



The American Waterways Operators

The national advocate for the tugboat, towboat and barge industry.

Atlantic Region Annual Meeting

February 4-5, 2010

One Ocean Resort Hotel & Spa

One Ocean Boulevard

Atlantic Beach, FL

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**Atlantic Region Annual Meeting
February 4-5, 2010**



The American Waterways Operators

MEETING SPONSORS



The American Waterways Operators

Atlantic Region Annual Meeting

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# **AGENDA**

**The American Waterways Operators**

Atlantic Region Annual Meeting

One Ocean Resort and Spa

Atlantic Beach, FL

February 5, 2010

8:30 a.m. - 12:00 p.m.

Call to Order

*Mr. Jeffrey Parker, Allied Transportation Company*

Safety Briefing

*Mr. Jeffrey Parker, Allied Transportation Company*

Atlantic Region Chairman's Report

*Mr. Jeffrey Parker, Allied Transportation Company*

Chairman's Remarks

*Mr. Timothy J. Casey, K-Sea Transportation Partners, L.P.*

Regional Report

*Ms. Nicole E. deSibour, The American Waterways Operators*

U.S. Coast Sector Jacksonville Report

*CDR David Barata, Chief of Prevention, Sector Jacksonville*

*LCDR Matthew Marlow, Chief of Inspection, Sector Jacksonville*

U.S. Army Corps of Engineers Initiative on Coastal Barge Operating Data

*Mr. Ken A. Eriksen, Informa Economics*

Election of Board Members and Officers

*Mr. Jeffrey Parker, Allied Transportation Company*

National Report

*Mr. Thomas A. Allegretti, The American Waterways Operators*

2010 National Priorities

*Ms. Jennifer A. Carpenter, The American Waterways Operators*

Open Discussion

*Mr. Buckley McAllister, McAllister Towing*

Adjournment

*Mr. Jeffrey Parker, Allied Transportation Company*

**LIST OF ANNUAL MEETING  
ATTENDEES**



**The American Waterways Operators  
2010 Atlantic Region Annual Meeting  
Atlantic Beach, FL**

***Attendees***

**Allegretti, Tom**  
The American Waterways Operators

**Barata, CDR David**  
U.S. Coast Guard

**Bish, CAPT Alan**  
Reinauer Transportation Company

**Carpenter, Jennifer**  
The American Waterways Operators

**Casey, Tim**  
K-Sea Transportation Partners, L.P.

**Craighead, Tom**  
Moran Towing Corporation

**Dann, Stephen**  
Dann Ocean Towing, Inc.

**deSibour, Nicole**  
The American Waterways Operators

**Douglass, John**  
Crowley Maritime Corporation

**Eriksen, Ken**  
Informa Economics

**Francis, Joseph**  
Bouchard Transportation Co., Inc.

**Furlough, Stephen**  
Furlough Marine Management LLC

**Garger, Andy**  
Water Quality Insurance Syndicate

**Hughes, Bob**  
Hughes Bros., Inc.

**Iuliucci, Rick**  
The Vane Brothers Company

**Ivins, Don**  
Express Marine, Inc.

**MacGillivray, Brendan**  
Seaboats, Inc.

**Marlow, LCDR Matthew**  
U.S. Coast Guard

**Marra, Linda**  
Greater NY Marine Transportation, LLC

**McAllister, Buckley**  
McAllister Towing

**McLaughlin, Jason**  
Donjon Marine Co., Inc.

**Parker, Jeff**  
Allied Transportation Company

**Register, Croft**  
Express Marine, Inc.

**Reinauer, Craig**  
Reinauer Transportation Company

**Ring, Mike**  
McAllister Towing

**Schrinner, John**  
McAllister Towing

**The American Waterways Operators  
2010 Atlantic Region Annual Meeting  
Atlantic Beach, FL**

*Attendees*

**Smith, Dominique**

TradeWinds Towing LLC

**Tregurtha, Ted**

Moran Towing Corporation

**Waterman, Bill**

Penn Maritime, Inc.

**Watson, RADM James**

U.S. Coast Guard

**Whitmore, Ed**

Norfolk Tug Company

**Wisneski, CAPT Jason**

Dann Marine Towing LC

**DIRECTORS REPRESENTING THE  
ATLANTIC REGION**



The American Waterways Operators

*The national advocate for the tugboat, towboat and barge industry.*

## **AWO Directors Representing the Atlantic Region**

**Jeff Parker** (2010) - Chairman (2010)  
*Allied Transportation Company*

**Buckley McAllister** (2010) - Vice Chairman (2010)  
*McAllister Towing*

**Stephen Dann** (2011)  
*Dann Ocean Towing, Inc*

**Rick Iulucci** (2010)  
*The Vane Brothers Company*

**Don Ivins** (2011)  
*Express Marine, Inc.*

**Brendan MacGillivray** (2010)  
*Seaboats, Inc.*

**Ted Tregurtha** (2011)  
*Moran Towing Corporation*

**William Waterman** (2011)  
*Penn Maritime, Inc.*

Alternate: **Bob Hughes** (2011)  
*Hughes Bros., Inc.*

**NOMINATIONS FOR DIRECTORS  
REPRESENTING THE  
ATLANTIC REGION**



**The American Waterways Operators**

www.americanwaterways.com

801 North Quincy Street  
Suite 200  
Arlington, VA 22203

PHONE: (703) 841-9300  
FAX: (703) 841-0389

Nicole deSibour  
Vice President – Atlantic Region

January 26, 2010

**MEMORANDUM**

To: AWO Atlantic Region Membership

From: Nicole deSibour

Re: 2010 Atlantic Region Board Member Slate

**Current Atlantic Region Director and Officers**

*Directors with terms ending this cycle are italicized.*

*Jeffrey Parker, Allied Transportation Company (2010) Chairman (2010)*

*Buckley McAllister, McAllister Towing (2010) Vice Chairman (2010)*

Stephen Dann, Dann Ocean Towing, Inc. (2011)

*Frederick Iulucci, The Vane Brothers Company (2010)*

Donald Ivins, Express Marine, Inc. (2011)

*Brendan MacGillivray, Seaboats, Inc. (2010)*

Edward Tregurtha, Moran Towing Corporation (2011)

William Waterman, Penn Maritime, Inc. (2011)

Alternate: Robert Hughes, Hughes Bros., Inc. (2011)

The Atlantic Region Nominating Committee met on October 15, 2009.

The committee included Stephen Dann, Donald Ivins, Edward Tregurtha and William Waterman.

