Hawke's Bay Marine Oil Spill Contingency Plan 2021







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Hawke's Bay Marine Oil Spill Contingency Plan

May 2021
Prepared by Hawke's Bay Regional Council
Approved by Director Maritime New Zealand

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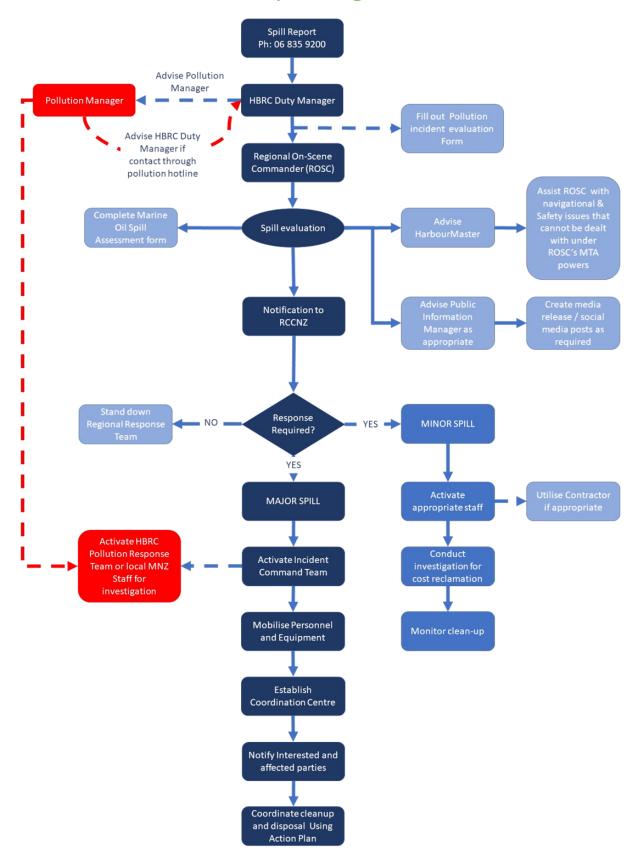
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Hawke's Bay Marine Oil Spill Contingency Plan

Standard Operating Procedure





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1. Introduction

The Hawke's Bay Regional Council has a statutory responsibility under the Maritime Transport Act 1994 to conduct a Tier 2 response to marine oil spills that occur within the coastal marine area (see section 1.3). Accordingly, this Plan forms the Hawke's Bay Region element of the New Zealand Marine Oil Spill Response Strategy and has been prepared in accordance with the Maritime Transport Act 1994, Rules and Amendments.

1.1. Purpose of the Plan

This plan details how the response to a marine oil spill will be undertaken within the coastal marine area under the jurisdiction of the Hawke's Bay Regional Council (HBRC).

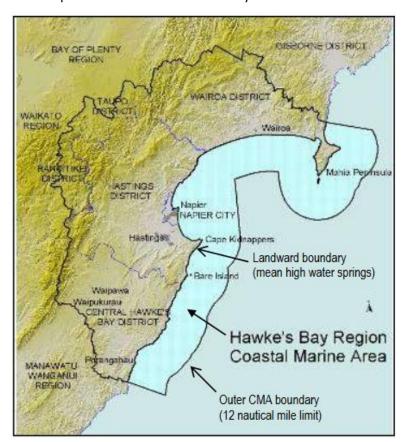
In the event of a national level response (Tier 3) occurring in Hawke's Bay, this plan will provide the National Response Team (NRT) with regional information to assist in responding to the spill.

1.2. Interface with other plans

This plan may be used in conjunction with operators Tier 1 response plans and the National (Tier 3) Marine Oil Spill Contingency Plan. In addition, this plan may be used in conjunction with the Hawke's Bay Regional Council Coastal Plan.

1.3. Hawke's Bay Coastal Marine area

The Hawke's Bay marine coastal area extends 12 nautical miles seaward of the mean high-water mark from Mahunga Beach in the north to Whangaehu in the south as defined in the HBRC Coastal Environment Plan. The map below shows the Hawke's Bay Coastal Marine area boundaries.





1.4. Objectives of Regional marine oil spill response

1.4.1. Primary objectives

The primary objectives of this Contingency Plan are:

To prevent further pollution from the marine oil spill; and

To contain and clean up the marine oil spill;

The response to oil spills within the marine environment will be conducted in a manner that does not cause any unreasonable danger to human life, cause an unreasonable risk of injury to any person, or cause further damage to the marine environment.

It must also be noted that in some spill situations the spill will simply be monitored to ensure that no environmental damage occurs, and that no physical clean-up activities may be undertaken (e.g. diesel spill into a warm, rough sea).

Human safety and health have the highest priority in this Plan. Occupational safety and health requirements must be incorporated within any oil spill response undertaken.

1.4.2. Specific objectives

spillage within Napier Port and adjacent waters and Inner Harbour

Within 1 hour of an oil spill being reported:

- Evaluate reported oil spill
- Activate Phase One response
- Notify interested and affected parties

Within 2 hours of an oil spill being reported:

- Mobilise and activate a Tier 2 response
- Undertake clean-up operations as quickly and efficiently as available resources allow
- Minimise the extent of the impact as far as practical, considering ecological, physical, chemical, social, historical and cultural matters
- Begin process of gather evidence for possible legal action
- Maintain accurate records so that the cost of the operation can be accurately and continuously assessed

spillage within the remainder of the coastal marine area:

Within 2 hours of an oil spill being reported:

Evaluate reported oil spill

Within 3 ½ hours of an oil spill being reported:

- Mobilise and activate Tier 2 response
- Notify interested and affected parties
- Undertake clean-up operations as quickly and efficiently as available resources allow
- Minimise the extent of the impact as far as practical, considering ecological, physical, chemical, social, historical and cultural matters
- Begin process of gather evidence for possible legal action



 Maintain accurate records so that the cost of the operation can be accurately and continuously assessed

Hawke's Bay is provided with sufficient equipment, training and other resources to allow it to effectively respond to most of the minor operational spills likely to occur within the port and along its coastline. At any time, but more especially in the event of a larger or more catastrophic spill, the HBRC can expect the support of Maritime New Zealand (MNZ). This support could range from providing advice, resources or support personnel to assist the regional (Tier 2) response to escalating the response to a national (Tier 3) response.

1.5. Role of the Regional On-Scene Commander

The Director Maritime New Zealand appoints appropriate personnel to conduct the role of Regional On -Scene Commander (ROSC) to oversee the response top Tier 1 & 2 spills within their region.

