From: Latimers [robert@latimers.com]
Sent: 06 November 2006 11:26
To: Thomas Bell
Subject: Fw: Port of Tyne Capping trial

----- Original Message -----
From: Latimers
To: secretariat@ospar.org
Sent: Monday, November 06, 2006 11:25 AM
Subject: Fw: Port of Tyne Capping trial

Could this information be passed to Mr David Johnson for his OSPAR meeting in Ireland

Bob Latimer

----- Original Message -----
From: Latimers
To: David Johnson
Sent: Monday, November 06, 2006 11:18 AM
Subject: Fw: Port of Tyne Capping trial

----- Original Message -----
From: Latimers
To: Seahamenvass@aol.com
Sent: Monday, November 06, 2006 11:05 AM
Subject: Fw: Port of Tyne Capping trial

----- Original Message -----
From: Latimers
To: David Johnson
Sent: Monday, November 06, 2006 11:04 AM
Subject: Re: Port of Tyne Capping trial

Dear Mr Johnson
Thank you for your clarification of the terms 'capital and maintenance dredging'
I would like to take up your offer to put some questions to the Ospar meeting which I understand will be tomorrow - sorry to be so late, I have just received your e mail this morning?

The questions are;
1) I quote from the CEFAS Risk Assessment for the Port of Tyne Dredging "Placement of contaminated material and subsequent capping of contaminated material in open water on this scale is almost unique, as even in the US most capping has been in shallower and more sheltered waters. This is the first in the UK and there are a number of uncertainties with regards to the potential long term effers as a result of the placement of contaminated dredged material in this area." Apart from this clear indication that this was to be Capital Dredging as Maintenance Dredging does not need capping, the assessment makes it clear that this was an uncertain and unique TRIAL so how can this have been allowed to go ahead without a full Enivronmental Impact Assessment?

2) Defra stated to the Port of Tyne on 30.03.06 - "Defra stand by the assessment of our marine scientists at CEFAS that the cap as it stands is not fit for purpose and an urgent placement of further capping material is required followed by two tier monitoring." This was

placement of further capping material is required followed by two tier monitoring." This was one year after the trial had taken place yet the licence required that a total cap thickness was to be 1.5m, and even with additional capping in June 2006 the cap thickness is allowed to be only .65m. Why has this breach of the licence been allowed to continue?

3) Is Ospar content to allow the terms of the Licence to be altered to suit the situation, regardless of environmental risks, and what sort of precedent does this set?

4) In the letter to RL on Aug. 17th 2006 Defra confirm that POT had deposited a further 152,000 cu.m of capping on to the site but that monitoring a month later showed that only 64,000 cu.m of capping had been retained - less than half - so will OSPAR require CEFAS to supply RL with evidence that the original contaminated material was not similarly dispersed during the time before any capping was deposited (and subsequently?)

5) CEFAS carried out a Risk Assessment of the capping in Nov. 2005 and found it was inadequate - what further risk assessments did CEFAS carry out before the second stage of cappping in June/July 2006 in order to find out the stability of the thickness of the cap during the winter months?

6) RL's understanding is that from 1988 until 2003 there was over 15million tons of waste tipped on this disposal site, the application form from the POT consultants state that the site was a non-dispersive site, why are Cefas now calling the site a dispersive site?

7) In a Summary of the Capping Project (Oct. 2006) Defra are completely satisfied that all the objectives have been met. They state that they have 'no evidence to support your statement' … that the objectives have not been met' yet I have evidence that the objectives failed. They have now agreed that a capping of .85m (which has seemed to increase from the .65m which was present in August) rather than the licenced 1.5m is 'acceptable'. There has been no assessment of the effect of the contaminated material on the local marine environment. Rl is extremely concerned that because of the 'cover up' - the trial will now be promoted as having been sucessful and that further dumping of contaminated material will be allowed, not just here but all around our estuaries - will OSPAR ensure that this is not the case?

Yours sincerely

Robert Latimer

PS - It has just occurred to me that I did not ask these basic questions about the actual beginning of the trial - Can you also ask;

8) In 2004 did CEFAS consider that the MCEU licenced capping trial was the best **environmental** option for disposal of the contaminated material?

9) Is the contaminated material likely to disperse beyond the boundaries of the disposal site?

10) Has or will this operation cause environmental damage outside the disposal site?

> ----- Original Message -----
> **From:** David Johnson
> **To:** robert@latimers.com
> **Sent:** Thursday, November 02, 2006 3:56 PM

Sent: Thursday, November 02, 2006 3:56 PM
Subject: FW: Port of Tyne Capping trial

Dear Mr Latimer

I promised to answer your specific points to the best of my knowledge.

My understanding is that within the UK, dredging EIAs are normally associated with port expansion applications. In most cases these are a Schedule 2 requirement and therefore not mandatory. The difference between a capital and maintenance dredge is that the former extract 'new' material (e.g. seabed not previously dredged) rather than the accumulation of material (e.g. within a marina through siltation and deposition). As a working rule the UK normally interprets 'new' sites, requiring capital dredge consideration as those that have not been disturbed for 10-years or more.

I hope this helps and clarifies.

Yours sincerely
David Johnson

From: David Johnson
Sent: 16 October 2006 17:00
To: 'robert@latimers.com'
Cc: Amparo
Subject: Port of Tyne Capping trial

Dear Mr Latimer

As Alan Simcock's successor I was pleased to receive your email and note your continuing interest in this matter. I will seek advice and respond accordingly to your specific questions.

The EIHA meeting in Galway will consider the issue of pollution caused by dredged material and, as Mr Simcock noted, the UK has agreed to make a specific presentation on the Port of Tyne Capping trial at this meeting. Under the OSPAR Commission's Rules of Procedure meetings of the Commission and its subsidiary bodies are held in private, therefore it is not possible for you to attend in person. If, however, you would like to send me a written submission I would be happy to draw this to the attention of the UK delegation.

Yours sincerely
David Johnson

Professor David Johnson
Executive Secretary, OSPAR Commission
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OSPAR Commission / Bonn Agreement, New Court, 48 Carey Street, London WC2A 2JQ
Tel: +44 (0) 20 7430 5200 / Fax: +44 (0) 20 7430 5225
Email: secretariat@ospar.org / secretariat@bonnagreement.org
Internet: www.ospar.org / www.bonnagreement.org
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