COPY NO. _____

BVI PORTS AUTHORITY

OIL SPILL POLLUTION CONTINGENCY PLAN

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British Virgin Islands
Ver. 1.0 – Mar 2021

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REVISION HISTORY AND APPROVAL

Rev.	Nature of changes	Approval	Date
[Rev Number]	Original Release.	[Quality Manual Approver Name]	[Date of Issue]
1.0	Original Release	Board of Directors	Mar. 18, 2021

INSERT APPROVAL LETTER FROM VISR

ABBREVIATIONS

BVI	British Virgin Islands
BVIPA	British Virgin Islands Port Authority
DDM	Department of Disaster Management
DWM	Department of Waste Management
MCA	Maritime & Coastguard Agency
MNRLI	Ministry of Natural Resources, Labour and Immigration
MPRT	Marine Pollution Response Team
NDMP	National Disaster Management Plan
NEOC	National Emergency Operations Centre
OPRC	Oil Pollution Preparedness, Response and Co-operation Convention
PPE	Personal Protective Equipment
RVIPF	Royal Virgin Islands Police Force
UKSI	United Kingdom Statutory Instrument
VISR	Virgin Islands Shipping Registry

1 STATUTORY REQUIREMENTS

This contingency plan has been developed to comply with the British Virgin Islands (BVI) Port Authority's obligations under the Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998 (as amended) (OPRC 1998) adopted into BVI law by the Merchant Shipping (Adoption of UK Enactments) Order 2005 (as amended by 2010 Order). The Plan is submitted to the Virgin Islands Shipping Registry (VISR) the competent authority for maritime administration for approval.

The Plan was prepared in accordance with the MCA Contingency Planning for Marine Pollution Preparedness and Response Guidelines for Ports (Aug 2020). (See Appendix 17.1 Legal Basis for details).

2 POLICY STATEMENT

The BVIPA prepares for and responds to oil spill pollution incidents within declared habours and ports subject to its jurisdiction in a safe and efficient manner, taking all necessary measures to protect human health, the environment, and commerce.

In the event of an oil spill BVIPA shall

- take all reasonable steps to ensure further pollution is avoided or kept to a minimum
- ensure that waste oil and clean up materials are disposed of with the least impact on the environment

2.1 Purpose of the Plan

This plan details the steps necessary to enable the BVI Ports Authority to respond effectively to any type of oil or chemical pollution incidents within the jurisdiction of any port facility for level one and level two incidents.

The purpose of this plan is to:

1. Establish a proper reporting and alerting systems within the port system;
2. Establish an incident reporting process;
3. Identify who the pollution response team is and the chain of command;
4. Establish which agencies to notify in the event of a pollution incident;
5. Identify the equipment that will be available at each port to assist with spillage and training necessary;
6. Explain the proper procedures to contain a spillage of any hazardous material from vessels;
7. Establish proper response techniques;

8. Identify proper disposal of hazardous material after retrieval from the scene.

The goal of the pollution plan is to maximize the protection of our waters, sea life, and most importantly our citizens.

3 RESPONSIBILITY FOR THE PLAN

The Director of Operations is the Custodian of this Plan and shall be responsible for the Plan's administration, updates and amendments. The Plan must be reviewed annually and following each incident and training exercises.

The Director of Operations may engage consultants as necessary for the updating or implementation of any aspect of this plan.

VISR is the agency responsible for certifying approval of this plan, including approval of any amendments or mandatory revisions.

The Plan shall be submitted to VISR for re-approval every 5 years. The plan may also be revised following pollution incidents or training exercises as required. All revisions should be submitted to VISR for approval.

3.1 Statutory Consultation

The following statutory authorities were consulted prior to the finalization of this plan:

- Virgin Islands Shipping Registry
- Ministry of Natural Resources & Labour
- Department of Disaster Management
- Department of Fisheries & Agriculture
- Department of Waste Management
- National Parks Trust
- Royal Virgin Islands Police Force
- Fire & Rescue Department

Consultation and solicitation of feedback from these agencies will be required prior to the implementation of any changes, including during routine review of the plan.

3.2 Other Bodies Consulted

No civil society organisations operate in the subject areas covered by this plan.

4 JURISDICTION OF THE BVI PORTS AUTHORITY

Mas of BVI showing some location and boundaries of ports and harbours

The BVIPA is responsible for the management of 8 port facilities within 4 designated habours on the 3 main islands, as well as a dock on Anegada.

4.1 Road Harbour – Tortola

Road Harbour includes all that area of water and foreshore lying to the north of an imaginary line drawn from Burt Point to Hog Point, in the Island of Tortola. It is the largest and busiest harbour, home to the capital city of Road Town, 3 international ports as well as 1 oil depot, 5 commercial marinas, several private docks and dozens of moorings.

BVIPA operates 3 facilities in Road Harbour:

- Port Purcell
- Road Town Jetty
- Tortola Pier Park (the Cruise Pier)

The Port Purcell facility is the main cargo port, through which the bulk of cargo entering and leaving the Virgin Islands is processed due to the facility's ability to accommodate a number of large ships simultaneously.

The Road Town Jetty services domestic and USVI passenger ferries along with some pleasure boat traffic.

The Cruise Pier at the Cyril B. Romney Tortola Pier Park, which accommodates cruise ships, is operated by the Tortola Pier Park Limited, a limited liability company owned by the BVIPA.

4.2 West End Harbour (Sopher's Hole) – Tortola

West End Harbour includes all that area of water and foreshore lying between the island of Tortola and Frenchman's Cay bounded on the west by an imaginary line joining the westernmost point of Frenchman's Cay to the western-most point of Tortola at Steele Point, West End, and on the east by the causeway connecting Frenchman's Cay with the island of Tortola.

- West End Ferry Dock

The Sopher's Hole port or West End Ferry Dock is normally a major port of entry for passenger ferries as it offers the shortest route to BVI from the United States Virgin Islands (USVI).

The port is located immediately adjacent to the Frenchman's Cay Fisheries Protected Area within the harbour. The harbour also hosts 2 marinas, 1 shipyard and a few private docks.

4.3 Great Harbour - Jost Van Dyke

Includes all that area of water lying generally to the north of, and enclosed by, an imaginary line joining Dog Hole Point and Betty Brown Rock in Thomas George Bay in the island of Jost Van Dyke.

- Dog Hole

The Dog Hole port facility was dedicated on 21 December 2019 and will receive international traffic as of 1 March 2021. It services ferry boats, pleasure vessels and feeder cargo vessels.

4.4 St Thomas Bay Harbour - Virgin Gorda

Includes all that area of water lying generally to the east of, and enclosed by, imaginary line drawn from Collision Point to Fort Point, on the island of Virgin Gorda.

- Spanish Town

The Spanish Town dock is located on St. Thomas Bay Beach, still a popular swimming spot,

receives ferry boats, mega yachts, cruise ships, yachts and pleasure craft and sea plane traffic. It receives cargo primarily by feeder traffic from Tortola. There is also a privately operated marina.

4.5 Other Facilities

Gorda Sound Harbour

- Gun Creek

The Gun Creek port facility welcomes primarily passenger traffic from mega yachts, cruise ships, yachts, pleasure craft, and soon, sea planes. They also receive feeder traffic with cargo for North Sound and surrounding sister islands.

Anegada Harbour (not yet declared)

- Anegada Dock

The Anegada Dock is operated by the BVIPA to receive ferry traffic and feeder cargo from Tortola and Virgin Gorda.

5 ENVIRONMENTAL VALUES

The BVI is an archipelagic island territory of 40 small islands, rocks and cays with an estimated resident population of approximately 32,000. Located in the Caribbean in the northeast arc of the West Indies island chain, the largest island, Tortola is just over 24 mi^2. The combined land area of the Territory is just 59 mi^2 (153 km^2).

