to be signed by the On Scene Commander or the Chief Executive of the Hawke's Bay Regional Council.

6.11 Storage, Maintenance and hire of Maritime New Zealand equipment

6.11.1 Responsibilities of Maritime New Zealand

Maritime New Zealand will:

- Refund the Hawke's Bay Regional Council the actual and reasonable costs of storing and maintaining the equipment positioned in the Hawke's Bay region;
- Bear the cost of delivery and return of the equipment;
- Lend the equipment for an indefinite period from [to be decided by Regional Council and MNZ].

6.11.2 Responsibilities of Hawke's Bay Regional Council

The Council will act in accordance with the Maritime New Zealand national loan agreement regarding storage and maintenance of MNZ equipment.



Memorandum of Understanding - Oil Spill Response

Between Gisborne District Council (GDC)

And Hawke's Bay Regional Council (HBRC)

Dated

This document is intended to be a memorandum of understanding and not intended to be binding on the parties.

The parties shall in accordance with section 293 of the Maritime Transport Act 1994 include a copy of this document in their respective Plans and provide a copy to Maritime New Zealand.

The parties intend that procedures and arrangements set out in this Document will be reviewed as required or at least at the time of review of the respective Plans for the Regions every three years.

1 Background

- 1.1 The Councils have taken the view that because of the unique nature of the Gisborne and Hawke's Bay regions and the low frequency of marine oil spills, a co-operative approach between neighbouring regional councils is desirable.
- 1.2 In consultation with Maritime New Zealand the parties have developed understandings around sharing arrangements.
- 1.3 The co-operative approach is to allow for the sharing of Regional on Scene Commanders (ROSC) between HBRC and GDC to act as alternates for the other region when required in the event of a marine oil spill.
- 1.4 The purpose of this memorandum of understanding is to outline the cooperative arrangements between H RC and GDC in relation to marine oil spills.

2. Interpretation

In the construction of this document, unless the context otherwise requires:

"Act" means the Maritime Transport Act 1994;

"Document" means this memorandum of understanding and any agreed variations to it;

"The Plan" means the Gisborne District Council's Marine Oil Spill Contingency Plan or the Hawke's Bay Regional Marine Oil Spill Contingency Plan depending on the relevant Region of the spill;

"Region" means the respective region for which the relevant local authority is responsible for marine oil spills;

"The On Scene Commander" means the role of the person outlined in Chapter 3 of the Plans.

"Tier 2 response" means a response to a marine oil spill within the region as outlined in the NZ Marine Oil Spill Response Strategy;

"Tier 3 response" means a response to an oil spill determined by a Maritime New Zealand National On-Scene Commander in consultation with the relevant On Scene Commander where the spill response required is judged to be beyond the capabilities of the relevant Council'

3. Purpose

The general purpose of this arrangement is to:

- 3.1 Add strength to HBRC and GDC's response capacity to marine oil spills through greater capacity
- 3.2 Provide effective back-up for Council staff from HBRC and the GDC Council staff in the event of a marine oil spill'
- 3.3 Allow a more effective and coordinated response to oil spills occurring in either region which have the potential to cross regional boundaries:
- 3.4 Enhance the oil spill preparedness and capability for the East Coast coastline;
- 3.5 To allow each Council to use the other Council's On Scene Commander as a back-up On Scene Commander to manage marine oils spills.
- 3.6 Create mutual understanding as to when a Tier 2 response will escalate to a Tier 3 response.

4. Co-operation

- 4.1 The GDC and the HBRC continue to undertake current and future obligations under the Maritime Transport Act 1994 in terms of response to marine oils spills within their Regions and as defined in the Plans.
- 4.2 Where a spill crosses the boundary between the Districts of the two Councils the spill will be governed by the On Scene Commander from the region from which the spill originated.
- 4.3 In order to ensure that skills and experiences are shared and to familiarise On Scene Commanders with cross boundary operations and issues, the HBRC and the GDC shall arrange regular joint training and exercises.

5. Alternate On Scene Commander

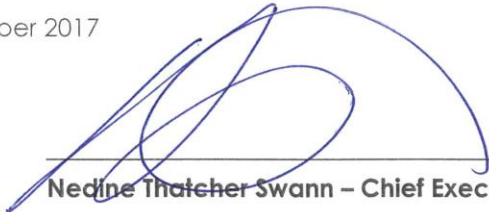
- 5.1 Where an On Scene Commander for a Region is absent or incapacitated at the time of a marine oil spill, the relevant Council may call upon the other Council to provide an On Scene Commander to manage the incident in accordance with the relevant Region's Plan.



- 5.2 The Chief Executive or a senior manager of either Council shall have the authority to call on the On Scene Commander from the other Region to manage a particular incident in their Region. Where possible an On Scene Commander shall be made available.
- 5.3 Where an On Scene Commander from another Region is appointed as the On Scene Commander of a Region for the purposes of managing a spill each Council shall ensure that that person has all relevant delegated powers to undertake the role.
- 5.4 Where an On Scene Commander accepts the role of managing an incident in the other Region, all reasonable costs incurred by that person and the employer Council in that person undertaking that role shall be reimbursed to the Council with which that person is employed.
- 5.5 This document does not allow either Council to have an input into the appointment of Regional On Scene Commanders of the other Council for so long as: That Council appoints an On Scene Commander in accordance with section 318(4) and (5) of the Maritime Transport Act 1994; and
- 5.6 The Director of a Maritime New Zealand has the power to approve individuals for appointment as an On Scene Commander.

Dated this day of September 2017

Signed by)
Gisborne District Council)



_____ **Nedine Thatcher Swann – Chief Executive**

Dated this 27th day of September 2017

Signed by)
Hawkes Bay Regional Council)



_____ **James Palmer – Chief Executive**

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