



National Operational Guidance

Section Introduction



NFCC
National Fire
Chiefs Council

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Introduction

At an incident, the highest priority for fire and rescue services will always be the safety of the public and firefighters. But they must also take into account the potential damage to the environment caused by the incident itself or fire and rescue service actions, both of which can affect air, land and water.

Effective and informed action by responders can reduce the environmental impact of incidents and protect public safety. This section of National Operational Guidance sets out the knowledge and controls that should be considered to protect the environment. It does not give information on the specific risks from hazardous materials, which can be found in National Operational Guidance: [Hazardous Materials](#) and the Department for Communities and Local Government's hazardous materials guidance.

This piece of guidance contains a number of references to the Environment Agency's [Environmental Protection Handbook](#) for the Fire and Rescue Service, jointly produced by the Environment Agency, fire and rescue services and the [Department for Communities and Local Government](#).

The structure of this guidance follows the style and format of fire and rescue service National Operational Guidance Programme. It relates to specific hazard and control measures following a literature review. The control statements support a fire and rescue service in developing policies and procedures that deliver the 'safe person' principles and promote the protection of the environment at all incidents.



Environmental responsibilities

Responsibility for protecting the environment in the UK rests with a number of different organisations at central and local government levels.

The most significant of these are the four UK environment agencies: the [Environment Agency](#) in England, [Natural Resources Wales](#), the [Scottish Environment Protection Agency](#) and the [Northern Ireland Environment Agency](#). Each has similar duties and powers to protect and improve the environment, although there are some differences in responsibilities between them, for example in flood risk management, fisheries, and controlling industrial discharges and emissions. The term

'environment agencies' is used in this guidance to refer to these four organisations.

Nature conservation bodies are the enforcing authority for open land such as sites of special scientific interest (SSSI), specific areas of conservation and special protection areas. These bodies include [Natural England](#), [Scottish Natural Heritage](#), [Natural Resources Wales](#) and the [Northern Ireland Environment Agency](#).

The Maritime and Coastguard Agency is responsible for pollution from shipping and offshore installations such as oil rigs. The Secretary of State has a power to extend marine responsibilities when it is considered to be in the national interest. See Section 1.8.2, [Environmental Protection Handbook](#).

Local authorities have environmental responsibilities including the impact of smoke from a fire and from vehicle emissions. They deal with complaints related to noise, litter and odour for sites not regulated by environmental agencies and most fly tipping incidents. See Section 1.3.5, [Environmental Protection Handbook](#).

Environmental legislation

The Environmental Permitting (England and Wales) Regulations 2010 (EPR 2010)

Under the [regulations](#), it is an offence to cause or knowingly permit the release of pollution to ground or surface waters. This is unless the release is allowed by [an environmental permit](#) or exemption.

To cause must involve an active operation or the failure to take action. To knowingly permit involves the failure to prevent pollution where there is knowledge of it occurring.

The regulations do allow a defence where fire and rescue service actions cause pollution, but the following three criteria must all be met:

- A discharge is made in an emergency to avoid danger to human health
- All reasonably practicable steps were taken to minimise pollution
- The relevant environment agency is informed of the incident as soon as possible

See Section 1.4, [Environmental Protection Handbook](#).

[Environmental Damage \(Prevention and Remediation\) \(England\) Regulations 2015](#),

[Environmental Damage \(Prevention and Remediation\) Regulations 2009 in Scotland, Wales and](#)

Northern Ireland

Under the regulations, fire and rescue services must take steps to prevent or reduce environmental damage. They must notify the appropriate regulator of:

- Damage to a site of special scientific interest
- Damage to species and habitats outside SSSIs that are protected by EU legislation
- Serious long-term damage to ground or surface water (that results in a decline in water status under the Water Framework Directive)
- Contamination of land by substances or organisms that cause significant risk to human health

In normal circumstances there is no defence against a breach of the regulations. However, there is a defence in exceptional circumstances. See Section 1.4.6, [Environmental Protection Handbook](#).

The regulator may require fire and rescue services to carry out preventive and remediation measures. It may also be necessary to pay costs for any environmental damage caused. For protected sites and species, a fire and rescue service may be liable if damage is deliberate or is caused by negligence.