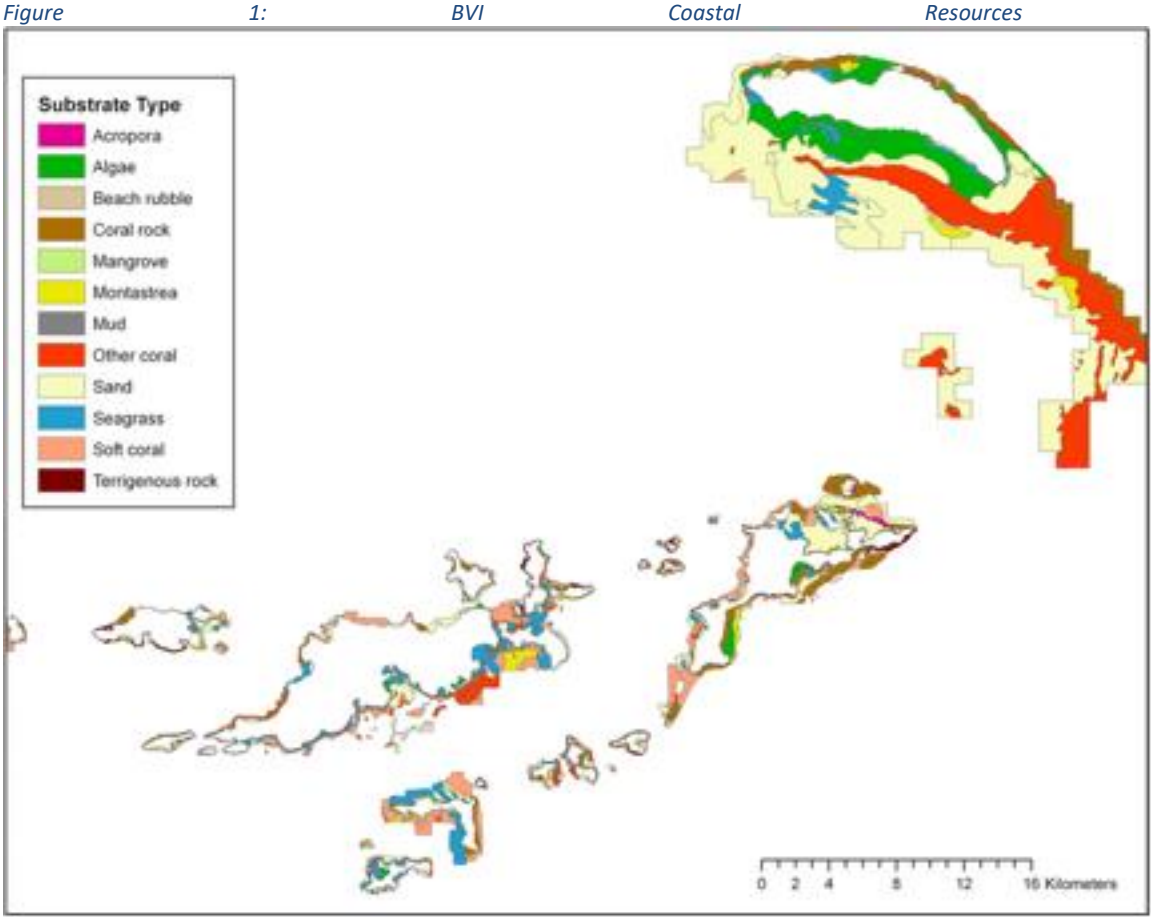
The territorial sea of the Virgin Islands covers a much larger area[1] of 575 mi^2 (1,489 km^2). Accordingly, the Territory possesses a significant maritime jurisdiction, with over 500 times more marine environment than terrestrial environment.

The islands are extremely close together. Most ports are less than 1 hour apart, with no more than a half-day journey between the furthest points of land for any type of vessel.

The islands are less than a day's journey from its closest neighbours, the United States Virgin Islands, and are within a day's journey of Puerto Rico and St. Martin.

The primary marine access route is the Sir Francis Drake Channel, which acts as a highway for shipping traffic into and around the islands.

Figure 1: BVI Coastal Resources Map



Nearshore mapping of environmental resources shows the prevalence of coral reefs, seagrass beds, mangroves, and other types of marine habitat. Tourism is an important industry in the BVI, and marine ecosystems are extremely valuable to the economy contributing an estimated $200 million annually. All of the BVI territorial waters are subject to a Protected Species Declaration as a Shark Sanctuary. All of the territorial waters are also declared as fisheries waters, and it is prohibited to dispose of any noxious substance therein.

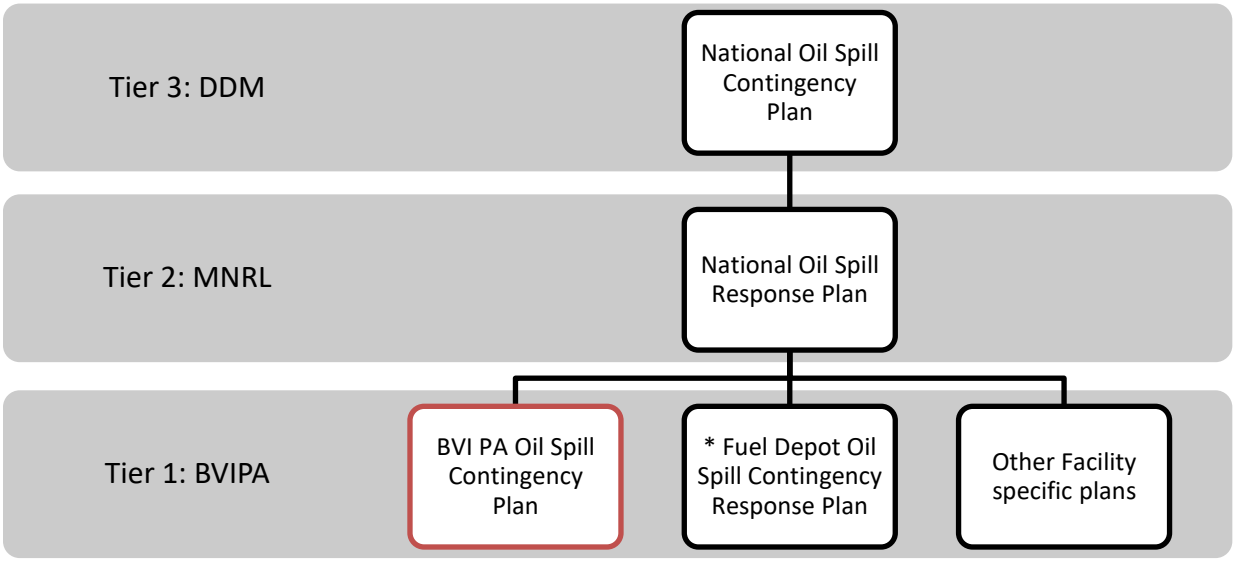
The marine environment is vital to the economic sustainability of the British Virgin Islands tourism sector and to the livelihood of its people. There is a high degree of interest in prevention and mitigation of oil pollution.

6 INTERFACING CONTINGENCY PLANS

The BVIPA Plan is nested within a tiered incident response system for oil spills, which classifies the magnitude of the spill to determine the appropriate level of response.

6.1 Categories of Incident

Classification	Description	Reaction
Tier 1	**Land spill within the Port only** <0.2 cubic metres (up to 1 x 55 gal. drum)	A small spill confined within the port, for example a ferry terminal, which can be dealt with using the available resources through activation of this plan.
Tier 2	**Marine spill within Port or BVIPA Harbour** 0.2 to 50 cubic metres (up to five 12 yd skips)	A spill that requires more substantial resources may entail or exceed all available resources at the Port. May require activation of Environment and Climate Change Unit plan with multiple agencies alerted to aid the response.
Tier 3	**Marine spill within BVIPA Harbour** > 50 cubic metres (more than 13,000 gal.; 44 tons)	A spill which exceeds the resources of the BVIPA plan and the Environment and Climate Change Unit; requires a state of emergency, activation of National Contingency Plan and may require regional and international cooperation.