1.5.1. Role of the Regional On-Scene Commander (ROSC)

The role of the ROSC is to:

- Lead and manage the regional response team
- Maintain a regional response team capability to manage any tier 2 responses
- Take responsibility for any responses in the region and exercise the powers of an on-scene commander (Maritime Transport Act 1994, s305)

1.5.2. Responsibilities of the ROSC

The responsibilities of the ROSC are to:

- Decide whether it is appropriate to respond and to what level
- Respond in accordance with the arrangements outlined in this plan
- Notify the Director of Maritime NZ via the Oil Spill Duty Officer (OSDO) and National On-Scene Commander (NOSC) if the spill is beyond the capability of the region to manage
- Ensure all response activities are conducted in compliance with the Health and Safety at Work Act 2015

1.5.3. Objectives of the ROSC (Maritime Transport Act 1994, Section 303)

The objectives of the ROSC are to:

- Prevent further pollution from the marine oil spill
- Contain and clean up the oil spill in accordance with the regional marine oil spill contingency plan in such a way that:
 - Does not cause any unreasonable danger to human life
 - Does not cause any unreasonable risk of injury to any person

1.5.4. Powers of the ROSC (Maritime Transport Act 1994)

The ROSC may exercise the following powers as required to manage the response to an oil spill within the region:

Section 305

Direct the master or owner of any New Zealand ship, or the owner of any offshore
installation, or the owner of any oil transfer site that is the subject of a marine oil spill
response to do anything, or refrain from doing anything, that the on-scene commander
considers necessary or desirable to control or clean up the marine oil spill, or both



- Remove any person obstructing a marine oil spill response from an area, or any part of an area, where a marine oil spill response is being carried out
- Require the evacuation or the exclusion of persons, vehicles, or New Zealand ships from any area, or any part of an area, where a marine oil spill response is being carried out
- Totally or partially prohibit, or restrict, public access on any road or to any public area or any part of the sea, that is within an area where a marine oil spill response is being carried out
- Remove from any road, public place, or from the sea, in an area where a marine oil spill response is being carried out, any New Zealand ship, any vehicle, or other thing impeding that response, and where reasonably necessary for the purpose, may enter forcibly any such ship, vehicle, or other thing
- Carry out such inspections as he or she thinks appropriate in respect of any New Zealand ship, any vehicle, or other thing in an area where a marine oil spill response is being carried out
- Subject to the provisions of <u>section 306</u>, require the owner or person for the time being in control of any land, building, vehicle, New Zealand ship, or any other real or personal property to place that property under his or her control and direction

Section 311

- Disseminate information and advice to the public relating to the marine oil spill
- Carry out such works as will control and clean up the marine oil spill
- Provide any item, equipment, or facility to assist with the control and clean-up of the marine oil spill



2. Standard Operating Procedures (SOPs)

2.1. Phase One – Discovery, Notification, Assessment, Identification, Declaration, Activation

2.1.1. Discovery and Notification of a Marine Oil Spill

A marine oil spill may occur for a range of reasons. Reports may come from a member of the public, the Harbourmaster, Port of Napier Security or from a vessel operator. In all instances reports of oil spills should be directed to the HBRC Duty Manager via the HBRC Reception phone number **06 835 9200 (24hrs).** Out of hours calls will be taken by the PNCC call centre and forwarded to the HBRC Duty Manager.

Upon receiving notification of an oil spill / pollution or shipping incident, the Duty Manager will:

- Record any appropriate information on the Pollution Incident Evaluation Form (Chapter 2)
- Notify the Regional or Alternate OSC and on-call Pollution Manager
- Await further instructions

There are currently three people within the region who are authorised to act as the ROSC:

- Steve Smithers HBRC Regulatory Compliance Officer (Primary ROSC)
- Iain Maxwell HBRC Group Manager Integrated Catchment Management (Alternate ROSC)
- Ian Lilburn External contractor (Alternate ROSC)

In addition to the above, the following are currently in training to become a ROSC:

• Edaan Lennan – Hawke's Bay CDEM Group Team Leader Operational Readiness

NB: Only Regional On-Scene Commanders with appropriate current Maritime New Zealand qualifications are able to act in this role.

If the Hawke's Bay On-Scene Commanders cannot be contacted, the Duty Manager will contact appropriate trained oil spill response personnel who will liaise with Gisborne District Council to provide for an alternate On-Scene Commander (refer Annex 6.5) or Maritime New Zealand.

All reports from shipping or marine radio are to be directed to **Napier Harbour Control using Marine VHF Channel 16 or 12**. The Port Operations Centre will subsequently notify the HBRC when there may be a consequent risk of marine pollution, irrespective of this being included in the report or not.



2.1.2. Evaluation and identification of a marine oil spill incident

Following receipt of a notification of an oil spill or shipping incident, The ROSC will undertake the following process:

Confirm

•Investigate, or arrange for an immediate investigation to confirm the report details

Advise

 Advise the Harbourmaster and request assistance for any navigational & safety issues not covered by the powers of the OSC in the Maritime Transport Act

Notify

- Notify RCCNZ if Spill is likely to require a response
- Notify the Pollution Manager and HBRC Duty Manager if call has come direct

Assess

- Complete as much detail as possible on the Marine Oil Spill Assessment Form (Chapter 2)
- Determine the appropriate level of response

The Marine Oil Spill Assessment form will be used as evidence in any legal proceedings against the spiller, as well as being of assistance when notifying Maritime NZ and in evaluating the response options.

It is the responsibility of the ROSC to determine the appropriate course of action to be taken with respect to an oil spill, or potential oil spill. This may include:

No Response

• The ROSC will confirm that no response is necessary and report to Maritime NZ

Standby

- The ROSC will confirm that no immediate response is required in circumstances where the spill has not yet
 occurred, or it is unlikely to impact the coast immediately (e.g. heading offshore). In these circumstances
 the ROSC will:
- Put Regional Response Team on standby to respond
- Notify RCC NZ and OSDO and email notification form if required (rccnz@mnz.govt.nz)
- Monitor the spill and direction of travel
- Prepare to respond if needed

Partial Response

- A partial response may be required for smaller spills (under \$5000). In these circumstances the ROSC will work with the HBRC Pollution Response Team
- Evidence of the spill is to be collected for use in any potential prosecution or cost reclaimation (Photos, samples, statements etc)

Full Response

- Determine scale of the response (Tier 2 OR 3)
- Notify RCCNZ (0508 472269 24 hours) and email notification form (rccnz@mnz.govt.nz)
- Activate Regional Response Team
- Instruct Pollution Manager to begin collecting evidence of spill (samples, photos, statements etc)
- Liaise with HarbourMaster and Duty Pilot regarding shipping movements / navigational safety etc



2.1.3. Response Escalation

Three levels of response exist within New Zealand:

Tier 1 – Oil Transfer sites

A Tier 1 spill may be caused as the result of issues during the transfer of oil products. These spills are within the capability of the operator to respond to, and site plans are created to inform how response will be conducted. There are several oil transfer sites within the region, with the biggest operator being within the Port of Napier. Oil transfer site plans are approved by the Regional On-Scene Commander (ROSC), who undertakes an assessment to ensure that the measures put in place by the operator are sufficient to manage the likely consequences of a spill during a transfer operation.