The committee nominated the following for the term ending in 2012:

Chairman: Buckley McAllister, McAllister Towing

Vice Chairman: Stephen Dann, Dann Ocean Towing

**Board Members:**

John Douglass, Crowley Maritime Corporation

Frederick Iulucci, The Vane Brothers Company

Brendan MacGillivray, Seaboats, Inc.

Buckley McAllister, McAllister Towing

Jeffrey Parker, Allied Transportation Company

The slate will be presented at the 2010 Atlantic Region Annual Meeting on February 5, 2009 in Jacksonville, FL.

# **PRIORITIES**

**Atlantic Region  
National**

## **ATLANTIC REGION 2010 PRIORITIES**

- Continue institutionalizing the congressional grassroots program as a key component of AWO's advocacy program. Work with AWO members in the Atlantic Region to establish and strengthen relationships with targeted members of Congress.
- Continue to work with all key governmental agencies throughout the region to strengthen partnerships, improve communication and facilitate access to information of importance to the industry. The regional office will advocate to critical agencies that affect the industry, including the U.S. Coast Guard, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service and the Environmental Protection Agency.
- Manage industry engagement in all priority state and federally-proposed regional initiatives that broadly affect AWO members.
- Promote outreach to key media outlets in the Atlantic region to enhance the positive public awareness of the towing industry.
- Manage the Atlantic Region Quality Steering Committee of the Coast Guard-AWO Safety Partnership to ensure that AWO's safety goals and operational priorities are addressed.
- Manage the AWO PAC program of Atlantic Region Board members to lead and encourage AWO member support of the AWO PAC to achieve the Board-approved goals for PAC participation.
- Defend federal preemption of state requirements seeking to regulate interstate commerce, particularly with respect to the Commonwealth of Massachusetts.
- Manage industry engagement on alternative energy projects in the Atlantic Region to ensure impacts on navigation are minimized.



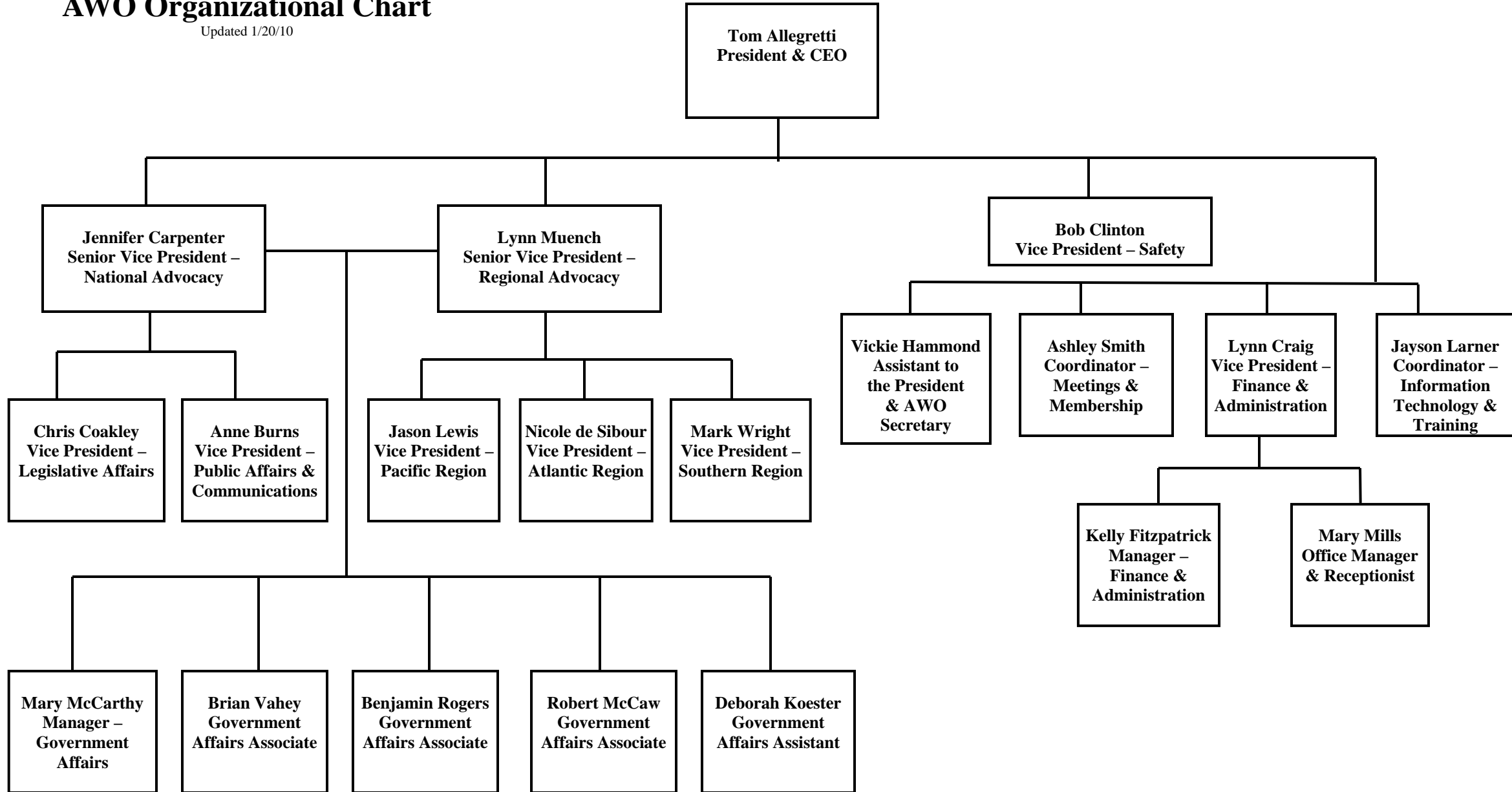
# Major Issue Challenges and Objectives for 2010

- **Raise public awareness of the industry's value to the nation and establish and maintain effective relationships with Congressional and Administration decisionmakers whose work impacts AWO members.**
- **Promote Responsible Carrier Program compliance and provide forums and resources to assist AWO members in being leaders in marine safety.**
- **Lead an effective and coordinated industry response to the Coast Guard notice of proposed rulemaking on towing vessel inspection.**
- **Secure improvements to the inland waterways infrastructure project delivery process and ensure that industry contributions to the Inland Waterways Trust Fund are fair and affordable.**
- **Secure a uniform and practical national approach to regulation of ballast water and other vessel discharges.**
- **Ensure a practical, science-based approach to crew endurance, work and rest issues and promote widespread understanding and implementation of crew endurance management principles.**
- **Prevent erosion of the cabotage laws and build support for the Jones Act with Congressional and Administration policymakers.**
- **Eliminate the requirement for a second trip to the TWIC enrollment center and ensure that DHS regulations do not require TWIC card readers on towing vessels.**
- **Ensure that vessel operations are regulated and governed by the federal government and oppose attempts by states to usurp the Coast Guard's authority.**

# **AWO ORGANIZATIONAL CHART**

# AWO Organizational Chart

Updated 1/20/10



# **NATIONAL ISSUES**

## **AWO Strategic Plan Coast Guard TVBP Memorandum**

**The American Waterways Operators**  
**Strategic Plan**  
October 16, 2009

Vision

The American Waterways Operators is the national advocate for the U.S. tugboat, towboat and barge industry, which serves the nation as the safest, most environmentally friendly, and most economical mode of freight transportation.