7 RISK ASSESSMENT

Risk Matrix

		Likelihood				
		1	2	3	4	5
Consequence		Rare	Unlikely	Possible	Likely	Almost Certain
5	Catastrophic					
4	Major					
3	Moderate					
2	Minor					
1	Negligible					

Risk Categories

- 1 – 3 Extremely Low
- 4 – 7 Low
- 8 – 14 Moderate
- 15 – 25 High

Likelihood of an event at different ports

	Road Harbour			West End Harbour	White Bay Harbour JVD	St Thomas Bay Harbour VG	Not declared	Not declared
Likelihood of incident affecting a particular port based on the environmental conditions, activities and traffic in the harbour/port: X = possible = not likely	**Port Purcell**	**Road Town Ferry Dock**	**Tortola Pier Park**	**West End Ferry Dock**	**D0g Hole**	**St Thomas Bay Dock**	**Gun Creek**	**Anegada Dock**
Fuel Tanker Grounding or Collision	x	x	x			x		x
Large Vessel Commercial or Warship Grounding	x		x					x
Small Vessel collision or sinking – e.g. ferry collision		x		x	x	x	x	x
Transfer of fuel cargo	x					x		
Transfer of fuels (Vessel refueling)	x		x					
Berthing Incident	x							
Oil leaks from vessels	x	x	x	x	x	x	x	x
Land spill runoff	x					x		
Deliberate Act	x							

The table below shows possible scenarios and an approximation of release quantities for the possible oil spill risks at a designated harbour.

7.1 Risk assessment of different types of events

Event	Source	Cause	Assessed Spill (cu. m)	Likelihood	Consequence	Risk	Mitigation and Control Measures
Fuel Tanker Grounding or Collision	Cargo Tanks Bunker Bilges Fish Bay or St Thomas Bay	Human error Equipment malfunction Accident at Sea	< 500 (Petroleum Products) <15,000	1	5	Low	VTS Control Pilotage Tug Support Navigation Exclusion Zones
Large Vessel Commercial or Warship Grounding	Bunker Bilges	Human error Equipment malfunction	< 200	1	4	Low	VTS Control Pilotage Tug Support Navigation Exclusion Zones
Small Vessel collision or sinking – e.g. ferry collision	Bunker or bilge oil	Human error Equipment malfunction	< 50 litres diesel < 50 litres gasoline < 100 litres oil	1	2	Ex. Low	VTS Control Navigation Exclusion Zones
Transfer of fuel cargo	Equipment failure or tank overflow	Human error Equipment malfunction Procedural failure	> 100 litres diesel > 100 litres gasoline < 5 litres oil	2	3	Low	Fueling procedures Equipment maintenance Training
Transfer of fuels (Vessel refueling)	Equipment failure or tank overflow	Human error Equipment malfunction Procedural failure	> 100 litres diesel > 100 litres gasoline < 100 litres oil	3	2	Low	Fueling procedures Equipment maintenance Training
Berthing Incident		Human error	> 100 litres diesel > 100 litres gasoline < 100 litres oil	1	2	Ex. Low	Operating procedures
Oil leaks from vessels	Valves, manifolds and fittings	Equipment failure	<1 <1 <1	3	2	Low	Vessel maintenance Operating Procedures
Land spill runoff	Bob's Gas or Road Tanker Gas station St. Thomas Bay	Accident Procedural Failure	<50	2	3	Low	Operating procedures
Deliberate Act	Any	Criminal Damage	<50	1	2	Ex. Low	Operating procedures Security of premises Personnel Management

8 INCIDENT RESPONSE ORGANIZATION

8.1 Tier 1 – BVIPA **Responders: Marine Pollution Contingency Team**

The chain of command starts with Director of Operations who will then activate the Marine Pollution Contingency Team. The MCRT will oversee the reporting, clean-up and recovery of a marine pollution incident.

The Authority's ***Marine Pollution Contingency Team*** (Port Purcell) consists of:

- the staff of the Marine Department,
- two members from the Maintenance Department
- two members from the Operations Department
- two members from the Security Department; and
- one member from the Compliance Department.

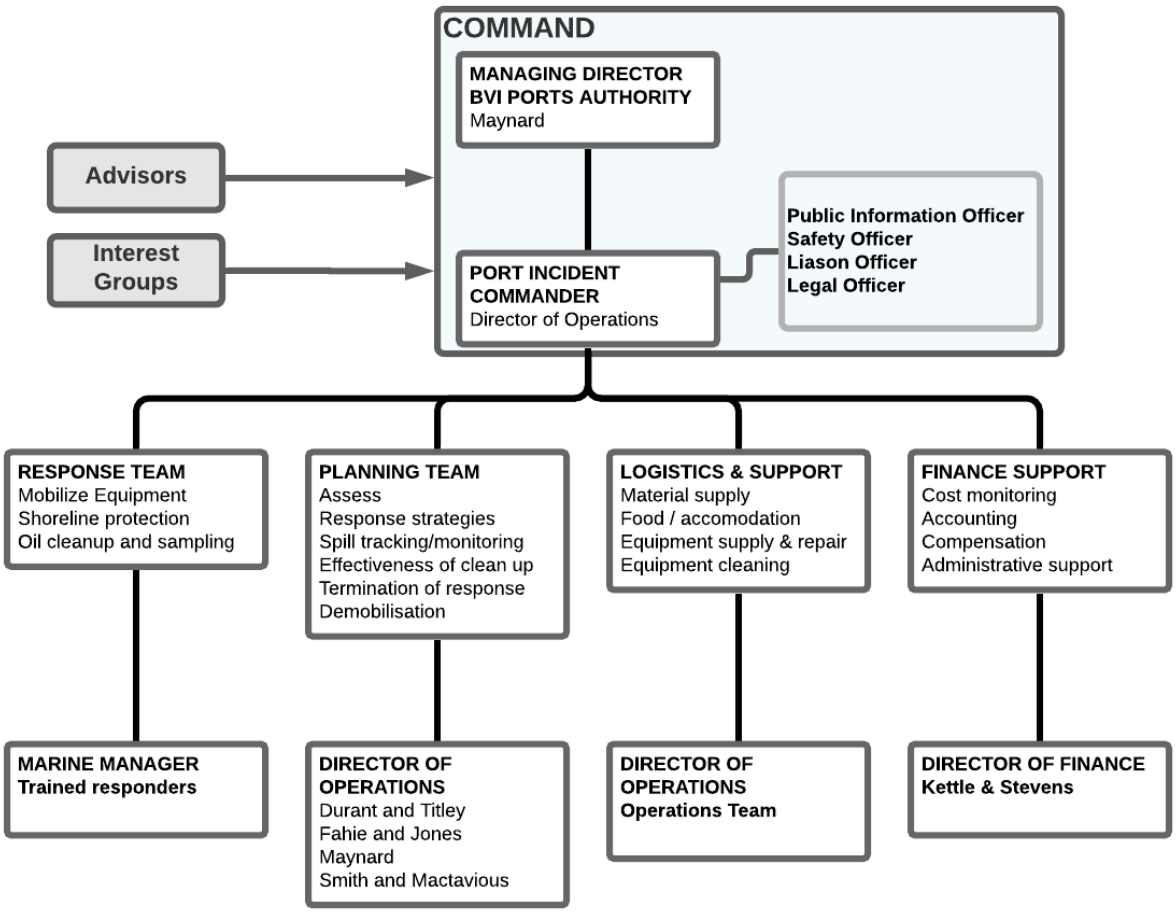


Table 1:Marine Contingency Response Team

Department & Personnel	MCRT Management
Marine Department	Durrant and Titley
Operations Department	Fahie and Jones
Managing Director	Samuel & Maynard
Security	Smith and Mactavious
Finance	Kettle and Stevens

8.1.1 Response Team

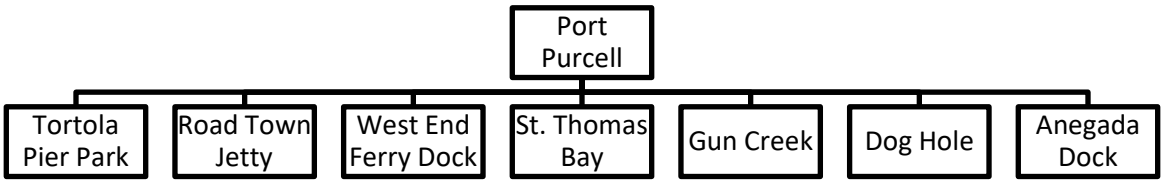
The role of the Response Team is to:

1. Assess the situation – the size, scale and location of the spill
2. Consider immediate measures to limit the spill
3. Having assessed the situation, determine whether it is necessary to move to Tier 2 response
4. Supervise BVIPA personnel to deal with the spill, if within the resources of BVIPA to do so
5. Inform the Director of Operations

Response Team – Shoreside operators from BVIPA personnel who will act to prevent escalation of incident, prevent oil from leaving the facility and reaching the shoreline, recover oil, establish control points and other actions as directed by the planning group.