Tier 2 – Regional Response

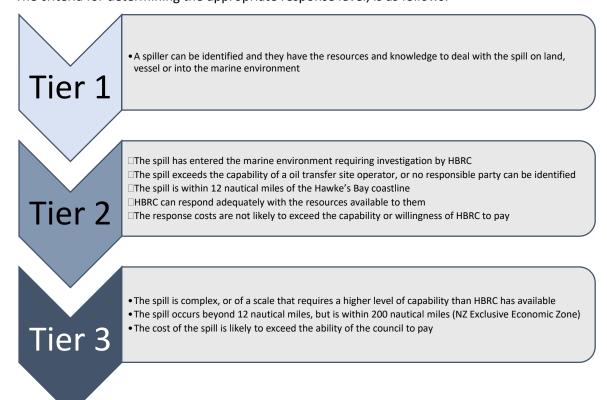
A spill that is generally beyond the capability of the operator acting alone, so the local regional council leads and resolves the spill. The capacity the council needs is based on the risks at its location. Regional councils are expected to plan for and respond to marine oil spills within their part of the territorial sea where the spills exceed the clean-up capability of the operator, or for which no responsible party can be identified.

Tier 3 – National Response

A spill that is generally more complex, of longer duration and impact, and beyond the response capability of the regional council or operator. A national response is declared by the National On-Scene Commander and is led and coordinated by Maritime NZ, which manages the National Marine Oil Spill Contingency Plan. Tier 3 spills might also be beyond the resources of the region or may occur within the Exclusive Economic Zone but outside regional council boundaries.

2.1.4. Criteria for determining the level of response

The criteria for determining the appropriate response level, is as follows:





2.1.5. Notifying adjoining regions

Where a spill has occurred off Hawke's Bay, but the response is likely to be in another region, the ROSC should contact the appropriate person within that region and pass as much information as possible regarding the spill. The contact numbers are:

Gisborne District Council 06 867 2049 (24 hours)

Horizons Regional Council 0508 476 558 (24 hours)

(Manawatu / Whanganui Region)

Waikato Regional Council 0800 800 401 (24 hours)

2.1.1. Declaring a Tier 3 response

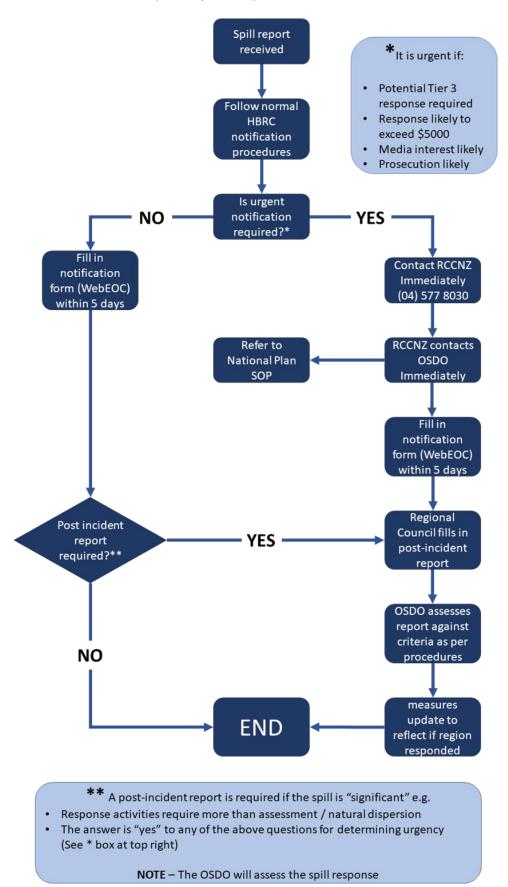
If any of the criteria for a Tier 2 response cannot be met, then the spill should be declared a Tier 3 National response. Only the National On-Scene Commander (NOSC) can declare a Tier 3 response.

The ROSC should immediately contact the Oil Spill Duty Officer (OSDO) via the Rescue Coordination Centre New Zealand (RCCNZ - $0508\ 472269 - 24\ hours$) if not already notified, or direct if already contacted (OSDO phone $04\ 473\ 6369 - 24\ hours$). The response will then be led by the National On-Scene Commander (NOSC).

The NOSC can escalate a response from Tier 2 to Tier 3 at any time should they feel there is a requirement for a higher level of resourcing and coordination.



2.1.2. Maritime New Zealand spill notification procedure





2.1.3. Activation of HBRC's Regional Marine Oil Spill Response

The ROSC should initiate the following actions:

▼ Monitor Appoint personnel to monitor the spill

▼ Contact

- Contact oil transfer site operator if applicable
- Brief on transfer of responsibility as required

▼ Activate

- Designate personnel to form Incident Management Team (Via Logisitcs Team)
- •Identify response personnel for field operations (Via Logisitics Team)

. Establish

- Activate appropriate response facility for scale of spill
- Ensure communications between field operations and Emergency Coordination Centre (ECC)

Notify

•Stakeholders idenitfied in section 2.3.1 and Annex 2 of this plan are notified as appropriate

2.1.4. Legal Authority of the Regional On-Scene Commander

The powers of an On-scene commander are set out in Sections 300 - 328 of the Maritime Transport Act 1994. The roles and responsibilities of the ROSC are outlined in section 1.5. Financial Authorities are outlined in section 2.3.7.

2.1.5. Incident Management Team (IMT) and Emergency Coordination Centre (ECC)

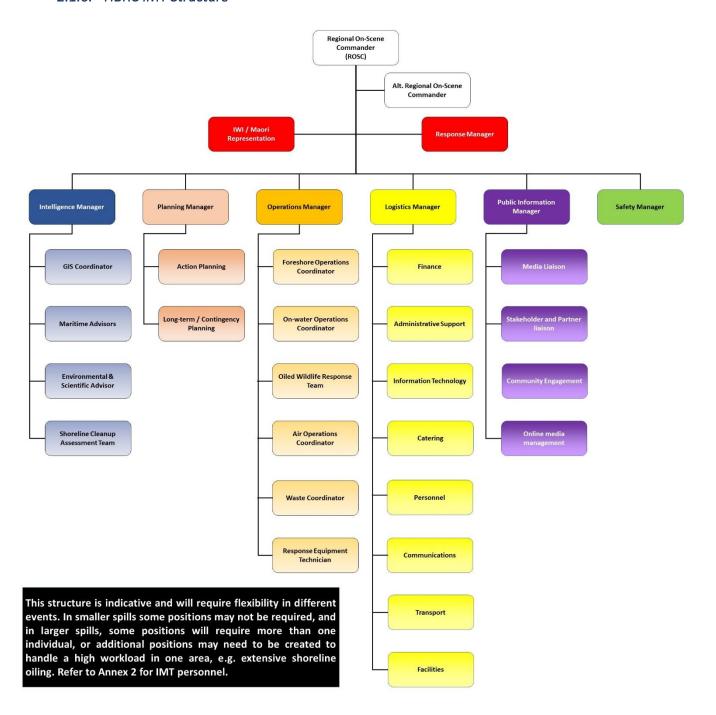
The IMT is established to support the ROSC with the management of the response. The IMT comprises the roles as defined within the Coordinated Incident Management System (CIMS) 3rd Edition. The roles and responsibilities of the IMT are outlined in Chapter 3. The personnel who comprise the IMT are shown in Annex 2 of this plan.