Mission

The American Waterways Operators represents the people who own and operate the tugboats, towboats and barges serving the rivers, coasts, Great Lakes and harbors of the United States. AWO promotes the industry's value to the nation as a driver of the U.S. economy with a positive impact on the American quality of life, moving vital commodities safely, providing family-wage jobs, reducing air and water pollution, relieving highway congestion, and protecting homeland security.

Values

AWO members:

- Operate their companies and vessels in an ethical manner.
- Care for their employees and the public by working to improve the safety of their operations and the professionalism of their people.
- Care for the environment by working to protect and improve the quality of our nation's air and water.
- Supply creative, practical, and economical solutions to their customers' and the nation's transportation needs.
- Provide value to the nation, moving cargoes vital to the U.S. economy as the safest, most environmentally friendly and most efficient mode of freight transportation.
- Value member diversity and engage in cooperative endeavors for the betterment of the industry.
- Work collaboratively with government and other stakeholders to find solutions to issues of safety, security, the environment and freight mobility.

Goals

1. Promote positive public awareness of the tugboat, towboat and barge industry.
2. Lead and support AWO members in continuously improving safety, security and environmental stewardship.
3. Promote the tugboat, towboat and barge industry with the U.S. Congress and advocate for legislation and policies that benefit the industry.
4. Promote the tugboat, towboat and barge industry with the Administration and federal agencies and advocate for regulatory policies that benefit the industry.

5. Influence priority state and federally-proposed regional initiatives that broadly affect industry interests.
6. Promptly inform and engage the membership on public policy issues.
7. Govern and manage the association effectively and efficiently.

### Objectives

#### **Goal 1: Promote positive public awareness of the tugboat, towboat and barge industry.**

- 1.1 Develop a concise and effective value proposition to tell the industry's story to policymakers and targeted public audiences.
- 1.2 Develop and implement a strategy to raise awareness of the industry's value to the nation.
- 1.3 Engage members to act as ambassadors for the industry to policymakers, media, and targeted public audiences.
- 1.4 Use technology strategically to communicate the industry's message.
- 1.5 Build and maintain relationships with targeted trade and mainstream media.

#### **Goal 2: Lead and support AWO members in continuously improving safety, security and environmental stewardship.**

- 2.1 Ensure AWO members continue to lead the marine transportation industry in safety and environmental stewardship.
- 2.2 Strengthen the Responsible Carrier Program and enhance its value to AWO members.
- 2.3 Establish safety and environmental goals and measure results.
- 2.4 Utilize and manage appropriate resources to ensure successful industry transition to Subchapter M and other federal regulations.
- 2.5 Convene forums and facilitate processes for improving vessel safety, protecting the environment and educating AWO members.
- 2.6 Manage and modernize vessel security plans.

#### **Goal 3: Promote the tugboat, towboat and barge industry with the U.S. Congress and advocate for legislation and policies that benefit the industry.**

- 3.1 Develop and implement an integrated strategy to achieve legislative objectives.
- 3.2 Build and maintain relationships with key Members of Congress and their staffs and establish AWO as the go-to organization on domestic maritime issues.
- 3.3 Integrate AWO members in legislative advocacy, building and leveraging grassroots relationships with Members of Congress.
- 3.4 Use coalitions to strengthen relationships and achieve legislative results.
- 3.5 Ensure a robust AWO-PAC and political support program that is integrated into AWO's overall legislative strategy.
- 3.6 Establish performance measures for assessing legislative results and communicate them to members.

**Goal 4: Promote the tugboat, towboat and barge industry with the Administration and federal agencies and advocate for regulatory policies that benefit the industry.**

- 4.1 Develop and implement an integrated strategy to position the industry positively with the Administration, including targeted federal agencies, to achieve regulatory objectives.
- 4.2 Build and maintain relationships with Administration officials and regulators and establish AWO as the go-to organization on domestic maritime issues.
- 4.3 Integrate AWO members in Administration and regulatory advocacy, building and leveraging their relationships and technical expertise.
- 4.4 Establish performance measures for assessing regulatory results and communicate them to members.

**Goal 5: Influence priority state and federally-proposed regional initiatives that broadly affect industry interests.**

- 5.1. Systematically monitor state and federally-proposed regional initiatives and advocate on those broadly impacting the industry.
- 5.2. Provide information on and advice to AWO members on advocacy challenges.
- 5.3. Utilize and activate AWO members, outside organizations and other resources to prosecute advocacy programs.
- 5.4. Proactively plan for increased or future state or federally-proposed activities.

**Goal 6: Promptly inform and engage the membership on public policy issues.**

- 6.1 Educate members about relevant public policy issues in a timely way.
- 6.2 Use technology effectively to engage members on issue developments.
- 6.3 Enhance AWO meetings to foster member engagement with and among AWO members.
- 6.4 Engage Board of Directors and Executive Committee members as leaders in AWO communications with members and prospective members.
- 6.5 Develop targeted messages and communication mechanisms aimed at educating vessel crews and shoreside personnel as appropriate to meet AWO's strategic objectives.

**Goal 7: Govern and manage the association effectively and efficiently.**

- 7.1 Maintain a financially strong organization with adequate reserves and financial flexibility consistent with trade association best practices.
- 7.2 Recruit, develop and retain a quality staff to execute AWO's mission.
- 7.3 Ensure high ethical standards and compliance with applicable law and regulation.
- 7.4 Define and communicate expectations and responsibilities of Board of Directors and Executive Committee members.
- 7.5 Maintain a governance structure and processes that balance effective oversight, efficient decision making, and diverse AWO member perspectives.
- 7.6 Ensure that the membership remains engaged in and committed to the association.
- 7.7 Provide a professional development program for AWO staff consistent with trade association best practices and the needs of the organization.
- 7.8 Utilize strategic alliances with other organizations to foster effective advocacy and efficient use of member resources.



16710  
12 June 2009

## MEMORANDUM

From: E. P. Christensen, CAPT  
COMDT (CG-543)

A handwritten signature in blue ink, appearing to be "E. P. Christensen".