The marine pollution response team is led by the Marine Manager and includes the Marine Supervisor and the dock masters. This team will also include personnel from the Operations Department who will assist the Marine Department. Together this team will oversee the reporting, clean up and recovery of a marine pollution incident.

A trained officer from each Port is also assigned as a responder.



8.1.2 Planning Team

Planning – Responsible for deciding response strategy, priorities, organizing clean up and demoblisation

8.1.3 Logistics Team

Logistics Support – Responsible for providing material, supplies, transportation of equipment and personnel to spill location; accommodation, food, medical services (e.g. if staff have to respond to an incident on another island); purchasing, subcontracting, equipment replacement or repair, and equipment clean-up.

8.1.4 Finance Team

Finance Support – Responsible for cost monitoring and accounting. Must ensure costs are reasonable and proportionate to the event, which is important for insurance or subsequent court claims.

8.1.5 Other

Advisors – May advise the Managing Director. The MNRLI Environment and Climate Change Unit may advise on environmental matters; the Environmental Health Division may advise on health & safety; Legal Counsel (who provides this service for BVIPA?) may advise on legal matters. The Director will also need to report the incident to the VISR.

Interest Groups – The Managing Director or through the information officer may need to communicate with representatives of the polluter, affected port users, private entities offering advice or co-operation, and with the general public.

Ship Owners and Cargo Owners
The polluter is responsible for any clean up costs in the Port attributable to his/her vessel or cargo.

Port / Habour Users
Ensure that the BVIPA is notified of any oil observed within the port area or harbour.

Incident Control Arrangements
Where safety permits, the incident response centre for a Tier 1 event will be the Marine Manager's Office at Port Purcell for events in Road Harbour.
At the remaining harbours it shall be the BVIPA facility at the Port.

Trained Responders
None

Response and Mobilisation Time
Clean up of Tier 1 incidents should take less than one day.
Response time to Tortola Ports should be 1 – 2 hrs.
Response time to VG and JVD may take 1 – 3 hrs.

8.2 Tier 1 Equipment

Equipment that will be available to aid in the event of a Spillage

Each port that falls under the Authority will be equipped with the necessary equipment to properly respond to an incident by 2022.

At the Port Purcell and Cruise Pier facility there will be a Hazmat Box that will house metal barrels to contain chemicals recovered from a spillage. This box should be easily accessible at all times. This box will also include shelves and lockers, which will contain:

- Hazmat suits
- Nitrile gloves
- Marine oil and fuel absorbing pads
- Marine oil and fuel containment booms
- Manual bilge pumps
- Cases of Dawn Soap Liquid
- Cases of biodegradable heavy duty degreaser
- Oil spill sweeps
- Funnels
- Rags
- Rubber boots
- Water testing kit
- Warning signs
- Caution tape
- Work vests
- Heavy duty waste oil containers
- Water tank
- Garden hose
- Pressure wash machine
- Generator
- Pumps
- Garbage Bags
- Tarpaulins
- 10 piece of PPE

The port will also ensure that a suitable truck is available and ready to have the recovered waste transported off site to an area specified by the Department of Waste Management.

All other seaports operated by the Authority, which includes Road Town, West End, Jost Van Dyke, Virgin Gorda, and Anegada ferry terminals, will have a designated area where a spill response kit will be kept. The spill response kit will include all items listed above, but will be in a smaller quantity.

The BVIPA and DDM has entered into an agreement for the storage of a 40ft container, which houses the oil spill supplies listed above. BVIPA in the event of a spill will be able to access the container to utilize the equipment to handle the spill. BVIPA will be responsible for replenishing any items used in a timely manner.[1]

Marine Craft

- 1 Tender @ Port Purcell

One marine craft is available at Port Purcell suitable to deploy a boom and handle a small spill in close proximity to the dock. The Harbour Master has the authority to order any other marine craft held within the dock to tend and participate in a clean-up operations. Nevertheless, a larger marine spill, a marine spill at another dock or further out in the harbour could trigger BVIPA activating Tier 2 response.

8.3 Tier 2 – MNRLI Environment and Climate Change Unit

Any spill at the water side of a Port or in a designated harbour will exceed BVIPA resources and require activation of a Tier 2 response led by the MNRLI Environment and Climate Change Unit. The MPRT will assist the Division of Environment within the designated harbours.

8.4 Tier 2 Responders: MNRLI Environment and Climate Change Unit

The Director of Operations after consultation with Marine Manager has authority to escalate from a Tier 1 to Tier 2 response by notifying the MNRLI Environment and Climate Change Unit.

Where Tier 2 response is initiated, the MCRT will form part of the Oil Spill Management Team which will include representatives from:

MNRLI Environment and Climate Change Unit/DDM	Incident Commander
BVI Ports Authority	Harbour Master
Environmental Health Division	Health & Safety
Virgin Islands Shipping Registry	Maritime Authority
Department of Disaster Management	Disaster Planning, Mitigation & Response
Royal Virgin Islands Police Force	Marine Unit / Control of Situation
Department of Waste Management	Incineration & Disposal
Government Information Service	Media & Communications

Incident Commander – Tier 2

[1] See Memorandum of Understanding at Appendix 4

Argel Horton
Irene Smith
Alex Jeffrey

8.5 Tier 3 – Department of Disaster Management

Any significant size spill which occurs in or affects a harbour, and which exceeds the resources of the MNRLI Environment and Climate Change Unit, will require activation of the National Oil Spill Contingency Plan Tier 3 response. Command and control of the incident will pass to the NEOC at DDM. The MPRT will assist DDM within the designated harbours.

9 DETAILS OF ACTION

9.1 Use of oil spill dispersants

The MNRLI Environment and Climate Change Unit must give permission to disperse any oil spill dispersant in the marine environment.
BVIPA Policy is oil dispersants will NOT be used except under the direction and supervision of Tier 2 or 3 commander, or with the express approval of the Environment and Climate Change Unit.

9.2 Health and Safety

The ***BVI Labour Code 2010*** places a duty on all employers to ensure employment conditions of employees shall be those which serve to preserve their health, safety and welfare and to prevent industrial accidents.

BVIPA must take reasonable precautions for the protection of workers and the protection of the general public who come into contact with the worksite, provide, maintain and ensure proper use of protective equipment and ensure that suitable protective clothing is provided for any process involving exposure to offensive substances.

BVIPA is also required to make arrangements for the safe and efficient disposal of waste so that disposal does not result in any danger to persons, property or to the environment.

Site Safety
Access to the port area where oil needs to be recovered shall be restricted to the personnel essential to the clean-up. The area will be cordoned off and all other persons evacuated. The Marine Manager will conduct a site safety assessment to identify actions, which could prevent further incidents occurring and issue appropriate protective gear to workers on the response team. Protective gear may include overalls, gloves, boots, eye protection and headgear, if required.

Safety on Water
Personnel operating from marine craft as part of a tier 2 response will wear lifejackets.

Exposure
The route of human exposure is via inhalation and skin absorption. Personnel should be assessed regularly to ascertain if they are being affected by exposure to adverse conditions.

Explosion and Fire Hazards
Any spilled petroleum-based product is volatile. This means that it can produce a gas, which then mixes with air around the spill. It is this gas which can cause explosions and fire.

Where there is a risk of a flammable atmosphere, the area should be tested and assessed. Unrestricted entry into the affected area or space should not be considered until the area is sufficiently ventilated and tested.
If the oil has ignited, where there is no danger of the fire causing damage to person or property, consideration may be given to allow any fire to burn out.

Decontamination
Protective clothing will become contaminated by oil during the clean-up operation. The clothing needs to be cleaned to prevent further contamination. Facilities for such cleaning will be located nearby, but clear of the work site.

Personal Hygiene practices on the job. Workers should be instructed on the dangers of ingesting hydrocarbons through contact of contaminated equipment or clothing. Facilities for removing protective clothing and washing before consuming food or drink will be made available.

Decontamination area drainage. The decontamination area where clothing and personal equipment is cleansed, will be arranged so that cleansing water and contaminants are drained into tanks. Care should be taken to ensure that contaminated waste does not drain into either the normal drainage system or into the soil under the decontamination area.

Disposal of contaminated clothing. Clothing, which is not fully washable or capable of having all traces of contaminant removed, will need to be disposed of safely. Such contaminated clothing will be considered hazardous waste, in which case it will be delivered to the incinerator for immediate incineration.