The composition of the HBRC IMT and the functions of the ECC are aligned to those in the National Marine Oil Spill Plan to enable a smooth transition to a tier 3 response should it be required.

The location of the ECC will be determined by the ROSC as appropriate for the scale of the event. For smaller spills within the port of Napier, the ECC can be established in the Port Operations Centre, to enable closer proximity to the spill site. For spills in the inner harbour, the Hawke's Bay Coastguard building may be utilised. For larger spills the Hawke's Bay Regional Council Chambers at 159 Dalton Street can be utilised as an ECC. Where there is potential for a tier 2 response to go for a longer duration, or a tier 3 response is required, then the new Group Emergency Coordination Centre in Hastings may be required. This is a purpose-built facility with the appropriate space and technology to manage larger scale emergencies.



2.1.6. HBRC IMT Structure



2.1.7. Notification of IMT Members

The ROSC will follow the process below to notify IMT personnel:



IMT personnel are expected to maintain a log of events, actions and communications (see Annex 2).



2.2. Phase Two – Development of an Action Plan

Upon notification of a spill the ROSC will implement an initial action plan, which will focus on containment of the spill. Where an ECC has been established, the ROSC will implement the following planning process:



- •The ROSC will hold an IMT meeting with the key function Managers
- •The IMT will determine the priorities and objectives (both short and long term) for the response and identify any potential risks / limiting factors that may impact response options
- •The ROSC will set the operational period (e.g. the time period the AP will be in operation)

Action Plan development

- •The Planning Team will develop response options in conjunction with other functions and present these to the Controller
- •The Controller will determine which options to implement and the timeframes for these to be achieved
- •The Planning Team will complete an Action Plan (as per the template in Annex 11 or in WebEOC) and distribute to the other functions and key stakeholders as required

Briefing

- •The ROSC and key function Managers will brief the ECC and partner agencies on the current situation and the action plan
- •Briefings should be conducted using GSMEAC (Ground, Situation, Mission, Execution, Administration, Communications) or by CIMS Function.
- •If required the ROSC will brief the OSDO/NOSC on the Action Plan

2.2.1. Action Plan templates

There are two action plan templates that can be utilised for response;

Word Format template

A Microsoft Word format template exists within Herbi (HBRC file management system) that can be edited and amended as required. All completed Action Plans should be saved in the appropriate folder established for the response.

WebEOC Template

In larger Tier 2 spills HBRC can utilise the Maritime New Zealand information management system, WebEOC, to create and store documents and log response activities. Within the system there are templated documents to support incident response, including an Action Plan template. This template has pre-determined response objectives stored within (although additional objectives can be created) and enables the use to easily create task related to each objective. The use of WebEOC for Tier 2 response is explained in section 2.3.12. Requests to access the system should be sent to Eva Maxwell, Maritime New Zealand (eva.maxwell@maritimenz.govt.nz)

2.2.2. Information to support the development of an Action Plan

Every spill event requires an action plan. In smaller spills this may be following the oil transfer site plan response actions or be developed by the ROSC and communicated verbally to responders. However, in larger spills a more detailed action plan may be necessary due to the complexity or scale of response arrangements required.



The Action Plan sets out a clear strategy for spill responses, which is then implemented by the IMT and field teams. In the development of the Action Plan the Planning Team should consider the following:

- Are the arrangements in an oil transfer site plan, or the current initial action plan still appropriate?
- Response objectives should be SMART (Specific, Measurable, Achievable, Relevant, Time bound)
- The operational period should be realistic to achieve all the tasks in the Action Plan This may be hours, days or even weeks
- Response options are outlined in Annex 4 for priority areas. These should be assessed for suitability
- The planning process involves all CIMS functions. Ensure that Operations and Logistics are included in the development of options to ensure they are achievable.
- Ensure there is a feedback mechanism to ensure that the plan remains relevant. If there is a need to change the response this may require the development of a new action plan. Minor changes to the response may not require a new action plan, but should be documented in the response / decision log.

2.2.3. Use of pre-determined Action Plans

Pre-determined action plans have been developed for some areas of Hawke's Bay. These are developed as they are the most likely / common requirement for response within the region, or because they present specific challenges to responding and pre-determined arrangements will facilitate a faster response.

Pre-determined action plans (shown in Section 3) have been developed for the following scenarios:

- Vessel casualty at sea
- Hydrocarbon spill within the Port of Napier
- Hydrocarbon spill within the Napier Inner Port
- Hydrocarbon spill impacting Northern Hawke's Bay (Mahia Peninsula)
- Hydrocarbon spill impacting Southern Hawke's Bay (Porangahau)

While pre-determined Action Plans may provide relevant information, they may not always be applicable to the situation. Therefore, any pre-determined plans must be assessed against the situation for suitability before implementation.

2.2.4. Wildlife Response

A small wildlife response capability exists within Hawke's Bay and facilities and personnel to operate this aspect of a response are pre-identified in Annexes 1 and 2. Close proximity to Massey University in Palmerston North means there is the ability to transport severely impacted wildlife to the veterinary clinic for cleaning and rehabilitation, or activate additional resources to assist with the wildlife response.

If a larger scale wildlife response is deemed necessary, then the OSDO should be contacted to activate the National Oiled Wildlife Response Team (NOWRT).



2.3. Phase Three - Implementation of the Action Plan

2.3.1. Notification of parties involved in or affected by the spill

The ROSC (in consultation with the Incident Command Team) must determine which interested parties to contact and when to contact them (i.e. before or after the IAP is developed). Notification must be carried out on a case-by-case basis depending upon the circumstances surrounding the spill.

The Medical Officer of Health, Health Protection Officer or other public health expert will provide scientific advice on human health risks and lead communications relating to those risks, working in partnership with the ROSC.

It is the ultimate responsibility of the ROSC to ensure that all the Interested Parties are appropriately informed. What constitutes the Interested Parties will vary with each particular spill. Reference should be made to Annex 2 when determining which parties to notify, however, the list below provides a general guide to interested parties, noting that there may be other interested parties not listed here for specific areas of the region.

Emergency Services	NZ Police Eastern Division, District Command Centre (DCC) Fire and Emergency New Zealand – Eastern Region	06 831 0815 ext. 67115 021 222 7607 06 835 2114
Public Health Services	HB District Health Board – On-call Health Protection Officer Health Protection Unit - Warnings	06 878 8109 06 834 1815
Environment / Wildlife	Department of Conservation (DOC) Forest and Bird NZ	0800 362 468 027 255 7525
Economic Interests	Ministry for Primary Industries (MPI)	06 835 1065 0800 00 83 33 06 833 4400
Local Iwi and Post Settlement Groups	Port of Napier Limited Refer to procedures in Annex 10 of	
Post Settlement		
Post Settlement Groups	Refer to procedures in Annex 10 of	this plan



2.3.2. Health and Safety

Health and safety is at the forefront of the response and all activities will be conducted with this as a priority. All response operations will be conducted in accordance with the Health and Safety at Work Act 2015 and the Hawke's Bay Regional Council Health and Safety policies (detailed in annex 8).