Reply to CDR G. L. Boone  
Attn of: (202) 372-1215

To: CG LANTAREA (Ap)  
CG PACAREA (Pp)

Subj: COAST GUARD TOWING VESSEL BRIDGING PROGRAM (TVBP)

Ref: (a) COMDT COGARD Washington DC 121639Z June 09  
(b) LANTAREAINST 16710.1, Commercial Uninspected Towing Vessel  
Examination Program  
(c) U.S. Coast Guard Requirements for Uninspected Towing Vessels, Ch-1, Mar09

1. The intent of this memorandum is to provide policy and additional details on the information on the program outlined in reference (a). As this message states, pursuant to the Coast Guard and Maritime Transportation Act of 2004, Pub. L. 108-293 of August 9, 2004, a significant regulatory project is underway that would subject the majority of commercial towing vessels to Inspection. In the period between the current and future state of towing vessel safety oversight, a Towing Vessel Bridging Program (TVBP) has been initiated to ease the transition and ensure that both the Coast Guard and the towing vessel industry are informed and prepared to meet the new requirements to be finalized in Subchapter M. This goal will be accomplished by enhancing, improving, and increasing Coast Guard interactions with the towing vessel industry, and by acclimating all involved with the procedures, policy, requirements and administration of existing and, as implementation draws closer, new Subchapter M regulations. To further these ends, during this period of transition the Coast Guard will conduct extensive industry outreach, properly train our people, and will examine every uninspected towing vessel (UTV) that will be inspected under Subchapter M.
2. **Elements of the Program**: The Coast Guard Office of Vessel Activities, Domestic Compliance Division (CG-5431), in consultation with representatives of the towing industry and LANTAREA and PACAREA, has developed the framework for the TVBP that is comprised of five (05) critical elements. They are: Industry Outreach; Education and Qualification; Industry Initiated Exams; Risk-Based Targeted Exams; and LE Boardings and Surge Operations.
  - a. **Industry Outreach**.
    - (1) Particular emphasis will be placed on outreach, whereby Coast Guard and Industry representatives discuss the TVBP and strongly encourage widespread industry participation in the Industry Initiated Examinations (described in 2.c.). To support the outreach effort, CG-5431, Areas, and Districts shall communicate with advisory committees and industry groups, respond to their questions and help them get the



word out to their stakeholders and members. Sectors and their subordinate commands are to engage owners, operators, and charterers in their areas of responsibility. A variety of venues--such as Industry Days, Harbor Safety Committees, and Navigation Safety Committees--and methods, including Marine Safety Information Bulletins and Coast Guard Homeport postings, should be used to communicate details and promote the scheduling of examinations. Additional emphasis should be placed on direct Coast Guard - Industry interaction during indoctrination sessions outlined in 2.b.(1).

- (2) After the Subchapter M Notice of Proposed Rulemaking (NPRM) is published in the Federal Register, all levels of the Coast Guard shall vigorously conduct outreach with the Industry to communicate details of the proposed regulations and encourage comment.

b. Education and Qualification.

- (1) This spring, CG-5431 formed several joint Industry/Coast Guard work groups to develop comprehensive education and qualification programs. One Workgroup (WG1) is addressing Industry Orientation and Indoctrination, and the second (WG2) is addressing Towing Vessel Examination Training and Qualification. The intent is to ensure personnel assigned to Towing Vessel Inspection billets have a solid understanding of the industry and that they have the knowledge, skills, and abilities to competently and professionally conduct towing vessel examinations evaluating compliance with current regulations (Subchapter B and C). CG-5431 will distribute the materials developed by these workgroups to the field in June 2009.
- (2) As we progress toward Subchapter M implementation, appropriate elements resulting from modernization initiatives will develop a more formal training and qualification program to ensure all personnel assigned to conduct towing vessel inspections have the knowledge, skills, and abilities to fulfill mission requirements.

c. Industry Initiated Exams.

- (1) The third element of the TVBP is Industry Initiated Exams, which are focused on improving Coast Guard-Industry interactions, acclimating industry to an inspection-like process, and ensuring compliance with existing Subchapter B and C requirements. The examination program promulgated by LANTAREA, reference (b), will serve as the foundation of the Industry Initiated Exam initiative and will be expanded for use Coast Guard-wide. A key feature of the Industry Initiated Exam initiative is that Industry initiates a request to a local COTP/OCMI to schedule a towing vessel exam at a mutually agreeable time and location. Once deemed to be in compliance with applicable regulations, the vessel would receive a Coast Guard Towing Vessel Exam decal that is valid for three (03) years. Operational Commanders should consider the presence of (or lack thereof) a valid decal when determining the scope of subsequent Law Enforcement Boardings and Surge Operations activities involving towing vessels.

- (2) Industry Initiated Exams are to focus initially on verification of compliance with existing requirements, including Subchapter B and C standards. However, when the new Subchapter M regulations are finalized and the implementation date approaches, Coast Guard personnel conducting exams shall educate Industry personnel on new regulatory requirements. (Note: Decal issuance will only be based on compliance with the regulations in effect at the time of the examination.)
- (3) Operational commanders shall ensure that all towing vessel examinations (Industry Initiated and Risk-Based Targeted, described in 2.d.) are documented in MISLE. CG-5431 has formed a third Workgroup (WG3) to review MISLE content, recommend upgrades, and develop a MISLE Job Aid for Towing Vessel Examinations.

d. Risk-Based Targeted Examinations.

- (1) The fourth element of the TVBP is a risk-based targeting examination program, that is conceptually similar to the methodology used for Port State Control examinations. Targeted examinations will focus on vessels that have not participated in an Industry Initiated Examination or do not have a valid decal. Vessels that participated in the Industry Initiated Examination but did not take action to meet all the requirements to earn a decal should be screened as if they did not get an exam. When the tool is available, COTP/OCMIs will then determine the priority of examinations based on risk for those vessels that operate in his/her AOR.
- (2) CG-5431 is coordinating a Risk-Based Targeting Examination Workgroup (WG4) that includes Coast Guard and Industry representatives. WG4 is charged with developing risk assessment factors that be used to create a tool that will aid the COTP's/OCMI's decision-making process. WG4 is also tasked with addressing the issue of determining COTP/OCMI fleets of responsibility for vessels that operate in more than one AOR, identifying program measures of success, and identifying and/or developing data capture tools for those measures.

e. LE Boardings and Surge Operations.

- (1) Throughout the period of transition, operational commanders will have wide discretion to plan and execute the fifth element of the TVBP, LE boardings and surge operations as resources permit.
- (2) The effectiveness of the Industry Initiated Examination initiative should drive the operational commander's decisions concerning the focus and tempo of underway boardings. Operational Commanders should consider towing vessels with valid decals as lower risk vessels when planning these operations. If boardings of towing vessels with valid decals are conducted, those boardings should generally be limited in scope except in cases where unusual safety or security risks are apparent.