9.3 Response to Oil Spills

The type of oil spilt has a major effect on the outcome of a spill incident. Very light oils will naturally disperse and evaporate quickly, reducing the level of pollutant, whilst heavier oils will persist and in some cases may form emulsions, which are very resistant to biodegradation. Studies have shown that 75% of diesel can be lost by evaporation within 24 to 48 hours, compared with only 10% from a heavy or residual fuel oil.

Regardless of the size of spill, the first consideration will be to contain the oil. Stocks of buoyant, absorbent oil boom, _____ of buoyant fence boom are held by the Oil Spill Kit that can be set down, launched and towed to, or deployed to contain a site area as required.

Small quantities of oil spilt within the enclosed dock will in the first instance be recovered using sorbent materials in addition to the absorbent boom. In the event that a larger spill occurs, it will be recovered and disposed of using port personnel in conjunction with Tier 2 responders.

Oil Spill Samples

Samples of spilt oil should be taken as soon as possible. These samples may be required as evidence in legal proceedings. Sampling would be conducted by the Division of Environment.

Waste

Waste arising will be legally carried for disposal. All waste arising taken from an oil spillage will be handled systematically, and will be disposed of using a local licensed contractor to transport the waste materials to the Pockwood Pond incineration facility, in collaboration with the Department of Waste Management.

Wherever possible, spilled oil should always be recovered and recycled in the correct manner. It is wise to keep a large collection of empty drums to store recovered oil to recycle properly.

The following types of waste that can arise are:

1. Recovered oil
2. Water and oil mix
3. Oil and sand mix
4. Oil and seaweed

9.4 Types of Waste Storage

Types of Oil/Waste	Storage	Comments
Liquid Form	Drums	Easy to store and secure once place of something to easily transport it.
	Waste Oil Road Tank	Ideal for immediate transport after recovery.
	Skips	Container lined with heavy duty plastic to store oil.
	Pit	Space lined with sand to absorb oil if there are no other means of storing oil.
	Buckets	Can store oil until it is transferred to a bigger entity.
Liquid/ Solid Mixture	Plastic containers	Quick deployment
	Heavy duty plastic bags	Good for manual clean up using oil pads.

Action Section

This section is to allow the user of this plan to follow a clear path of actions and instantly identify and select information required. It also contains information that may be required to make immediate decisions in response to an incident.

10 ACTIONS

The roles are as follows:

- Initial Reporter
- Incident commander
- Incident Logger
- Response team
- Public Relations
- External agencies

The actions are as follows:

1. **Alert**- lists the various notifications that will be required within the port and externally
2. **Initial Actions-** These will be carried out immediately to begin the response operation.
3. **Further Actions-** will be carried out when the response operation is in effect.
4. **Final Actions-** required to be completed before the operation is wrapped up.

Initial Reporter / Observer of an Incident

Make an initial report to Marine Manager at Port Purcell

Telephone: (284) xxx-xxxx

VHF Channel

Details required:

- Contact name.
- Telephone number.
- Source and cause of pollution (if known).
- Name of vessel (if applicable).
- Spilt material (if known).
- Estimated size of spill or slick.
- Time (elapsed) of spill.
- Has source of Pollution been isolated?.
- What actions are seen being taken?.
- Any known hazards associated with the spilt material

Incident Commander – Marine Manager – Immediate Response & Action Checklist

- Obtain all available information from the ‘Observer’.

- Commence 'incident log' of all actions and notifications.
- Report to site to determine initial level of staff and equipment mobilisation required.

- Identify the level of the spill L1 or L2

- Mobilise Marine Pollution Response Team Mgmt
- Provide verbal reports to Director of Operations
- DOO shall notify the external agencies

Incident Logger - **Reporting Requirements**

- Prepare and dispatch Initial Report to VISR and other agencies as directed by the Marine Manager
- Prepare and dispatch progress reports to VISR and other agencies as directed by the Marine Manager

Response Team - Marine Pollution Response Team

- Mobilise equipment and Response Team
- Determine whether shipping programme needs to be suspended or modified and advise the DOO who sall alert the relevant Masters, Agents, and Dock Pilots.
- Consider establishment of Marine Response Centre to meet with personnel from external agencies
- Make arrangements for catering and accommodations for the response team (lunch, dinner etc)
- Receive and respond to reports from Response Team
- Ensure that recovered oil is stored in a suitable manner until licensed contractors can remove the same from the Port.
- Monitor the effectiveness of the clean-up campaign, calling in further assistance as may be deemed necessary

External Agencies

In the event of a spillage, the Authority's Marine Pollution Contingency Team should notify the following government agencies:

1. The Royal Virgin Islands Police Force Marine Unit
2. The Ministry of Natural Resources & Labour Environment & Climate Change Unit
3. The National Emergency Council of the BVI
4. The Department of Disaster Management
5. The Virgin Islands Shipping Registry
6. The Government Information Services
7. The Virgin Islands Fire Department

8. The Department of Waste Management

The agencies listed above play a vital role in assisting with a marine pollution incident by keeping the public informed, assisting with recovery, testing of affected areas, and aid with the removal of hazardous material from site. If the incident escalates to Tier 2 they will form part of the Oil Pollution Team.

11 ACTION CARDS

This section contains cards and checklist for use during a spilling incident. These cards will effectively guide a person in the event of a spill to fulfill their respective role.

11.1 Initial Reporter

INITIAL REPORTER	
Responsibilities	• Raise an alarm • Notify the Marine Department (VHF Channel 16, phone 2844402720)

Step	Actions	Additional Information
Alert	Marine Department	Via Cellphone
Initial Actions	1. Evacuate and caution off area that has been affected. 2. Provide all necessary information to the marine department: - Location - Cause - Type of waste - Estimated quantity - Source 3. Commence the log	Keep in contact with all personnel, via radio to keep everyone informed. **DO NOT**: - Allow open flames - Come in contact with oil on bare skin - Approach spill from downwind Always use incident Log Sheet
Further Actions	1. Develop a safe route to and from the spill site. 2. Guide response personnel to the spill scene and give assistance where needed. 3. Always listen to the commands of the Incident Commander	**Always Pay Attention!!**
Final Actions	1. Proper dispose all PPE used during the incident. 2. Inform all personnel when leaving the site.	**Ensure all PPE is Placed in the Correct Receptacle to be removed from the site.**

11.2 Incident Commander

Incident Commander	
Responsibilities	• Receive information about spillage • Report to site immediately • Obtain Details to inform all external agencies • Identify the level of the spill L1 or L2 • Identify the equipment needed to slow oil flow and prevent spread across the harbour. • Speak to the media

Step	Actions	Additional Information
Alert	1. Establish an Emergency Control Station on site where there is suitable communications and support staff. 2. All Emergency agencies 3. Oil Spill Response Team 4. VISR 5. VISAR	**Alert all necessary personnel.**
Initial Actions	1. Report to site immediately. 2. Ensure the Spill response team is operating efficiently. 3. Detail initial containment of the spill. 4. Inform all environmental groups	**SAFETY IS KEY!!**
Further Action	1. Brief all emergency and support teams who have been called in to aid in response. 2. Prepare a statement for the media 3. Remain on site at all times	**Give Media Correct Information!** **Ensure all agencies are aware of dangers.**

Final Actions	1. Debrief incident after clean-up. 2. Review oil spill plan and make adjustments where necessary. 3. Review incident expenses and claims against insurer with the finance department.	**1. Debrief after all oily waste and material has been properly disposed of at the designated dumping area.** **2. Ensure all unused spill material is placed back in hazmat locker and do an inventory check.** 3. **Ensure all electrical items are cleaned thoroughly before placing back in storage.**

11.3 Response

OIL RESPONSE TEAM LEADER	
Responsibilities	• Organize resources for the response team to deploy at the incident scene as instructed. • Ensure the safety of all operations • Ensure all personnel are wearing PPE correctly • Do a risk assessment of the scene • Take photos and videos of scene for record purposes and update the IC as needed.

