

CHRONOLOGY OF US NAVAL VESSELS

ANNEX A

Date	What Happened
7 Feb 03	<p>Able UK telephone the EA to ask if their current WML includes the dismantling of ships.</p> <p>Able UK fax their list of queries to the Environment Agency.</p>
20 Feb 03	EA write to Able UK to confirm their understanding of the issues.
Feb/March	Able tel HBC to seek confirmation that existing planning consent includes ships (given)
2 Apr 03	Able UK e-mail EA regarding legislation affecting dismantling vessels.
3 Apr 03	EA meet with Able UK to discuss the issues and refer Able UK to the National TFS Team.
9 Apr 03	Able UK confirmed to the EA that the ships would contain hazardous materials and they could dismantle them in 180 days. EA advised about TFS and informed them of the Asbestos Prohibition Regulations and contact details for HSE.
16 May 03	Background information regarding the Able UK site, i.e. it might need Modification to quantities.
16 May 03	EA discussed TFS issues with US EPA. Application process described.
4 Jun 03	US EPA request details from EA of Able UK's Site Inspection Records.
5 Jun 03	US EPA fax completed Notification Form (and letter) signed by Curt Michanczyk at MARAD for approval to EA.
1 Jul 03	TEAG Meeting takes place.
14-18 Jul 03	<p>TFS NE Team, based in Northumbria for NE, liaise with the Waste Licensing Team, Pan-Area for Northumbria and Dales, to check the WML and technical capability of the facility. Interchanges are verbal.</p> <p>TFS and Waste Licensing Teams check the existing WML. Their understanding of the TERRC history and analysis of the WML led to the view that the WML did allow ships (later advice from</p>

	<p>Barristers (October) overturned this view) and that a whilst the site had the physical capacity for the 13 ships, it needed a Modification to increase the tonnage. This Modification was seen as a minor technical matter that could be addressed after the TFS was issued.</p> <p>TFS Team felt this was more practical than rejection of the TFS, waiting for the Modification and then requiring the applicant to make a new application. Subsequent legal advice also indicated that the tonnage for this WML could not be changed with a Modification and would require a new application.</p>
18 July 03	HSE consult HBC about Asbestos Prohibition Regulations
22 Jul 03	TFS approval of application “no objections” subject to financial guarantee.
22 Jul 03	EA issue TFS.
25 Jul 03	<p>MARAD – EA</p> <p>Finalised financial guarantee letter.</p> <p>Defra officials put information note to Ministers</p>
28 Jul 03	<p>EA – EA</p> <p>Copies of Certificate of Satisfaction and MARAD Financial Guarantee sent.</p>
30 Jul 03	Able UK send EA their WML Modification Application.
11 Aug 03	WML consultation sent to HBC, HSE, EN and Able UK.
13 Aug 03	Able UK submit application for FEPA licence to undertake construction works at sea
14 Aug 03	EA talk to HBC about planning permission and are advised over the phone that “there might be some debate over its current validity”.
15 Aug 03	Further information note by Defra officials to Ministers
20 Aug 03	Able UK make a new planning application for a coffer dam.
20 Aug 03	<p>EA organised a joint regulators meeting. At this meeting, HBC state that:</p> <ul style="list-style-type: none"> • Planning permission for use of dock is valid. • HBC would review the approval for dock gates. Their preliminary review was that the permission had lapsed.

9 Sept 03	EA receive from MARAD the first pre-notification for Vessels 1 and 2.
10 Sept 03	Request to EA from MCA for information about status of TFS. EA inform MCA that TFS was issued and that this was one of several permissions required by Able UK/MARAD.
12 Sept 03	EA inform MARAD that Able UK had submitted a new planning application for the bund/coffer dam. EA also express concern that the delays could compromise dry dock working.
17 Sept 03	Able UK withdraw the coffer dam application made on 20 Aug 03.
19 Sept 03	EA receive copy of letter to Able UK from HBC indicating that HBC had engaged Counsel to deal with planning permission and seek further information from Able UK "in order to enable us (HBC) to come to a firm view".
22 Sept 03	At EA suggestion, MARAD e-mail HBC to request clarification of outstanding planning issues. HBC send e-mails to reply to Shawn Ireland at MARAD.
22 Sept 03	FoE wrote to EA and advised that we need to undertake an "in-combination" habitats directive assessment. We had substantially progressed an assessment based upon the WML modification, however our lawyers agreed with FoE interpretation and we extended the process to an "in-combination" assessment.
26 Sept 03	EA ask (verbally) Able UK to consider extending the licence determination period as we are concerned about the additional work associated with the "in-combination assessment".
29 Sept 03	EA wrote to Able UK to confirm their request of 26 Sept 03.
29 Sept 03	EA receive second pre-notification for Vessels 3 and 4. Details are wrong but MARAD correct by 2 Oct 03.
30 Sept 03	EA attends meeting with other regulators. This involved DEFRA, who attended in relation to the FEPA Licence (this was pre-dated with regular phone communications through late-Sept), HBC who indicated that Able UK was challenging their view that planning permission was not in place. HBC said the situation was "unresolved".
30 Sept 03	EA issued the WML Modification.
1 Oct 03	US Court Hearing held and decided that 4 ships could leave US and remaining 9 must stay in