3. **Implementation:** The program will be implemented in three (03) phases.



- a. Phase 1. The initial focus of Phase 1 will be on industry outreach and CG personnel education, and qualification. The focus will shift to conducting Industry Initiated Examinations after CG personnel are trained and qualified to perform towing vessel examinations. Also during Phase 1, the Towing Vessel National Center of Expertise (TVNCOE) will develop a risk assessment tool, referred to in 2.d.(2). CG-5431 will disseminate the tool for beta testing at selected ports. Phase 1 will commence during the summer of 2009 with an anticipated duration of up to 18 months, but will be scaled based on progress in meeting industry demand for exams.
- b. Phase 2. During Phase 2, the focus will be on Risk-Based Targeted Examinations described in 2.d. In addition, the TVNCOE and TRACEN Yorktown will develop and deliver training in preparation for Towing Vessel Inspections that will occur later in Phase 3. The risk-based tool developed in Phase 1 will be employed to determine towing vessel examination priority. Data relevant to towing vessel operations will be analyzed periodically and adjustments will be made to the tool to enhance the risk-based decision-making process. Phase 2 activities will occur after the industry has been given the opportunity to participate in and the Coast Guard has satisfactorily time to conduct Industry Initiated Examinations, and will continue until Subchapter M implementation.
- c. Phase 3. Phase 3 will commence with the implementation of the new Subchapter M towing vessel inspection regulations and issuance of Certificates of Inspection (COI). We anticipate that the risk-based tool developed and employed in Phase 2, or an enhanced version, will be used to determine priorities for issuing COIs. The TVNCOE and TRACEN Yorktown will continue to develop and deliver formal towing vessel inspections training during this phase.

4. **Amplifying Information:**

- a. Guiding Principles. Coast Guard personnel shall engage the towing vessel industry in the spirit of partnership during this transition to inspection and certification. Again, the purpose of this program is to ease the towing vessel industry's transition from an uninspected to an inspected regime. In all encounters with the towing industry our approach must be measured, professional, and, to the greatest degree possible, in the spirit of cooperation, while ultimately ensuring compliance with applicable safety, security, and environmental protection regulations.
- b. Examinations. The expectation is that Industry Initiated Exams will commence during the summer of 2009; however, this does not preclude units already conducting UTV examinations in accordance with reference (b) from continuing their activities. All UTVs should at least undergo one exam (Industry Initiated or Risk-Based Targeted) by August 2012.
- c. Compliance and Enforcement. During Phase 1 and Phase 2 deficiencies will be issued for non-compliance with current standards and regulations. A decal will not be issued until the deficiencies have been cleared. No civil penalty actions should be taken for failure of owners, operators, or masters to resolve deficiencies found during dockside exams.



However, they should be advised that a UTV is subject to civil penalties for any safety violations observed when the UTV is underway.

If an Examiner discovers a hazardous condition posing a threat to the vessel, its crew or the environment, the Examiner shall immediately notify the Captain of the Port (COTP) to request vessel movement controls and/or assistance from a qualified Marine Inspector (MI). Definition of hazardous condition and examples of those conditions may be found in 33 CFR 160.204 and reference (c).

- d. Workgroups. The four (04) workgroups described in paragraph 2 that are involved in building the TVBP (i.e., WG1—Industry Outreach and Education; WG2—Towing Vessel Examination Training and Qualification; WG3—MISLE; and WG4—Risk-Based Targeting and Measurement) are comprised of CG and Towing Vessel Industry representatives. The WGs have been tasked with providing deliverables to CG-5431 by June 2009. Their work products will be disseminated to the field prior to the commencement of Phase 1.
- e. CG Personnel (Training, Qualification, and Program Execution).
  - (1) Operational commanders shall ensure that all personnel assigned to Towing Vessel Examination duties are trained and qualified, and that they conduct towing vessel outreach and examinations in accordance with the requirements outlined in this program. For those units that lack an existing Towing Vessel Examination program, newly assigned Towing Vessel Inspections billets shall be used to stand up a program. For those units that have an existing Towing Vessel Examination program in place, newly assigned billets shall supplement their program. At any rate, the Towing Vessel Inspector billets assigned shall be employed in conducting towing vessel training, outreach, and examinations.
  - (2) Petty officers, chief petty officers, and officers are eligible for designation as a Towing Vessel Examiner after completing training and qualification requirements, which are currently being developed. Once qualified, they will be eligible to conduct examinations outlined in Phase 1 and 2 of this program. Sector commanders may continue to allow Coast Guard petty officers and officers already qualified as UTV examiners to continue to conduct UTV Examinations. New personnel (those not already qualified by 1 June 2009) shall meet the new national performance qualification standard, soon to be published.
  - (3) The Coast Guard Auxiliary has in the past and will continue to play an important role and serve as a significant force multiplier in the towing vessel safety program; this is especially true in areas with high concentrations of smaller towing vessels. Auxiliary members may continue to use the Coast Guard Auxiliary Towing Vessel Examiner PQS (Revision Date: 15 November 2008) to qualify as UTV Examiners; however, they may only conduct unaccompanied exams on towing vessels < 26 feet and assistance towing vessels. COTPS/OCMIs should also consider employing qualified CG Auxiliarists as assistant examiners for exams on towing vessels ≥ 26 feet.

f. Communications.

- (1) Transparency will be a hallmark of this program, both internally (inside the CG) and externally (with stakeholders). CG-5431 will periodically communicate TVBP status updates via message. Also, CG-5431 will post relevant TVBP documents for internal CG use on CG Portal at CG Collaboration > Public Places > Domestic Vessel Inspections > Policy > Towing Vessels. Public documents will be posted on CG Homeport at <http://homeport.uscg.mil> > Domestic Vessels > Towing Vessels. In addition, a Towing Vessel Bridging Community has been established in CG Homeport to serve as the collaboration tool for TVBP Workgroups (WG1-WG4); WG participants may access the latest information and materials via the following web link: <https://homeport.uscg.mil/community/towingvessel>.
- (2) Throughout the transition period, operational commanders are strongly encouraged to maintain an open dialogue with their industry partners and other stakeholders.

g. Role of CG-5431. CG-5431 will also act as the bridge for the TVBP during this time of transition from our current organization to a modernized Coast Guard. As modernization progresses and the TVNCOE becomes established, elements of the TVBP will be moved to appropriate offices for further development and maintenance. In the interim, CG-5431 will manage the program, but will ensure that new elements established through modernization are engaged and represented.