Step	Actions	Additional Information
Alert	Call in additional personnel (if needed).	
Initial Actions	1. When made aware of the spill, head to site and report to the Marine Contingency Response Team. 2. Put on correct PPE 3. Study tide and weather to note which equipment is needed. 4. Organize the deployment of equipment and resources for the type of spill. 5. Once booms are deployed, monitor and adjust where necessary.	**Use the right equipment**
Further Actions	Ensure oily waste is disposed of correctly at dumping site.	Ensure oily waste is properly secured in truck bed
Final Actions	Ensure all equipment is cleaned properly and returned to storage.	Make sure the oil spill material inventory is properly accounted for.

Oil Spill Response Logistics Team	
Responsibilities	• Responsible for equipment availability • Source, order and replace items that are low on stock and inform Finance. • Keep storage area safe and secure at all times. • Ensure staff has refreshments and appropriate breaks as needed.

Step	**Actions**	**Additional Information**
Actions	**1.** Receive instruction on what equipment is needed by the response team. **2.** Ensure that the Finance Department is aware of the cost and inform the Managing Director of the cost to be incurred. **3.** Maintain records of all equipment whether hired or purchased. **4.** Keep track of all equipment and their condition.	This all should include welfare needs, which are refreshments for the response team.
Final Actions	1. When a response effort is complete, ensure that all equipment is cleaned and checked for any signs of wear and tear. 2. Ensure the equipment is stored properly for the next deployment. 3. Ensure that all rented equipment is accounted for and returned to suppliers.	

Finance and Claims	
Responsibilities	• Inform insurance agencies and setup a claims office • Ensure finance is available to cover equipment costs and other purchase requests • Ensure finance is first authorized by the Managing Director and that it shows in the records.

Step	Actions	Additional Information
Actions	1. Take instructions from the logistics team for acquisition of equipment. 2. Ensure proper approval is obtained for purchases to be made. 3. Maintain record of equipment being purchased or rented 4. Maintain close contact with insurance companies to maintain recoverable expenditures.	
Final Actions	1. When response is complete put together a report which shows all expenditures to submit for insurance purposes. 2. Obtain before and after photos of the spill site.	Photographs are important when filing insurance claims.

11.4 External Agencies

Step	Actions	Additional Information
Initial Actions	1. Monitor initial response 2. Participate in oil spill meetings 3. Assist where needed	

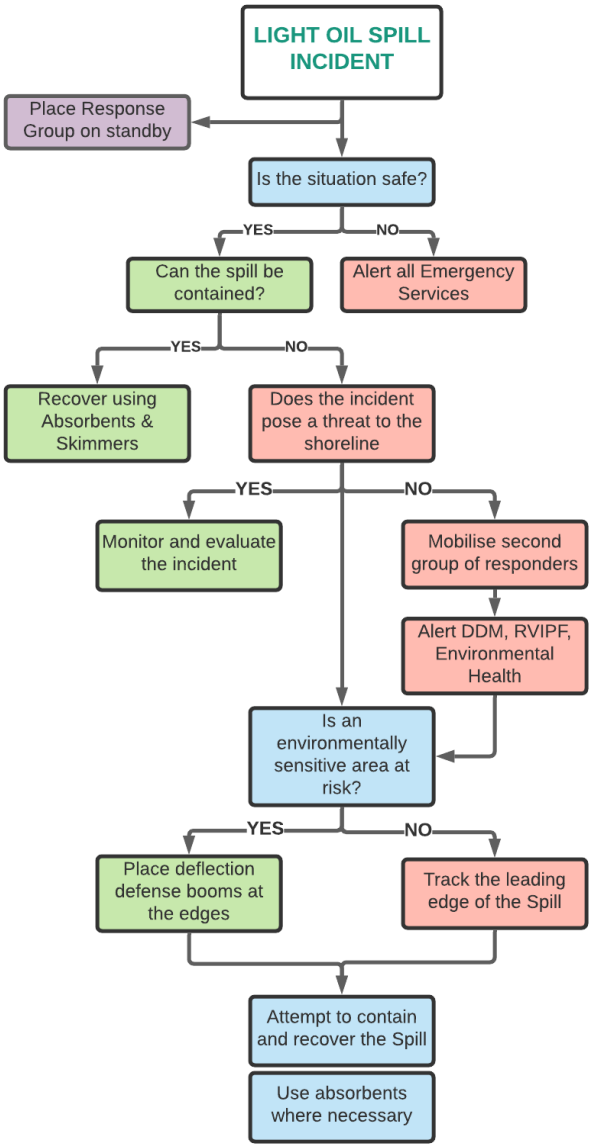
External Agencies	
Who are they?	Consider all agencies that will need to be contacted: • Conservation and Fisheries • Virgin Islands Shipping Registry • Environmental Health Department • RVIPF Marine Unit • Solid Waste Department • Disaster Management Department

12 RESPONSE GUIDELINES

In the event of a marine pollution incident, these steps should be followed in full in order to successfully handle a hazardous material spill in the areas under our jurisdiction.

Oil Type	Specific Gravity	Genre	Characteristics	Examples
Light Oils	<0.8	White oils	• Volatile • Non-persistent	• Diesel • Petroleum

Light Oil Type Spill Response Guidance Chart



12.1 Oil Spill Response Procedure

1. Alert ship personnel if they are not aware, then activate the Marine Pollution response team who will then shut down port operations.	
2. Record taker should be filling out the log once on site, and a team member should be taking photos of the incident.	
3. Alert all external agencies that there has been an oil spill in the area, this will allow respective agencies to create public awareness and to be on standby if assistance is needed.	
4. The Incident Commander, along with other personnel will assess spillage and cordon off the area. Ensure that only authorized personnel goes beyond the cordonded off area.	
5. The Incident Commander will then advise the correct containment equipment to use and notify personnel.	
6. Once notified, ensure that proper PPE is worn before any containment is conducted. PPE MUST be worn in a correct manner to avoid any contact with hazardous material.	
7. Instruct vessel to CLOSE ALL THRU-HULLS and TO DISABLE ALL BILGE PUMPS, to avoid any overboard discharge of more hazardous material into the harbor.	
8. Ensure enough containment material is retrieved from the Hazmat container. This will limit back and forth to the container while dealing with the spill.	
9. Once confirmation has been received that the vessel has complied and shut off all overboard discharges, deploy the oil containment material.	
10. If the hazardous material is surrounding the vessel, the response tender should be used to help the dock team spread the oil containment device around the vessel.	
11. Ensure to cover the area as much as possible. This will allow the removal process to be more effective.	
12. Once the spilled material is confined to one area, use a fire pump to transfer contaminated water and oil into waste oil tank.	
13. After all oil has been removed, use oil absorbent pads to retrieve any excess that was missed.	
14. Use both Dawn liquid soap and the heavy duty degreaser to clean up spill area in both water and dock area (with approval of Environment and Climate Change Unit ONLY) .	
15. After cleanup of spill area, ensure all contaminated containment materials are placed into a container to be disposed of properly at the incinerator.	
16. Before placing fire pump and hoses back into the Hazmat container, degrease all hoses and pump inlets to avoid contamination in the Hazmat container.	

17. After all equipment is degreased and clean, place back in the Hazmat Container and secure doors.	
18. Before leaving the compound to dispose of oil and containment material, inform the Royal Virgin Islands Police Force that hazardous material will be moved via the public roads. Informing the police will allow for an escort to be provided to move the hazardous material to the incinerator.	
19. Once material is disposed of and truck is returned to the Port facilities, ensure to degrease and wash all areas of the vehicle.	
20. After clean up and debrief, inform all external agencies on the recovery of the spill. All notes and pictures taken should be transferred to a word document for records.	
21. The MD will then discuss with the ships personnel the fees that must be paid and allow the vessel to leave the harbor once it is able to do so.	

13 MEDIA RESPONSE AND COMMUNICATION PLAN

13.1 Pre-Authorized Press Holding Statement

As part of any incident plan, a press holding statement should be produced early in the incident if it becomes necessary to send out a statement to the local public. A press holding statement should always be brief and factual. Someone who has all of the details of the incident should be the person to talk to the media.

A press holding statement should include:

1. Date and time
2. Incident location
3. Factual account of incident
4. Reference to moblisation of resources to address the incident
5. Reference to co-operation with authorities
6. Commitment of issue statements after the incident

   Example of a press holding statement that can be used by the BVIPA:

   "We can confirm that an incident occurred at **[insert time]** hours on **[insert day / date]**, at [insert location], and [i.e.: some pollution has occurred.]