In order to ensure the health and safety of all response operations remains a priority, a Safety function is included in the IMT to oversee all aspects of the response. Where it is deemed that a practice poses a high degree of risk, or may potentially risk the lives of those involved, then the Safety function will advise the ROSC, who will either cease the operation permanently, or until the risk can be mitigated to a satisfactory level. The ROSC will have the final say in acceptable levels of risk to both the responders and members of the public.

All work sites shall have a work site safety plan (shown in annex 8) developed prior to conducting operations. These will identify potential risks, mitigation measures and on-site procedures for incidents.

2.3.3. Conducting field operations

All field operations in response will be conducted according to the site safety plan and will be overseen by a site supervisor who will assume control of all operations.

Some field operations may require a high degree of resourcing and the establishment of on-site facilities. This may include waste storage, equipment storage, decontamination points and responder rest facilities.

When conducting field operations, the safety of the general public must be considered at all times. Where access by the public presents a high degree of risk, the site supervisor should put in place measures to limit access. Where there is a need for full exclusion the ROSC will discuss the closure of areas with the relevant local authority.

2.3.4. Media Relations

The media can play a large part in assisting the response effort, by informing the community of the progress of the response, safety issues and ways in which the public can assist. Therefore, it is essential to develop good relations early on in the response. Annex 10 sets out general procedures and guidelines to be used when working with the mainstream media.

The ROSC will be the primary spokesperson for the response, supported by the PIM Team where necessary.

The HBRC Emergency Procedures Manual provides additional information on working with the media, VIP visits, media release, media conferences and conducting interviews.

Social media

The HBRC Facebook page will be the primary source for information related to the spill. This may be supported by other organisations, such as Hawke's Bay CDEM Group, where it will provide more reach.

Media releases during Tier 3 response operations

Releases of information regarding a Tier 3 response operation to the media are to be made only with the authority of the Director, Maritime New Zealand, or the National On-scene Commander. Regional responders in a Tier 3 operation are to decline comment with the media and refer all enquires to the National On-Scene Commander or National Response Team PIM Manager.



2.3.5. Maori engagement

Engagement with Tangata Whenua early on in any response is vital to ensuring that consideration is given to the cultural impacts of a spill and the response is appropriate. The ROSC will utilise the Maori engagement framework detailed in Annex 10 when conducting engagement activities.

A position will be established within the IMT where it is deemed necessary to coordinate the engagement and inclusion of local Iwi and Hapū in the response.

Cultural sites that may be impacted by a spill are identified in Annex 4 of this plan. If a spill is likely to impact any of these, then the appropriate lwi and Hapū contacts must be notified and included during the discussions regarding the response in that area.

2.3.6. Community engagement

In larger spills there will be a greater need to engage the community in the response. This may be purely to provide information to those impacted by the spill or to involve them in response activities.

Where necessary community meetings will be held in affected areas to provide a forum for the community to seek information and ask questions. These will be organised by the PIM function and fronted by the ROSC, supported by other IMT functions and supporting agencies as required.

If community involvement takes the form of assisting with clean-up operations, then this must be conducted according to health and safety legislation and HBRC policies. Community volunteers are to be briefed and provided with the appropriate personal protective equipment.

There are existing Community Response Groups established through the work of Hawke's Bay CDEM Group. Where appropriate these will be utilised in the response as a mechanism for managing community engagement activities.

2.3.7. ROSC and IMT financial delegation

The HBRC has delegated the following functions, duties and powers to the Regional On-Scene Commander:

Notwithstanding the Council's resolution under Section 2.1.4.1 of the Financial Delegations Policy, the Regional On-Scene Commander be delegated financial authority pursuant to Section 4 of the Public Bodies Contracts Act 1959 to expend up to \$250,000 and that Team Managers may expend up to \$5,000 in response to a Tier II event in accordance with the provisions within the Council's Tier II Oil Spill Contingency Plan and subject to the provisions of the Maritime Transport Act 1994.

Hawke's Bay Regional Council Resolution: 24th September 2014

Where a response has the potential to exceed this amount, but may not require a full Tier 3 response, The ROSC is to discuss appropriate arrangements with the Chief Executive of HBRC and National On-Scene Commander (NOSC).

2.3.8. Cost tracking and Accounting

Cost tracking must be rigorously applied throughout the response. Annex 9 sets out Financial Instructions that must be followed during an oil spill response. High priority must be given to the gathering of sufficient and accurate information to enable recovery of costs from the spiller.

Charging of Time and External Expenditure

The project code for the Oil Spill Response is **720** with 3 digits following as the spill event identifier. External costs will be charged to this project using the Navman Invoicing system. The final three digits of the expenditure code (which indicate the type of expense) should be found with reference to Section 3 of the Regional Council Chart of Accounts held by Financial Accountant.



NB: Insurance: Responders or their parent organisations are expected to arrange suitable insurance for the response operation.

Internal time should be charged to the project through timesheets. The pay roll section will ensure that any overtime arising from this work will be paid through the normal salary process. The Oil Spill Response project will be reported like any other project, whereby monthly reports are produced for each Council project and delivered to the Project Leader.

During the response, the Finance Manager will collate all financial records and will report to the ROSC on the accrued cost as frequently as the ROSC determines. The Estimate of Response Costs form in Annex 9 should be used by every member of the IC Team to assist with cost tracking. The forms will be collected and collated by the Finance Manager who will report on the running total.

Supplier Credit

No specific lines of credit have been arranged. Instead, using the Council's ordering procedures, all external suppliers should be requested to forward their invoices to:

Accounts Payable Hawke's Bay Regional Council Private Bag 6006 NAPIER

with reference details: Oil Spill Response Name of individual ordering supplies / services.

The function Managers should sign off all invoices from external suppliers to verify them. Payment for External Supplies / Services.

Invoices from external supplies will be processed in the normal manner (e.g. payment on the 20th of the month following the date of the invoice). However, consideration will be given on a case-by-case basis to paying certain suppliers' invoices on a 'prompt' basis (refer below).

Cost Recovery

The Council's accounting system has been structured in such a way as to enable clear identification of costs incurred. It will be the responsibility of the ROSC to utilise this information and recover costs, either through legal action against the polluter(s) or from the Maritime NZ Oil Pollution Fund.

2.3.9. Sampling and evidence collection

The Maritime NZ document "Oil Spill Preparedness and Response Guidelines for Regional Councils – Prosecution and Cost Recovery" sets out details for obtaining samples and gathering information to enable a successful prosecution and/or civil action to be taken. Full and accurate documentation of all response actions and associated costs is also a critical component of this.

2.3.10. Security

Security for the Emergency Operations Centre, and the response operation in the field must be installed for the safety of response personnel and the public, protection of equipment and maintaining accessibility to those area affected by the spill. If necessary, this may be supported by New Zealand Police.