Water Industry Act 1999

It is an offence to release polluting material into a sewer without having consent from the sewerage company. Sewerage companies must be informed when accidental releases occur. See Section 1.6.4, [Environmental Protection Handbook](#).

Other relevant legislation

England and Wales:

- The [Hazardous Waste Regulations 2005](#) (as amended)
- [The Waste \(England and Wales\) Regulations 2011](#)

Scotland:

- [Water Environment \(controlled Activities\) \(Scotland\) Regulations 2011](#)
- [Sewerage \(Scotland\) Act 1968 as amended](#)
- [The Special Waste Regulations 1996, as amended](#)
- [Environmental Liability \(Scotland\) Regulations 2009](#)

Northern Ireland:

- [The Water \(Northern Ireland\) Order 1999](#)
- [The Waste and Sewerage Services \(NI\) Order 2006](#)

- [The Groundwater Regulations \(Northern Ireland\) 2009](#)
- [The Environmental Liability \(Prevention and Remediation Regulations \(Northern Ireland\) 2009](#)



Responsibility of fire and rescue services

Fire and rescue services are responsible, under legislation and regulations, for developing policies and procedures and to provide information, instruction, training and supervision to their personnel about foreseeable hazards and the control measures used to reduce the risks arising from those hazards.

This guidance sets out to provide fire and rescue services with sufficient knowledge about the potential hazards their personnel could encounter when attending incidents. Fire and rescue services should ensure their policies, procedures and training cover all of the hazards and control measures contained within this guidance.



Fire and rescue service legislation

In addition to their responsibilities under the [Fire and Rescue Services Act 2004](#), fire and rescue services must be aware of their responsibilities under other relevant legislation which consider the environment.

The Fire and Rescue Services (Emergencies) (England) Order 2007

The Order places a duty on fire and rescue services (in England) to have the capability to remove chemical, biological, radiological, nuclear and explosive contaminants from people at an emergency. There is also a duty to contain water used for decontamination for a reasonable time. Fire and rescue services must take steps to prevent or limit environmental damage when decontaminating people.

The [Fire \(Additional Function\) \(Scotland\) Order 2005](#) places a similar duty on the Scottish Fire and Rescue Service, as does the [Fire and Rescue Services \(Emergencies\) \(Wales\) Order 2007](#) in Wales. See Section 1.6.6, [Environmental Protection Handbook](#).

Civil Contingencies Act 2004

As Category 1 responders, fire and rescue services are part of the multi-agency response to civil emergencies. The role of the fire and rescue service under the act is to save life, and to protect property and the environment. To be an 'environmental emergency' an incident must be one of the following:

- Contamination of land, water or air with a harmful biological, chemical or radioactive substance
- Flooding
- Disruption or destruction to plant life or animal life

Risk management planning

Fire and rescue service integrated risk management plans should consider environmental risk. They should identify and assess

- Potential pollution sources
- The sensitivity and vulnerability of the local environment.

Factors to consider include:

- Impact on:
 - Public and private water abstraction points
 - Aquifers
 - Bathing water, fisheries and other recreational uses of water
 - Nature conservation sites, such as SSSIs
 - Other uses of water, for example, agriculture
 - Pathways the pollutant will follow using drainage plans and control options, such as the type and location of pollution prevention systems

A basic understanding of environmental science will help fire and rescue services prioritise environmental protection work and help them to incorporate environmental risk into risk management planning and site specific risk plans. See Section 1.2, [Environmental Protection Handbook](#).

A template has been prepared to complete an [environmental risk assessment](#).



Working with environment agencies

Partnerships between environment agencies and fire and rescue services are a key part of any strategy to control pollution. This approach is underpinned by national working agreements (memorandums of understanding) and local working agreements.

The main responsibilities of the environment agencies are:

- Managing water resources used for public and private water supplies
- Preventing and controlling pollution in inland waters, estuaries and coastal waters (to a distance of three miles)
- Protecting people and the built environment from flooding
- Regulating emissions and operations at large or complex industrial sites
- Setting consistent standards for treating, storing and moving waste
- Regulating the disposal of radioactive waste from nuclear licensed sites
- Regulating the keeping and use of radioactive materials on sites other than licensed sites

See Section 1.3, [Environmental Protection Handbook](#).

