

Our Ref: AD
Your Ref: P1946 RN3783

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Dear Mr Woznicki,

Ship to Ship Transfer Licence for Cromarty Firth Port Authority P1946_RN3783_Rev1

Thank you for the consultation for the Ship to Ship transfer licence for the Cromarty Firth Port Authority.

In drafting this response SEPA looked at the potential releases to the environment and their consequences. The Cromarty Firth application largely covers environmental issues well and we will only comment where concerns have been highlighted.

SEPA also note there are a great many designated sites in the area. Scottish Natural Heritage, (SNH), are the lead authority on designated sites and SEPA will generally not comment on potential impacts on particular sites or protected species.

SEPA also received the enclosed submission from concerned members of the public in the Cromarty area. The document does appear to raise some pertinent questions. Rather than extract individual paragraphs I have forwarded the whole document for your attention. The Author of the document would appear to have relevant experience within the industry that he has been able to draw upon. The Port Authority may be able to offer re-assurance or clarification on the points raised within.

Emissions to Atmosphere

As highlighted in the consultation, crude oil is variable in nature consisting of a variety of hydrocarbons and impurities with varying chemical and physical properties. Some crude oils contain hydrocarbons that are readily volatilised into gaseous form. The release of Volatile Organic Carbons, (VOC's) and Hydrogen Sulphide, (H₂S), into atmosphere is undesirable in terms of climate change effects, risk of ignition and local air quality and should be minimised wherever possible. Fortunately the properties of crude oil transferred are normally well documented and understood. Therefore an informed decision can be made on whether a cargo is likely to present a VOC's release risk. SEPA would recommend that only tankers with VOC recovery systems are used where there is a risk of VOC or H₂S release from the cargo transfer. We also note similar concerns raised by the author of the enclosed submission.



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Oil Spill Planning

Oil spill contingency plans are an important part of the strategy for dealing with an accidental release of cargo from a ship to ship transfer. SEPA note the Port Authority's strong track record in prevention of oil spills although it would appear that these are related to dockside transfers rather than open sea ship to ship transfers. Open sea transfers would seem to present more risk and greater difficulty in containing any oil spillage. Oil spill prevention is essential in a sensitive area such as the Cromarty Firth. We also note the sites are quite exposed to some wind directions and therefore prevention measures need to be robust. SEPA raise the following points and concerns;

- There are doubts raised on whether a 1 tonne release of oil is a realistic scenario as tanker transfer pumps could not be switched off immediately but would require to be gradually slowed down for safety reasons. With quoted pump rates of 2 tonnes per second it is likely that more than a 1 tonne spill is probably. The Author of the submission document and the figures presented would seem to indicate that a 10-75 tonne spillage is more likely if a hose connection were to de-couple or fail. The Port Authority should provide some clarification and re-examine the risks posed by a much larger spill.
- SEPA noted that modelling was conducted using high tide as a starting point. Whilst we understand the reasons given for this we also think these models would have the effect of keeping an oil spill out of the Cromarty Firth area, as the falling tide would push water out of the area. It would seem appropriate to have run some models based on an incoming tide when oil would be swept in. This would also be applicable to the modelling of ballast water discharges, as none of the models show oil spill or ballast entering the Cromarty Firth area.
- The Author of the public submission, indicates that the applicant should be considering oil spills of 300 tonnes as the worst case scenario as this is a requirement of the STS regulations. Some clarification on this point would be useful.
- There are doubts cast on the suitability, quantity and availability of oil recovery equipment in this open sea environment. SEPA recommend that this is reviewed to ensure it is adequate for offshore conditions and fit for purpose for realistic oil spill scenarios.
- SEPA note that two oil storage facilities are identified at Sureclean and MSIS which could be called upon for the storage of oil contaminated wastes after a spill event. It is not clear however what capacities these facilities have and how this might compare with the quantity of oil contaminated material that might arise in the worst case spill. Information on the likely storage capacity available is important and should be included in this assessment.

- SEPA note the reliance on the paragraph 41 waste management exemption for temporary storage of recovered beached oil. An adequate stock of suitable, impermeable containment for oil contaminated material must be available for deployment should this be required. The containment could be held by a third party vendor but should be available at reasonably short notice.
- We note the contingency measures for oil spill, it was stated that the contents of Fin fish farms could be moved. Marine Scotland and SEPA licence these activities. Whilst movement could be done in an emergency it is highly unlikely this could be achieved in a timescale that would avoid an oil pollution event, the practicality of this contingency measures should be reviewed. In the event of an incident which resulted in contamination of a farm the costs are likely to be significant.
- A large oil spill in the designated area may have potentially serious consequences for sensitive habitats, nationally important species and economic activities in the area that depend upon the water environment. The costs involved in mitigation, clean up, habitat recovery and compensation could be huge. A contingency plan for covering the cost of such an incident should be developed.

Ballast Water and Marine Invasive Non-Native Species

SEPA would make the following recommendations to minimise the risks posed by Invasive Non Native Species. As eluded in the application an invasive non-native species could affect the status of the waterbody under the Water Framework Directive, (WFD). WFD states there should be no deterioration in water quality classification. The Cromarty Firth itself was classified as Good in 2014.

- SEPA welcome the undertaking that ballast water discharges would be only to IMO standards. SEPA recommend that where D-2 compliant treatment systems are available these must be used. The D-2 standard offers a much higher level of protection from biological species than D-1. Whilst this doesn't eliminate risks to the receiving environment, it does substantially reduce the likelihood of a release.
- The Port Authority should develop a biosecurity plan. Advice on this can be obtained from the UK Marine Pathways Partnership using HACCP methods (<http://www.snh.gov.uk/docs/A1294630.pdf>).
- The Port Authority should familiarise themselves with other biosecurity plans in particular the Shetland marine plan, where a risk analysis of ship movements revealed the most risky areas for biosecurity measures to be actioned.
- The Port Authority should set up a monitoring strategy for areas of ballast water discharge so that rapid response measures can be enacted before any accidental spread. Orkney Islands Council conducts such surveillance for example. Since surveillance started it is interesting to note that several non-native species have been identified including those which experts think are likely to have been transported in ballast water.
- The Port Authority should investigate and cost out mitigation measures in case of NNS arrival. Measures such as cleaning or dropping moorings to suffocate any NNS.

- The Port Authority should consider open communications with all marine users on biosecurity, including publication of surveillance results.

SEPA object to the granting of a Ship to Ship transfer licence until the highlighted concerns are addressed.

We would of course be happy to enter into further dialogue on these matters.