2.3.11. Communications

The ability to communicate during a spill will be vital, especially between the ECC and field operations, as well as in the field between responders.

The primary method of communication will be mobile and terrestrial phone. Where this is not available, or appropriate, VHF radio communications will be utilised. These may either be via the maritime VHF network or the terrestrial VHF network currently maintained by HBRC and HB CDEM Group.

Full details of the communications arrangements in Hawke's Bay are shown in Annex 3.

2.3.12. Response Documentation

All actions, decisions and financial expenditure related to the response must be kept. These may be used at a later date to support cost recovery or prosecution.

For smaller spills (Tier 1 and Tier 2) response information will be maintained in the HBRC information management system HERBI.

For larger Tier 2 spills the Maritime New Zealand WebEOC information Management System can be used to manage all response information. Instructions on the use of WebEOC are shown in Annex 11 of this plan.

Members of the HB Response Team who are also part of the National Response Team (NRT) have access to this system and can access the platform for use in a Tier 2 exercise. Requests for additional access must be made to Maritime New Zealand.

2.4. Phase Four – Response termination

2.4.1. Response Termination

The ROSC may terminate any marine oil spill response by the HBRC (Section 304 (2) MTA 1994). The decision should be made considering whether the objectives of the response have been achieved, the NOSC expertise and other expert advice e.g. from DOC, Ministry of Fisheries, the Fire Service, the Napier Port Limited.

Prior to seeking termination of the response, the ROSC will hold a meeting with the IMT. The purpose of this meeting is to determine whether the Action Plan objectives have been achieved and the incident response has been adequately completed.

If this decision is likely to be contentious then the decision may be referred to the Director, Maritime New Zealand, for resolution.

Response termination involves the recovery, cleaning and maintenance of all equipment used during the response. Also, it involves the collation and completion of all documentation associated with the spill response, including expenditure reports.

Before the response personnel depart their stations, they should attend a debriefing meeting with their section Manager. The Managers will then attend a debriefing with the ROSC.

2.5. Phase Five – Post operations, documentation of costs / litigation

2.5.1. Debriefing

A debriefing of the Managers, chaired by the ROSC or nominee, will be held following termination of the response. This will enable a review of the appropriate oil transfer site plan and the Hawke's Bay MOSC and will highlight areas where the response and planning could be improved - see Annex 7, section 7.3.1 for information on Post Use Review.



The ROSC is responsible for arranging the time and venue of the debriefing and shall inform those persons / or representatives of supporting organisations of arrangements, with attendance expected. Costs associated with attending the debriefing or the completion of reports shall be considered part of the overall incident response.

2.5.2. Council Reporting Procedure

On completion of the debriefing, ROSC is to ensure that all pertinent information on any significant Tier 2 oil spill is provided to the General Manager, Hawke's Bay Regional Council.

All spill responses are to be reported to Council as part of annual Project Progress Reporting. A more comprehensive report may be required if clean-up operations are undertaken, particularly if cost recovery is to be undertaken. A report to the Maritime NZ oil spill database is also required following any response.

2.5.3. Policy

It is the policy of the Hawke's Bay Regional Council and Maritime New Zealand, to recover the costs of marine oil pollution clean-up operations from the spiller.

2.5.4. Financial systems

The Maritime NZ document "Oil Spill Preparedness and Response Guidelines for Regional Councils – Prosecution and Cost Recovery" covers the information required and the procedure for costs recovery.

It must be noted that costs will still be incurred after the termination of the clean-up phase of the incident and these need to be accounted for in the overall response cost.



3. Pre-determined Action Plans

The following are templated action plans for the response to common spill scenarios, high risk and sensitive sites and remote locations.

3.1. Spill within the Port of Napier

Response Scenario(s)

There are three most likely scenarios that will require a response within the Port of Napier:

- Discharge of hydrocarbon during bunkering operations
- Loss of bilge water
- Hydraulic line break on wharf cranes / machinery

Other scenarios exist but are less likely to occur. These include a spill from the bitumen plant located on Wharf 2 South and vessel collision within the Port.

Tier 1 response capability

Napier Port maintains a site plan for the operations within the port. This includes a dedicated Spill Response 20" Container which is positioned next to the entrance to N° 5 wharf. This contains 186 x 10 kg bags of *Absorbent* materials, sorbent pads, pillows, sock and booms.

In addition, Napier Port has the ability to help the HBRC to deploy 297m of boom held in a container at the end of N° 4 wharf. This is enough boom to close off parts of the Harbour and limit oil heading out to sea if deployed early enough.

Limiting Factors

There are a number of limiting factors when responding to a spill in the port:

Access to spill – Port operations may need to be halted, or vessels moved in order to respond. This will take time and must be coordinated through the Napier Port Duty Safety Advisor via 06 833 4317.

Access to impacted areas – The structure under the wharfs enables water to pass through, but is only accessible via a small boat, meaning clean-up in these areas is extremely difficult.

At risk wildlife

The port is home to a number of species including seals and a colony of Little Blue Penguins. There are also nesting birds in areas of the port, as shown in Annex 4, site sheet 11.

Initial Actions

- Contact Duty Safety Advisor via 06 833 4317 to ascertain type of spill, location and approximate amounts (size of spill in m2 if possible)
- Request regional response team members to attend spill site as appropriate
- Work with Port Safety Team to ensure initial containment is underway using Tier 1 response equipment including rapid deployment boom in container on wharf No. 4
- Ensure all measures are being taken to prevent further spillage
- Determine equipment requirements and direct IMT to undertake response activities as required

Notifications

- HBRC Pollution Response Team or MNZ Investigators (to undertake investigation should prosecution be required)
- Department of Conservation (DOC) if any marine Mammals and birds are impacted



Containment and clean-up options

Containment of the spill is the priority to ensure it does not enter into the open sea where it can potentially cause more harm and will be more difficult to clean up. In most cases a boom can be placed between berths to prevent movement of oil towards the entrance and then slowly corralled into an easily accessible area for collection by skimmer or sucker truck.

Annex 4, site sheet 11 shows a range of options for boom deployment depending upon the spill location.

Logistical requirements

The MNZ regional response kit is kept in a container within the Port beside the bitumen tanks near to No.2 & 3 wharfs. This contains appropriate equipment to deal with a tier 2 spill and is easily moved around the Port as required. In addition, the Port has trained staff for deployment and a Port vessel to assist with response activities.

Additional vessels may be required to help with Boom deployment. If required, the Regional Council can deploy the survey boat with crew. If more power and deck space is required, then the Hawke's Bay Coastguard boat can be utilised. If available, the Pilot boat and tugs may also be utilised to enable flushing of oil from under wharf structures using their engines.

Forklifts are available throughout the Port and these can be made available by contacting the Contact the Duty Safety Advisor via 06 833 4317.

Sucker trucks can be utilised to remove oil from the water surface in most circumstances. Contact details for sucker truck companies are in Annex 1 of this plan.