   All steps are being taken to minimize the pollution and British Virgin Islands Ports Authority response personnel have been mobilized and **[are on the scene / making their way to the scene.]** The Environment and Climate Change Unit, Emergency Services and the Local Authorities have been informed. Further statements will be issued as soon as any information becomes available. Media enquiries should be directed to **[insert name(s) of authorized personnel]."**

It is important to note that the pre-authorized press holding statement should be issued by Incident Commander (IC), once a sufficient overview of the incident has been obtained.

13.2 Press Liaison Officer and Communication Plan

Consideration should be given to appointing a press liaison officer who will be responsible for giving the press all accurate information as it relates to the incident.

This officer will be responsible for formulating all information to send out to the media. They will also be responsible for supplying the media with the right photos and videos that will be shown to the public.

14 RECORD KEEPING AND REPORTING

Reports (Logger) In the event of a spill all emergency response agencies will be notified and placed on standby. The BVIPA is responsible for the logging and presentation of its report to the Virgin Islands Shipping Registry. These reports should comply with the standard reporting requirements of the IMO and the Virgin Islands Shipping Registry. BVIPA is responsible for providing all the necessary information needed to properly document the incident.

Marine Pollution Incident Reporting and Alerting Process

Documenting during an incident is vital to the recovery process of a marine pollution incident. Therefore, it is important to ensure that a report is made. The report would be in two forms: a rough log, which will be a Collins ideal ruled note book (Fig. 2), and a form (Fig. 3), which will be filled out and scanned into a system for the Authority's record.

Handheld VHF radios, and port cellphones will be used to alert personnel on the dock as well as personnel aboard the vessel that appears to be the source of the spill. Training for VHF handling will be provided and the channels that will be used to communicate will be channel 16 to alert the vessel and personnel, and channel 14 when personnel are notified.

For the rough log, the designated person will write everything that is seen, being done, times persons responded to call, persons present, agencies call, type of chemical spilt, location, and the time the spill was recovered. This information will be used to complete the Marine Pollution Report form that will be submitted to the Managing Director who will then submit it to the Virgin Islands Shipping Registry.

Blank forms are attached and can be copied.

14.1 Oil Spill Incident Checklists

The next following checklists have been designed to ensure consistency for all response personnel throughout the incident response:

Oil Spill Assessment Checklist (L1)

This first list ensures that the initial assessment of the oil spill is accurate and all aspects as it relates to the classification, where it will be, and the quantity of spilled waste to conduct a thorough investigation.

Incident Briefing Checklist (L2)

This checklist ensures that all personnel involved on the incident management team are given a thorough briefing of the incident and are then able to give consistent and effective briefing to personnel who are under their management during the incident.

Response Team Log Checklist (L3)

This list ensures that all personnel involved in the incident response correct the relevant information throughout the spill operation and produce consistent logs that will submitted to the Marine Manager once completed, for use in subsequent reports and actions.

Incident Log Sheet (L4)

The log sheet will be used by the incident logger to keep an accurate record of the incident, during and after the incident.

Initial Incident Report (L5)

Standard information to be provided in an Initial Incident Report

L1	OIL SPILL ASSESSMENT CHECKLIST
This checklist is designed to assist those personnel who have the responsibility of initially assessing and subsequently assessing the oil spill incident. These persons would be: • Dockmasters • Stevedores • Dockworkers	

Step	Guidance
ASSESS SAFETY HAZARDS	• Assume that the spill is giving dangerous light ends. • ELIMINATE ALL POSSIBLE IGNITION SOURCES!! • Take an upwind approach to reduce the effects of the vapors that may be inhaled. • APPROACH THE SCENE ONLY IF IT IS SAFE TO DO SO!
Implement action boards	Signage to ensure awareness
Determine source of oil spill	If the source is unknown proceed with due caution. If actions can be made to stop spillage at source do so.
Estimate a quantity of oil spilt at scene	This can be a rough estimate until an accurate measurement is made.
Assess weather conditions	Determine: • The direction and speed of the wind • Current state and speed of the tide • Sea conditions
Determine the direction and speed of oil movement, as well as its weathering characteristics.	
Always state time with tasks while using checklists.	

L2	INCIDENT BRIEFING CHECKLIST
This checklist is designed to facilitate an effective response team briefing and should be used by the head of the response team.	

Step	Guidance
SPECIFY ALL SAFETY HAZARDS	Visualize scene and identify all hazards
Identify the problem	Extent of problem: • Size of spillage • Type of oil • Source of spill
Oil Slick Trajectory	• Look at tide and wind conditions, this will determine how far the slick will spread.
Response actions	Determine: • What response strategy will be used • How much personnel will be needed • Techniques that can be used • Which equipment will be used
Resource Moblisation	Get the response act in motion: • Deploy all personnel that are needed. • Deploy all necessary equipment • Ensure spill scene is cordoned off
Planning cycle	Ensure there are monthly meetings
Additional Information	• Keep proper communication • Ensure the waste disposal plan is in effect. • Keep an eye on the weather at all times.
Always state time with tasks while using checklists.	

L3	Response Team Log Checklist
This checklist is designed to facilitate and provide the necessary consistency in the response team's log keeping, which will be assisting the Incident commander during a spill and for final reporting.	

Step	Guidance
SAFETY HAZARDS	• Make a note of all potential unsafe response activities and measures taken to mitigate the hazard. • Record all accidents / near misses
Initial Notification	Record the exact time a report of the spill was made and give the name of the person that informed you.
Daily Activities	Keep a regular daily record of all response activities that are undertaken. Always include time and location. Also include: • Meetings attended • Instructions that were given or received • Site visits • Contact with outside agencies
Personal Contacts	Generate a master contact list and update as new contacts are received.
Photo/ Video Records	Create a master photo and video library of all incidents and have them properly labeled for reference purposes.
Oil Distribution	Make sketches of oiled areas and add notes.
Site Supervision	Keep records of: • All staff on duty, including all hours worked and refreshments given. • All equipment that was used to keep a constant track.
Expenditures Incurred	Record all expenditures and keep ALL receipts.
Always state time with tasks while using checklists.	

Figure 2: Personal Incident Log Sheet (L4)

Incident Name:	Date:
Location:	Page no of
Time	Narrative

Figure 3: Initial Incident Report (L5)

Entry #

INITIAL INCIDENT REPORT

A. Classification: -

B. Date/Time/Observer: -

C. Position and Extent of Pollution: -

D. Tide: - **Wind: -**

E. Weather: -

F. Characteristics of Pollution: -

G. Source and Cause of Pollution: -

H. Details of Vessels in area: -

I. Not Used

J. Any Photographs or Samples: -

K. Remedial Action: -

L. Forecast of oil movement: -

M. Names of others informed: -

N. Other relevant information: -

Data Section

15 TRAINING AND EXERCISES POLICY

15.1 Training

Training is important for personnel who may become involved in the response to oil spill incidents. All members of the BVIPA who will be a part of the oil spill response team will undergo periodic training and workshops.

Trainings will be conducted by the Department of Disaster Management and the suppliers of the oil spill equipment.

15.2 Pre-Event Preparedness

In addition to training, a series of drill will be completed on an interval basis of three months alternating at various ports.

The consistency of training and exercises will allow the response team to be better-rounded and more efficient when responding to a spill. The trainings will also help keep the morale of the team high and teach them how to effectively work as a group for a common cause.

For pre-event preparedness, the emergency drills will assist with the retention of information learned in the series of trainings. Each drill will be conducted as simulation at each port randomly, where the team will be able to execute their tasks learned. The simulations would consist of different scenarios where the team would be able to go through the whole procedure while being hands-on with the equipment that will be used to clean up a spill.

15.3 Exercises

The table below shows how the plan will be tested through different exercises.

Exercise Type		Frequency
Notification Exercise	To test alert and call-out procedures	Every three months
Moblisation Exercise	To test the actual mobilisation times of individuals and resources	Every three months
Table-top Exercise	To test emergency management knowledge and capability	Twice per year
Incident Management Exercise	To test Tier 1 and Tier 2 capabilities	Once every year

15.4 Training/ Exercise Records

Written records of training should be kept and maintained by the Marine Manager. The Marine Manager, Marine officer and dockmasters will maintain formal oil spill response qualifications.