Communicating with environment agencies

Fire and rescue services must have systems to advise environment agencies when there is potential for pollution, or when pollution has occurred. This includes pollution from fire and rescue service actions. There is no legal defence where pollution is caused by a fire and rescue service in non-emergency situations.

When informed of an incident, environment agencies will first provide help by telephone. A competent agency officer will assess how serious the incident is and decide on the response. The environment agencies classify environmental impacts into four categories:

- Category 1: Most serious and damaging
- Category 2: Significant damage and impact
- Category 3: Pollution confirmed - local impact
- Category 4: Event reported but no damage can be confirmed

Environment agencies will, as soon as is reasonably practicable attend incidents:

- Where there is or may be a significant environmental impact
- Where a fire and rescue service reasonably requests its attendance

If the environment agency decides attendance is not appropriate it will advise the fire and rescue

service of its decision and will provide information to incident commanders over the phone if requested. See Section 3.1, [Environmental Protection Handbook](#).

Scene protocols

The attending environment agency officer will assess the scene, offer advice or where appropriate, under the knowledge and supervision of the fire and rescue service incident commander, take action to prevent or limit pollution.

Environment agencies' officers take the following roles:

- Competent officer: the officer receiving initial details of the incident and determining the response
- Site controller: responsible for co-ordinating the environmental response at the scene
- Base controller: an experienced member of staff responsible for overall incident control

For smaller incidents the same person may perform more than one role.

Environment agencies may also take direct action to control pollution themselves if there is an immediate threat to the environment and the polluter cannot be found or is unable or unwilling to act. See Section 3.6, [Environmental Protection Handbook](#).



Motorway and highway drainage

The overall responsibility for managing motorways and trunk roads lies with the relevant highways agency. Some roads are managed by private companies, and other 'A' roads and all minor roads are managed by local authorities.

There are three major objectives in road drainage:

- To remove surface water quickly to provide safe roads and minimum nuisance
- To provide effective drainage to maximise the life of the road
- To minimise the impact of run-off on the receiving environment

Road drainage can be broadly classified into two elements: surface and sub-surface. These two elements are not completely separate from one another.

Because it is important that water drains quickly from the road surface, it can be difficult to contain polluted run-off from an incident before it enters a local water body.

The highways agencies have access to a wide knowledge base of the area along the national road network, including the location and operation of pollution control devices. They will also be able to call on additional environmental protection equipment and resources from their own incident support units.

Storage bins containing pollution control materials are located near many motorway slip roads. The Storage bins are kept locked and keys are held by environment agency and highways agency traffic officers. See Section 1.7, [Environmental Protection Handbook](#) for further information.

A reduced level of pollution control and response exists for locally maintained road infrastructure, and in most cases local authorities can be contacted to obtain pollution control information.



Environmental risk assessment

Incident commanders should conduct an assessment of the environmental risk at incidents they attend. This will help them to identify the potential risks posed by fire service actions on the environment and the control measures, which can be applied to reduce or, where possible, prevent environmental damage.

An environmental risk assessment should identify:

- Nearby population
- Livestock
- Location of local watercourses
- Location of SSSI/sensitive habitats and their proximity to the incident
- Incident location in relation to sensitive groundwater.
- Local drainage
- Polluting materials
- Type of media being used
- Quantity of firewater run-off being produced
- Volume/properties of any spilt materials
- Weather conditions

A [template](#) has been prepared to complete an environmental risk assessment. For smaller incidents the [environmental risk assessment](#) may be included as part of the [dynamic risk assessment](#).

For larger, more protracted incidents or where a known risk to the environment has been identified, a formal [environmental analytical risk assessment](#) should be completed and recorded.

Any risk to the environment either known or suspected should be communicated to those attending the incident and where appropriate, the relevant agencies. Information on environmental risk assessment is contained in Section 3.4 of the [Environmental Protection Handbook](#).

Source-Pathway-Receptor model

Pollution control should be carried out using a Source-Pathway-Receptor model. The first action is to identify any hazards to the environment (the source). When a hazard is identified, measures should be taken to prevent or reduce the risk of pollutants reaching (via a pathway) vulnerable parts of the environment (the receptor). For example, contaminated fire water (the source) could travel via surface drains (the pathway) into a local watercourse (the receptor).