Health and Safety / Risk Management

A number of health and safety risks exist while working in the Port of Napier and should be appropriately managed during response. All responders need to complete the Port of Napier Health and Safety induction. Hi-vis vests must be worn at all times when working within the port.

Working Port machinery – The port is in operation 24/7. Working port machinery include container cranes, container forklifts and front loaders. There are specific health and safety rules related to operating near machinery.

Vehicles – There are several roads within the port. These are used by Logging Trucks, Container trucks and port vehicles. Hi-vis must be worn at all times and if necessary other safety precautions taken, such as the use of traffic cones.

Working at height above water – Port Wharfs can be up to 4m from water surface at low tide. Life jackets must be worn within 1 metre of wharf edge at all times.

Working around mooring lines — Berthed vessels will be moored to the wharf by several large diameter lines. These are under tension and if they break can recoil and cause severe injury. Anyone working near mooring lines should note the safe distance painted on the ground around bollards and where possible avoid working in close proximity to them.

Dust – During high winds dust is a common issue within the Port due to the logging operations taking place. Appropriate protection should be worn in these conditions, including eye wear and dust masks.



3.2. Spill within the Napier Inner Harbour (Ahuriri)

Response Scenario(s)

There are three likely scenarios that will require a response within the Napier Inner Harbour:

- Diesel spill from fuel facility on main quay including bunkering by mini tanker
- Vessel sinking in berth
- Loss of bilge water / diesel spillage from engine breathers

There is the potential for a vessel collision to occur within the inner harbour, but this is unlikely.

Tier 1 response capability

There is no on-site response capability at the fuel facility. There are refuelling operators who supply fishing vessels (mini tankers) who should maintain a response capability when conducting vessel refuelling.

Limiting Factors

There are a number of limiting factors when responding to a spill in the port:

Vessel movements – The main wharf is an active fishing dock and often has loading and unloading operations taking place

Berthed vessels – A large number of the vessels berthed in the inner harbour can only be moved once the owner has been located and contacted. This is done via Napier City Council for the Iron Pot, Main Wharf and northern jetties and via the Sailing Club for vessels at the Western end of the inner harbour

Tidal flow – The inner harbour is subject to tidal flows and has strong flows under the Pandora Road bridge into the estuary

Vessel access to the estuary – The Pandora Road bridge has low clearance at high tide, meaning access into the estuary is only possible using small craft

Response equipment location – The Tier 2 response kit is located in the Napier Port approximately 2.5km away, so requires transportation to any spill site

At risk wildlife

The area is home to colonies of Penguins in the rock armouring and a range of breeding bird colonies. There are also occasional marine mammal sightings, including Orca and NZ Fur Seals. The Estuary area is a particularly sensitive site, with colonies of waders, shags, gulls, terns and other waterfowl. It is classified as a nationally significant fisheries habitat.

Initial Actions

- ROSC to attend the spill location and assess the scale of spill and the likely movement
- Request regional response team members to attend as appropriate
- Determine equipment needs and arrange transportation from the Napier Port
- Initial focus should be on Containment of the spill to prevent further loss and impacts
- Conduct clean-up as required
- Activate the HBRC Pollution Response Team to conduct investigation

Containment and clean-up options

Annex 4 has booming options for the Inner Harbour. The main priority is to prevent oil travelling into the estuary, which requires a staggered booming arrangement from the norther side of the inner harbour to create collection points near to shore.



Notifications

- HBRC Pollution Response Team
- Local Iwi and Hapū (See Annex 10)
- Fishing vessel operators
- Napier Sailing Club
- Napier City Council Berths Manager
- Napier Fishing Club
- HB Coastguard
- DOC

Logistical requirements

For most response options in the Inner Harbour there will be a requirement for rapid deployment boom and land sea boom for the shoreline interface. This will need to be transported from the Port of Napier to the location. Annex 1 contains details of the resources available to do this.

A large number of the spills in the inner harbour are diesel and sorbent booms and pads are the most effective way of collecting oil from the water surface. These are also located in the shipping container in the Port of Napier, but can be transported using a Ute, or vehicle with a trailer.

Sucker trucks are also able to remove oil from the surface in some circumstances e.g. thick oil on the surface or using a skimmer. Contact details for sucker truck companies can be found in Annex 1.

Health and Safety / Risk Management

Members of the public – The Ahuriri area is popular with the public with bars and restaurants along the main wharf. In addition, this is also a popular recreational area for fishing, cycling, walking and sailing. Any response needs to ensure that people are kept safe from the spill and this should be considered when setting up the response site.

Working near water / drops – The main wharf has a large drop of around 3m to the water surface. Other areas of the inner harbour may require response staff to move across rocks, and on floating jetties. When working in these circumstances all responders must ensure they are wearing a life jacket.

Working with flammables / hydrocarbons — With most spills being lighter hydrocarbons all precautions should be taken regarding ignition sources. It is also essential that anyone working in confined areas has the appropriate breathing apparatus and other PPE.

Working near public roads – The majority of the Inner Harbour is surrounded by public roads that in general are busy. All precautions should be taken by staff working near main roads to ensure they are visible and where necessary have protection from road traffic controls.

Slips and trips – Numerous slip and trip hazards exist around wharfs and jetties and these need to be considered when setting up the response site.



3.3. Spill in Northern Hawke's Bay (Wairoa, Mahia Peninsula)

Response Scenario(s)

There are two likely scenarios requiring response in the Norther part of Hawke's Bay:

- Offshore discharge from vessel
- Vessel sinking / grounding / collision

In addition, the Rocket Lab facility operates a launch facility on the Isle of Portland and any malfunction resulting in a crash in to the water could result in a spill of RP-1/LOX fuel (Kerosene and liquid oxygen), which is highly toxic and volatile, but will not remain in the environment for long due to high evaporation rates.

Limiting Factors

Distance from Napier – Wairoa is approximately 1hr 45 mins by road from Napier. Mahia Peninsula is approximately 2hrs 15 mins from Napier by road. There is limited response equipment located in this part of the region, meaning all response equipment would need to be transported to the area.

Access – Access to some parts of the coast in Northern Hawke's Bay is difficult, due to high cliffs and rocky shorelines. In some areas access may need to be arranged with local hapū prior.

Tidal range and accessibility of locations – access to some parts of the coastline will be subject to tidal and swell conditions. In particular, the areas south of Mohaka and on the Eastern side of the peninsula can be subject to large swells.

Manpower – This location will require rotations of staff and a high level of manpower, due to the likelihood of beach clean-up operations. The majority of the Hawke's Bay Regional Responders reside in Napier and Hastings.

coastal geology – The coastal geology may limit the response options available, due to the rocky nature of the shorelines.

At risk wildlife

Northern Hawke's Bay is home to populations of both threatened and common coastal bird species, including the Australasian Bittern, White Heron, NZ Dabchick and Fernbird.

The wetlands from Whakamahi Lagoon to Whakaki Lagoon comprise the largest such system on the east coast of the North Islands.