5. Until 1 July 2009, the point of contact for the Towing Vessel Bridging Program is CDR Gregory Howard. He may be reached at [gregory.a.howard@uscg.mil](mailto:gregory.a.howard@uscg.mil) or at (502) 552-3369. After 1 July 2009, contact Mr. Patrick Lee at [patrick.j.lee@uscg.mil](mailto:patrick.j.lee@uscg.mil) or at (202) 372-1135.

#

Copy: CG-54  
CG-546  
CG-741  
CG-132  
CG-635

# **ATLANTIC REGIONAL ISSUES**

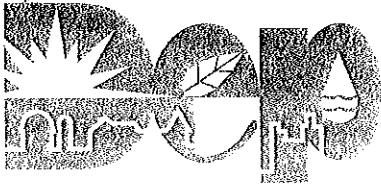
**PA DEP Deletion Request Letter**

**PA DEP Extension Request Letter**

**Alternative Energy – MMS Stakeholder  
Meetings**

**ME Ballast Water Coalition Letter**

**ME Ballast Water Testimony**



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building

P.O. Box 2063

Harrisburg, PA 17105-2063

December 18, 2009

Office of Water Management

717-783-4693

Mr. Jon M. Capacasa, Director  
Water Protection Division  
U.S. EPA Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

**Re: Clean Water Act Section 401 Certification for Vessel General Permit (VGP)**

Dear Mr. Capacasa:

Pursuant to 40 CFR 124.55(b), the Pennsylvania Department of Environmental Protection (DEP) requests deletion of Condition Nos. 1, 2, and 3 in their entirety from Pennsylvania's 401 Certification letter, which is attached to the Vessel General Permit. The deletion request is largely due to technical issues concerning the availability of adequate technology to conform to the conditions, as well as timeliness issues for the industry that can only be resolved by modifications of the conditions in the 401 Certification letter. The federal regulation, 40 CFR 124.55(b), only allows for modification of our 401 certification conditions through deletion or at the time of permit renewal, it does not allow the state to modify the conditions via the editing process during the permit term.

First, Condition No. 1 of Pennsylvania's certification requires vessels to perform a ballast water exchange at least 50 nautical miles from shore when operating in the U.S. Exclusive Economic Zone (EEZ). However, it does not exempt those vessels that by law, economic reasoning, crew size, or burning of unnecessary fuel to feasibly complete this task and therefore, cannot comply without imposing unnecessary hardship to the industry.

Second, due to drastic cuts in the Commonwealth's 2009-2010 budget, DEP may not be capable of managing, in a timely manner, the workload needed to cover Condition Nos. 2 and 3 within the waters of this Commonwealth since applications for extensions related to these were submitted for over 7,400 vessels. Managing these conditions would require DEP to track all the international and national vessels operating in waters subject to its jurisdiction and manage their actual compliance based on existing and future ballast water requirements and treatment technology. This is particularly so in light of the recent proposal of the Coast Guard to develop standards for living organisms in ships' ballast water published in the *Federal Register* (74 FR 44631 (August 28, 2009)). As you are aware, the future of ballast treatment technology



for fresh water ballast and ocean water ballast is uncertain at the present time. Managing these vessels for our fresh water ports and ocean water ports would be a resource-intensive effort, which we are currently unprepared to address.

Thus, DEP requests deletion of Condition Nos. 1, 2, and 3 in their entirety (as shown in strikethrough format below) from Pennsylvania's 401 Certification letter in the VGP.

### Certification Conditions for the VGP

- ~~1. The operator of any vessel covered under the VGP whose voyage originates from within the United States exclusive economic zone and enters Pennsylvania waters with ballast on board, shall conduct ballast water exchange at least 50 nautical miles from shore and in water of at least 200 meters in depth. Such vessels that carry only residual amounts of ballast water and/or sediments shall conduct saltwater flushing of their ballast tanks at least 50 nautical miles from shore and in water of at least 200 meters in depth.~~

~~Ballast water exchange is defined as at least one empty and refill cycle of each ballast tank of a vessel that contains ballast water, resulting in a salinity level of at least 30 parts per thousand (ppt). If the master of a vessel determines that such exchange is impracticable, a sufficient number of flow-through exchanges of ballast water may be conducted to achieve replacement of at least 95 percent of ballast water in ballast tanks of the vessel, resulting in a salinity level of at least 30 ppt.~~

~~All vessels entering Pennsylvania waters must maintain a salinity level in each tank onboard the vessel of at least 30 ppt.~~

#### **~~This condition does not apply to vessels:~~**

- ~~(i) that operate exclusively in the Great Lakes, or~~
- ~~(ii) operate exclusively within the waters of Pennsylvania, or~~
- ~~(iii) enter Pennsylvania waters from ports of call on the Delaware River within the States of New Jersey and Delaware, provided that the vessel has met the requirements of this condition prior to entering waters of Pennsylvania, or~~
- ~~(iv) have met the requirements of Condition No. 2, or~~
- ~~(v) that carry only permanent ballast water, all of which is in sealed tanks that are not subject to discharge, or~~
- ~~(vi) of the Armed Forces, or~~
- ~~(vii) of the National Defense Reserve Fleet.~~

~~This condition does not apply to the discharge of ballast water if the master of the vessel reasonably determines that compliance with this condition would threaten the~~



~~safety or stability of the vessel, its crew, or its passengers because of adverse weather, equipment failure, or any other relevant condition. If the operator of a vessel is unable to conduct ballast water exchange or flushing as specified due to serious safety concerns as stated above, the operator of any such vessel with ballast on board shall take reasonable measures to avoid discharge of organisms in ballast water and shall inform the Department and EPA in writing of the measures taken.~~

~~2. By no later than January 1, 2016, each vessel covered under the VGP that operates in Pennsylvania waters and is constructed prior to January 1, 2012 shall have a ballast water treatment system that meets the following IMO standards, subject to the exceptions listed below:~~

~~(A) Standard for organisms 50 or more micrometers in minimum dimension: Any ballast water discharged shall contain less than 10 viable organisms per cubic meter.~~

~~(B) Standard for organisms less than 50 micrometers in minimum dimension and 10 or more micrometers in minimum dimension: Any ballast water discharged shall contain less than 10 viable organisms per milliliter.~~

~~(C) Standards for indicator microbes:~~

~~(i) Any ballast water discharged shall contain less than 1 colony forming unit (cfu) of toxicogenic *Vibrio cholera* (serotypes O1 and O139) per 100 milliliters or less than 1 colony forming unit of that microbe per gram of wet weight of zoological samples;~~