	US pending Hearing in April 2004.
3 Oct 03	EA e-mail MARAD to confirm previous advice about unresolved planning permission and newly made FEPA Licences. EA suggested that MARAD consider keeping vessels in US until all matters were resolved. EA also advised US EPA. FoE contest validity of WML modification
6 Oct 03	Vessels 1 and 2 leave the US.
7 Oct 03	HBC make a public statement that their view was that the planning permission for the bund/gate was invalid. Lord Whitty Oral PQ
7 Oct 03	Supporting DEFRA with briefings for Lord Whitty.
9 Oct 03	Carol Lucas MEP letter to the SofS
16 Oct 03	Margot Wallstrom Letter to SofS
17 Oct 03	Vessels 3 and 4 leave the US.
20 Oct 03	Application for FEPA licence submitted
22 Oct 03	EA Lawyers advise that WML Modification is invalid. Catharine Day pre 226 notification letter to UKREP
24 Oct 03	Ric Navarro briefs Senior DEFRA Officials. Defra note to Ministers (followed by full briefing on 27 Oct
29 Oct 03	Cabinet Office chaired a meeting between the FCO, DEFRA, EA, DfT.
29 Oct 03	EA meet Able UK to advise them that the TFS and WML are invalid. EA inform MARAD and US EPA via separate teleconferences.
30 Oct 03	EA issues press release and attends HBC Scrutiny Committee.
2 Nov 03	EA writes to Able UK and MARAD to confirm the legal position and to advise them to return Vessels to US.
3 Nov 03	Elliot Morley PNQ

6 Nov 03	Lord Whitty oral PQ Defra Press notice on first two ships
7 Nov 03	Defra press notice on decision to give temporary storage for first two ships
10 Nov 03	EA sends detailed legal arguments to MARAD and Able UK.
12 Nov 03	Agency issue emergency modification Able UK WML for US vessels docked at Graythorp site
15 Nov 03	Defra Press notice on ships 3 and 4
19 Nov 03	Environment Select Committee Hearing
26 Nov 03	Competent Authorities Meeting at English Nature
27-28 Nov 03	Vessels 3 and 4 arrive at Graythorp site
8 Dec 03	Judicial Review FoE v Agency with regard to Able UK WML
16 Dec 03	Judicial Review PIL v Able UK with regard to Planning Permission. Ruling deems that existing Able planning permission is invalid
18 Dec 03	Ruling from 8 Dec 03 Judicial Review deems that the Able UK WML in its current form was not valid
28 Jan 04	Hartlepool Borough Council issue EIA Scoping Opinion letter to Able UK
28 Jan 04	Able UK submit first draft of WML application. Agency cashes payment cheque
2 Feb 04	Competent Authorities Meeting at Environment Agency
4 Feb 04	MARAD letter confirms that they will not release nine remaining ships in US until Agency has confirmed that all permissions are in place
4 Feb 04	Agency writes to Able UK to confirm that it considers that the Able draft WML application is incomplete
9 Feb 04	Competent Authorities Meeting at Able UK at which advice was given to the company on producing the EIA

KEY

EA	- Environment Agency
HBC	- Hartlepool Borough Council
MARAD	- US Maritime Administration
US EPA Authority	- United States Environmental Protection Authority
FEPA	- Food and Environment Protection Act
WML	- Waste Management Licence
TFS	- Transfrontier Shipment
TEAG	- TERRC Environmental Advisory Group
HSE	- Health and Safety Executive
EN	- English Nature
PIL	- Public Interest Lawyers
MCA	- Maritime Coastguard Agency
FoE	- Friends of the Earth
DEFRA Affairs	- Department for Environment, Food and Rural Affairs