All other staff will be trained internally as needed.

16 LIST OF IMPORTANT CONTACT NUMBERS

It is the responsibility of BVIPA to ensure that all users of its facilities are aware of the dangers of oil pollution and who to contact if there is an incident.

Agencies	Number
BVI Ports Authority	284-494-3435
Department of Disaster Management	284-468-4200
RVIPF Marine Unit	284-368-5371
Department of Waste Management	284-468-4934
BVI Fire and Rescue Service	284-468-4182
Environmental Health Division	284-468-5110
Natural Resources, Labour and Immigration	284-468-2147
Virgin Islands Shipping Registry	284-468-9646
Department of Agriculture and Fisheries	284-468-2700
GIS	284-468-2730

17 APPENDICES

Notes for Estimates:

1 Barrel of Crude Oil

42 gallons
10,000 B/D equals 500,000 tonnes/year (7.2 - 7.35 bbls per metric ton)
1 barrel #6 Oil = 6.287 Million BTU
300 lbs
6.33×10^9 Joules (6.33 Gigajoules)

= 0.16 cu. meter
= 158 L

Cubic Meters	**US Barrels (Crude Oil)**
1 m^3	6.29 US **bbl oil**

2 m^3	12.58 US **bbl oil**
3 m^3	18.87 US **bbl oil**
4 m^3	25.16 US **bbl oil**

1 m^3 Diesel
=
8.5 US Barrels
264 US Gallons
0.9 US short ton

17.1 LEGAL BASIS

1. INTERNATIONAL CONTEXT

1.1. UNCLOS – United Nations Convention on the Law of the Sea

The United Nations Convention on the Law of the Sea is the treaty which codifies international law on use of the sea, safety at sea and protection of the marine environment. As an Overseas Territory of the United Kingdom to which the application of UNCLOS has been extended, the BVI is required to take all necessary measures to prevent, reduce and control pollution of the marine environment, including taking measures designed to minimize pollution from vessels.

The United Kingdom also has obligations under the **International Convention on Oil Pollution Preparedness, Response and Co-operation 1990** (the **OPRC Convention**) implemented through the OPRC Regulations 1998. This treaty has not been extended to BVI but the requirements have been adopted into our local law.

2. DOMESTIC LEGISLATION

2.1. Constitution of the Virgin Islands

Section 29 of the 2007 Constitution of the Virgin Islands provides a Right to Protection of the Environment stating, among other things, that every person has the right to have the environment protected for the benefit of present and future generations through such laws as may be enacted by the Legislature including laws to prevent pollution and ecological degradation.

2.2. Ports Authority Act & Regulations

The Ports Authority Act 1990 establishes the Ports Authority, setting out its functions and jurisdiction. Schedule 2 of the Act establishes four (4) Harbours. Section 169 of the 1995 Regulations deals with prevention of pollution. It prohibits the discharge or deposit of *any* pollutants in the territorial waters. “Pollutants” are defined as (a) any discharge or deposit of oil, oily waste or sludge, which causes a slick, film or sheen upon the surface of the water or causes a sludge or emulsion beneath the surface of the water; (b) sewage; (c) noxious liquid substances; (d) garbage.

2.3. Merchant Shipping Act 2001

The Merchant Shipping Act seeks to consolidate international shipping legislation into one location. It provides power to make regulations to give effect to any provision of international maritime treaties, which have been extended to BVI, including the International Convention for the Prevention of Pollution from Ships. The Merchant Shipping Act also makes provision for the adoption of UK maritime legislation into BVI law.

2.4. Disaster Management Act, 2021

The Disaster Management Act makes provision for preparation of the National Disaster Management Plan, which shall provide the statement of contingency arrangements for responding to declaration of a disaster or state of emergency. (No requirement for the NDMP to dovetail with other contingency plans)

2.5. Fisheries Act 1997 and Fisheries Regulations 2003

The Fisheries Act vests power to promote the management and development of the fisheries waters for the benefit of the Virgin Islands in the "minister responsible for the administration of this Act". By Instrument of Appointment, Dr. the Hon. Natalio Wheatley was assigned responsibility for Fisheries.

The Minister is empowered to take such measures as considered necessary to prevent, reduce and control pollution of the fishery waters and the marine environment generally from any source, and to ensure that the activities in the fishery waters are so conducted as not to cause damage or adversely affect the living resources of the fishery waters or the waters of other States.

These measures may include measures to minimize the release of toxic, harmful or noxious substances, and prevention from pollution of fishing vessels. The regulations absolutely prohibit the deposit of any poison, noxious substances, or other pollutants into the fishery waters of the Virgin Islands. The Fisheries Act does not give the Minister power to grant an exception or permission, which could affect the lawful use of oil dispersants.

The Minister is also empowered to enter into international agreements to cooperate in eliminating the effect of pollution and preventing or minimizing damage to the fishery waters and the marine environment generally.

By Order the Minister may declare fishing priority and protected areas. Fourteen protected areas and 6 priority areas have been so declared.

2.6. Ministry of Natural Resources, Labour & Immigration

While there is no single legislation vesting jurisdiction for the marine environment in any particular arm of Government, by Instrument of Appointment dated 3 April 2020,[2] the Minister

[2] Virgin Islands Official Gazette, Vol. LIV No. 38

for Natural Resources, Labour & Immigration is responsible for Coastal Zone Management, the Environment, National Parks & Marine Parks and Nature Conservation.

2.7. National Parks Act and Regulations

Establishes and vests jurisdiction for national parks in the National Parks Trust. There is one national park located near the shoreline in Road Harbour.

3. EXTENDED LEGISLATION

3.1. Oil in Navigable Waters (Heavy Diesel Oil) Regulations 1967

Establishes the definition of "heavy diesel oil" for the purposes of section 1 of Oil in Navigable Waters Act 1955

Merchant Shipping (Prevention of Oil Pollution) Order 1983

An Order in Council authorising the Secretary of State (in BVI Premier) to make Regulations for the purpose of giving effect to the International Convention for the Prevention of Pollution from Ships 1973 (Cmnd. 5748) and the Protocol of 1978 (Cmnd. 7347) relating to the Convention.

3.2. Merchant Shipping (Prevention of Oil Pollution) Regulations 1996

These regulations serve to implement amendments to the International Convention for the Prevention of Pollution by Sea 1973, as amended by the Protocol of 1978 to that Convention (MARPOL). They prohibit discharges from UK/BVI vessels into special areas; provide for discharges from tankers over 150 tons and other vessels over 400 tons, provide for qualifying vessels to have an Oil Record Book; establish standards for construction of oil tankers so as to minimize oil pollution in the event of collision or stranding; and require oil tankers to have an approved shipboard oil pollution emergency plan.

The regulations further authorize the Harbour Master (BVIPA) to make a report to the Secretary of State where he believes any ship which proposes to enter the harbour does not comply with the requirements of these Regulations, and power to deny entry to the harbour to any ship if satisfied that the ship presents an unreasonable threat of harm to the marine environment, and to notify the Minister immediately.

3.3. Merchant Shipping (Oil Pollution Preparedness, Response and Co-operation Convention) Regulations 1998

The 1998 OPRC Regulations apply to BVIPA as:

(a) a statutory harbour authority having an annual turnover, as defined in the Schedule hereto, of more than £1 million ($1.37 million);

(b) a harbour offering berths alongside, on buoys or at anchor, to ships of over 400 GT or oil tankers of over 150 GT; and

(c) a harbour located in an area of significant environmental sensitivity in an area where a discharge of oil or other substances could cause significant economic damage. … in respect of which the Secretary of State has served the harbour authority or operator (as the case may be) a notice stating that he is of the opinion. The Regulations require BVIPA to:

- have an oil pollution emergency plan;
- submit the plan to VISR for approval;
- take into account any guidance issued by MCA / VISR;
- review and resubmit plan to VISR for approval no later than 2 years after submission;
- submit a plan for reapproval within 3 months of any material change to the plan;
- ensure that the plan is compatible with the National Contingency Plan;
- implement the plan in the event of an oil pollution incident; and
- report the presence of any oil in the sea to VISR without delay in accordance with standard reporting requirements.

17.2 Tier 2 Response Agreement

Insert Agreement with MNRLI for activation of Tier 2 response or relevant excerpt of National Plan

17.3 MOU with DDM

17.4 Consultation