~~(ii) Any ballast water discharged shall contain less than 250 colony forming units of *Escherichia coli* per 100 milliliters; and~~

~~(iii) Any ballast water discharged shall contain less than 100 colony forming units of intestinal enterococci per 100 milliliters.~~

~~(D) This condition does not apply to vessels:~~

~~(i) operating exclusively within waters of Pennsylvania, or~~

~~(ii) that carry only permanent ballast water, all of which is in sealed tanks that are not subject to discharge, or~~

~~(iii) of the Armed Forces, or~~

~~(iv) of the national Defense Reserve Fleet, or~~

~~(v) operating exclusively within Lake Erie.~~

~~If compliance with this condition can't be achieved immediately, the permittee may request an extension from the Department and EPA within six months of the issuance of the VGP to comply with this condition. The request shall provide written justification for an extension and shall demonstrate there is a shortage in supply of technology necessary to meet the limits set forth in this certification, or indicate a vessel specific engineering constraint that must be addressed, or demonstrate another factor related to the availability and installation of technology and parts is beyond the vessel owner/operator's control, or provide reasoning for a delay in the technology being available and installed in time to comply with this condition.~~

- ~~3. Each vessel covered under the VGP that operates in Pennsylvania waters and is constructed after January 1, 2012 shall have a ballast water treatment system that meets the following standards, subject to the exceptions listed below.~~

~~(A) Standard for organisms 50 or more micrometers in minimum dimension: Any ballast water discharged shall contain no detectable living organisms.~~

~~(B) Standard for organisms less than 50 micrometers in minimum dimension and 10 or more micrometers in minimum dimension: Any ballast water discharged shall contain less than 0.01 viable organisms per milliliter.~~

~~(C) Standards for indicator microbes:~~

~~(i) Any ballast water discharged shall contain less than 1 colony forming unit (cfu) of toxicogenic *Vibrio cholera* (serotypes O1 and O139) per 100 milliliters or less than 1 colony forming unit of that microbe per gram of wet weight of zoological samples;~~

~~(ii) Any ballast water discharged shall contain less than 126 colony forming units of *Escherichia coli* per 100 milliliters; and~~

~~(iii) Any ballast water discharged shall contain less than 33 colony forming units of intestinal enterococci per 100 milliliters.~~

~~(D) Standards for bacteria: Any ballast water discharged shall contain less than 1,000 bacteria per 100 milliliters.~~

~~(E) Standards for viruses: Any ballast water discharged shall contain less than 10,000 viruses per 100 milliliters.~~

~~(F) This condition does not apply to vessels:~~

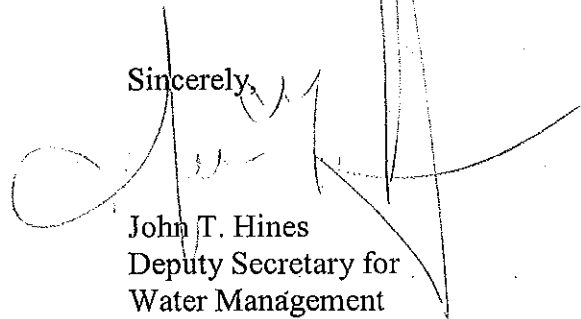
- ~~(i) — operating exclusively within waters of Pennsylvania, or~~
- ~~(ii) — that carry only permanent ballast water, all of which is in sealed tanks that are not subject to discharge, or~~
- ~~(iii) — of the Armed Forces, or~~
- ~~(iv) — of the national Defense Reserve Fleet, or~~
- ~~(v) — operating exclusively within Lake Erie.~~

~~If compliance with this condition can't be achieved immediately, the permittee may request an extension from the Department and EPA within six months of the issuance of the VGP to comply with this condition. The request shall provide written justification for an extension and shall demonstrate there is a shortage in supply of technology necessary to meet the limits set forth in this certification, or indicate a vessel specific engineering constraint that must be addressed, or demonstrate another factor related to the availability and installation of technology and parts is beyond the vessel owner/operator's control, or provide reasoning for a delay in the technology being available and installed in time to comply with this condition.~~

Per 40 CFR 124.55, enclosed are deletion requests relating to the same conditions from several permittees. DEP requests EPA, as the permitting authority, to expeditiously delete these conditions to avoid any potential disruption for vessels operating in Pennsylvania waters.

Should you require further information regarding this request, please contact Ronald C. Furlan, P.E., Planning and Permits Division Manager, by e-mail at [rfurlan@state.pa.us](mailto:rfurlan@state.pa.us) or by telephone at 717-787-8184.

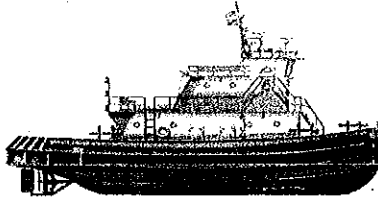
Sincerely,



John T. Hines  
Deputy Secretary for  
Water Management

Enclosures

cc: Ryan Albert – USEPA HQ  
Juhi Saxena – USEPA HQ  
Mark Smith – USEPA Region III



VANE LINE BUNKERING, INC.

November 24, 2009

Jon M. Capacasa  
Director, Water Protection Division  
United States Environmental Protection - Region III  
Attn: NPDES Vessel Permitting Team  
1650 Arch Street  
Mail Code 3WP41  
Philadelphia, PA 19103-2029

Dear Mr. Capacasa,

The Vane Brothers Company is a Tugboat and Petroleum Barge company based in Philadelphia, PA with operations on the Delaware and Schuylkill Rivers, along with coastwise operations from Canada to Texas and the Caribbean. Vane Brothers owns over seventy tugs and barges subject to the Environmental Protection Agency's Vessel General Permit (VGP), which came into effect on February 6, 2009.

The Vane Brothers Company understands that the Pennsylvania Department of Environmental Protection (PA DEP) is requesting that EPA delete Pennsylvania's 401 certification conditions Nos. 1, 2 and 3 from the VGP. Vane Brothers echoes this request, and urges EPA to remove the conditions with all due speed in order to ensure that vessels are not inadvertently out of compliance with the condition's requirements.

Thank you for considering my request.