The Mahia Peninsula is home to populations of breeding coastal birds, including Penguins. and a variety of marine mammals including NZ Fur Seals, Orca and Dolphins.

Initial Actions

- Undertake an aerial observation flight if spill is significant in size. This may be better facilitated by the Gisborne Region ROSC, due to the closer proximity and reduced flight time. For smaller spills undertake a local assessment by trained staff (Peter Manson HBRC Wairoa Office)
- Direct the Regional Response Team to prepare equipment for deployment including arranging the appropriate transport
- Liaise with Gisborne ROSC to determine what equipment and personnel they can deploy to undertake initial management of the spill
- Establish a response facility in the area and locate IMT members (This may be in the HBRC Wairoa office, or at the Mahia Surf Club)

Containment and clean-up options

Containment of the spill is unlikely to be possible if offshore or along the shoreline. Prevention of further spillage should be undertaken if possible.



The majority of the response activities will include undertaking beach clean-up where possible and low pressure washing along accessible rocky shorelines. Some areas may need to be left to natural weathering due to accessibility.

There are some sites where booming may occur and these are outlined in Annex 4, site sheets 17-22.

Notifications

- Tairawhiti (Gisborne) Council
- Local Iwi and Hapū (See Annex 10)
- Wairoa District Council (Via HB CDEM Emergency Management Advisor)
- Rocket Lab
- DOC

Logistical requirements

The distance of the response site from Napier means there will be a requirement for the transportation of equipment to the response site. Contractors who can assist with this are listed in Annex 1 of this plan.

In addition, response personnel will need to be transported and accommodated in the area. Accommodation options are shown in the relevant site sheets.

Most of the response equipment requirements will be for beach clean-up activities. This includes heavy plant equipment (front loaders etc), Quad bikes and trailers, PPE and clean-up tools for responders (Tyvex suits, gloves, spades, bags etc) and beach head storage and decontamination facilities (tarpaulins, cones / fencing / skip bins etc).

Pumps will be required to enable low pressure washing to occur on rocky areas. Sorbent materials will also be required where low pressure washing is used.

Some rapid response booms may also be required to protect sensitive sites.

An appropriate response facility will need to be established with technology requirements and other support material, such as whiteboards and stationery.

Health and Safety / Risk Management

Working on exposed coasts – The coastline of northern Hawke's Bay is very exposed to both the sea and the elements. The coast consists of large cliffs, rocky shorelines and beaches. Movement around these areas can be difficult and the safety of responders in these areas must be considered. This includes taking note of the risk of rock fall, slipping and swell conditions (being swept off rocks). When working on rocky foreshores where there is a risk of a fall into the sea responders should wear lifejackets and work in pairs.

Members of the Public / Local communities – In some areas of northern Hawke's Bay the council and government are viewed with some distrust. It is essential that the appropriate networks are contacted prior to response in known areas with issues to ensure response activities can occur without confrontation.

Exposure / working hours – Responding in this area will require long hours in a variety of weather conditions. It is essential that response staff have areas for rest and recuperation and are given regular breaks. For those conducting beach clean-up, shifts of 4 – 6 hours should be the maximum duration.



3.4. Spill in Southern Hawke's Bay (Porangahau, Blackhead and Pourere)

Response Scenario(s)

There are two likely scenarios requiring response in the Norther part of Hawke's Bay:

- Offshore discharge from vessel
- Vessel sinking / grounding / collision

Limiting Factors

Distance from Napier – Blackhead Beach and Pourere are approximately 1.5hours from Napier by road. Porangahau is approximately 1hr 45 mins by road from Napier. There is limited response equipment located in this part of the region, meaning all response equipment would need to be transported to the area.

Access – Road access into some parts of the coastline can be limited. Access to some parts of the coast in southern Hawke's Bay is difficult due to high cliffs and rocky shorelines. In some areas access may only be possible via the beach at low tide.

Tidal range and accessibility of locations – access to some parts of the coastline will be subject to tidal and swell conditions. In particular, the areas south of Cape Kidnappers can be subject to large swells.

Manpower – This location will require rotations of staff and a high level of manpower, due to the likelihood of beach clean-up operations. The majority of the Hawke's Bay Regional Responders reside in Napier and Hastings.

coastal geology – The coastal geology may limit the response options available, due to the rocky nature of the shorelines.

At risk wildlife

Southern Hawke's Bay is home to a variety of bird species include the eastern bar-tailed godwit, variable oystercatcher, white fronted tern, black shags, northern blue penguins and the threatened reef heron. NZ Dotterels use the entire coastline.

Initial Actions

- Undertake an aerial observation flight if spill is significant in size. For smaller spills undertake a local assessment by trained staff
- Direct the Regional Response Team to prepare equipment for deployment including arranging the appropriate transport
- Establish a response facility in the area and locate IMT members there (This may be in the HBRC Waipawa office, or Porangahau Hotel)

Containment and clean-up options

Containment of the spill is unlikely to be possible if offshore or along the shoreline. Prevention of further spillage should be undertaken if possible.

The majority of the response activities will include undertaking beach clean-up where possible and low pressure washing along accessible rocky shorelines. Some areas may need to be left to natural weathering due to accessibility.

Booming may occur at the Porangahau River and estuary and this is outlined in Annex 4, site sheet 1-5.

Notifications

- Local Iwi and Hapū (See Annex 10)
- Central Hawke's Bay District Council (Via HB CDEM Emergency Management Advisor)
- DOC



Logistical requirements

The distance of the response site from Napier means there will be a requirement for the transportation of equipment to the response site. Contractors who can assist with this are listed in Annex 1 of this plan.

In addition, response personnel will need to be transported and accommodated in the area. Accommodation options are shown in the relevant site sheets.

Most of the response equipment requirements will be for beach clean-up activities. This includes heavy plant equipment (front loaders etc), Quad bikes and trailers, PPE and clean-up tools for responders (Tyvex suits, gloves, spades, bags etc) and beach head storage and decontamination facilities (tarpaulins, cones / fencing / skip bins etc).

Pumps will be required to enable low pressure washing to occur on rocky areas. Sorbent materials will also be required where low pressure washing is used.

Some rapid response booms may also be required to protect sensitive sites, such as the Porangahau River and Estuary. The booming requirements for this are detailed in Annex 4, site sheet 2.

An appropriate response facility will need to be established with technology requirements and other support material, such as whiteboards and stationery.

Health and Safety / Risk Management

Working on exposed coasts – The coastline of southern Hawke's Bay is very exposed to both the sea and the elements. The coast consists of large cliffs, rocky shorelines and beaches. Movement around these areas can be difficult and the safety of responders in these areas must be considered. This includes taking note of the risk of rock fall, slipping and swell conditions (being swept off rocks). When working on rocky foreshores where there is a risk of a fall into the sea responders should wear lifejackets and work in pairs.

Exposure / working hours – Responding in this area will require long hours in a variety of weather conditions. It is essential that response staff have areas for rest and recuperation and are given regular breaks. For those conducting beach clean-up, shifts of 4 – 6 hours should be the maximum duration.