Sincerely,

Captain Rick Iuliucci  
General Manager  
The Vane Brothers Company

Cc: Ryan Albert, U.S. EPA  
Juhi Saxena, U.S. EPA  
John Hines, PA DEP  
Christopher Whiteash, PA DEP  
Andy Zemba, PA DEP  
Ron Furlan, PA DEP



*A Century of Maritime Excellence*



**Campbell Transportation Company, Inc.  
C&C Marine Maintenance Company**

Foxpointe Centre  
Building One  
201 South Johnson Road, Suite 303  
Houston, PA 15342-1351

Tel. (724) 746-9550  
Fax (724) 873-9013

December 9, 2009

Jon M. Capacasa  
Director, Water Protection Division  
United States Environmental Protection - Region III  
Attn: NPDES Vessel Permitting Team  
1650 Arch Street  
Mail Code 3WP41  
Philadelphia, PA 19103-2029

Dear Mr. Capacasa,

Campbell Transportation Company, Inc. and its Subsidiaries (C&C Marine Maintenance Company hereinafter referred to as ("CTC & Subs")), is a Inland towboat and barge company based in Dunlevy, Pennsylvania, Clairton Pennsylvania, and in Georgetown, Pennsylvania, and operates 32 vessels and 400 dry-cargo barges in Pennsylvania waters (e.g., Ohio, Allegheny and Monongahela Rivers), that are subject to the requirements of the Environmental Protection Agency's Vessel General Permit (VGP), which came into effect on February 6, 2009.

CTC & Subs understands that the Pennsylvania Department of Environmental Protection (PA DEP) is requesting that EPA delete Pennsylvania's 401 certification conditions Nos. 1, 2 and 3 from the VGP. CTC & Subs echoes this request, and urges EPA to remove the conditions with all due speed in order to ensure that vessels are not inadvertently out of compliance with the condition's requirements.

We ask that you consider our request and thank you in advance for your time and attention to this matter.

Respectfully,

A handwritten signature in black ink that reads "Charles K. Minton".

Charles K. Minton  
President

Cc: Ryan Alpert, U.S. EPA  
Juhi Saxena, U.S. EPA  
John Hines, PA DEP  
Christopher Whiteash, PA DEP  
Andy Zemba, PA DEP  
Ron Furlan, PA DEP



# pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

OFFICE OF WATER MANAGEMENT

January 4, 2010

LYNN M MUENCH  
SR VICE PRES - RGNL ADV  
THE AMERICAN WATERWAYS OPERATIONS  
1113 MISSISSIPPI AVE STE 108  
ST LOUIS MO 63104

**Re: Extension Request From Pennsylvania's 401 Certification for U.S. Environmental Protection Agency Vessel General Permit**

Dear Lynn Muench:

The Pennsylvania Department of Environmental Protection (DEP) received a request from your company asking for an extension of time to comply with Condition Nos. 2 and 3 in Pennsylvania's 401 Certification for the U.S. Environmental Protection Agency (EPA) Vessel General Permit (VGP). DEP is hereby granting your company an extension of time. This extension will expire along with the authorization to discharge when the current VGP expires at midnight December 19, 2013. If the permit is not reissued or replaced prior to its expiration date, the DEP extension will remain in effect for discharges that were covered prior to the scheduled expiration date until EPA acts on a permit renewal.

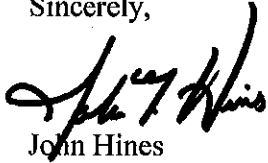
Please be advised that DEP has submitted a request to EPA to delete Condition Nos. 1, 2, and 3 from Pennsylvania's 401 Certification letter. Should EPA deny the request to delete Condition Nos. 2 and 3, this extension would still remain in effect according to the above provisions. If EPA grants the request to delete Condition Nos. 2 and 3, then your granted extension of time from DEP for vessel discharges would expire and no longer be applicable.

In the event EPA doesn't delete Condition No. 1 from Pennsylvania's 401 Certification letter, DEP clarifies that this condition does not apply to tugboats, towboats, and barges whose voyages remain within the inland river system and/or originate within the U.S. Exclusive Economic Zone (EEZ) and do not voyage beyond 50 nautical miles from shore due to safety and regulatory considerations.

Upon a VGP renewal from EPA, DEP will reevaluate the need to establish conditions similar or identical to those in the existing 401 Certification. DEP recommends that your company be aware of and prepared for potential future ballast treatment technology compliance conditions related to your vessel discharges.

Thank you for submitting your request. Should you require further information, please contact Christopher Whiteash, Environmental Engineer, by e-mail at [cwhiteash@state.pa.us](mailto:cwhiteash@state.pa.us) or by telephone at 717.787.8184.

Sincerely,

A handwritten signature in black ink, appearing to read "John Hines". The signature is written in a cursive style with a large initial "J" and "H".

John Hines  
Deputy Secretary for  
Water Management

cc: Ryan Albert - US EPA HQ  
Juhi Saxena - US EPA HQ  
Mark Smith - US EPA Region III



www.doi.gov

# News Release

Date: December 9, 2009  
Contact: Frank Quimby  
(202) 208-7291

## **Salazar Announces MMS Plan to Establish Atlantic Renewable Energy Office**

**COPENHAGEN** — Today, as he toured the Middelgrunden wind farm near Copenhagen Denmark, Secretary of the Interior Ken Salazar announced that the Minerals Management Service (MMS) will establish a new regional office in 2010 to support renewable energy development on the Outer Continental Shelf (OCS) off the Atlantic seaboard.

“Given the enormous potential for renewable energy development, especially wind energy, in the Mid- and North Atlantic,” Secretary Salazar said, “MMS needs a dedicated Atlantic Region office as we plan for offshore renewable energy commercial leasing.”

The Atlantic OCS Region will be responsible for evaluating permits for renewable energy activities in an effective, efficient, and consistent manner while being responsive to the States, developers and other stakeholders.

The new office will implement and manage the offshore renewable energy program, including leasing, environmental programs, the formation of task forces, State consultation, and post-lease permitting in Federal waters off the East Coast.

In these first months of the Obama Administration, the Department of the Interior created the first-ever framework for offshore renewable energy development and worked with the Federal Energy Regulatory Commission to clear out bureaucratic obstacles to offshore renewable energy projects. The Secretary recently awarded the first-ever exploratory leases for offshore wind production on the OCS offshore New Jersey and Delaware.

At the state level, the governors of Virginia, Maryland, and Delaware have signed a Memorandum of Understanding creating a formal partnership to generate clean, renewable energy and a sustainable market. Immediate tasks under the agreement include identifying common transmission strategies for offshore wind energy deployment in the region, discuss ways to encourage sustainable market demand for this renewable resource and work collaboratively in pursuing federal energy policies which help advance offshore wind in the Mid-Atlantic area.



Secretary Salazar is attending the global climate change conference in Copenhagen, Denmark, this week. On Thursday, he will deliver a keynote speech on Interior's efforts to build a clean energy economy and to confront the impacts of climate change.

###



The NewsRoom  
Release: #4052  
Date: December 08, 2009

**MMS and Virginia Hold Offshore Renewable Energy Task Force Meeting**  
*People Promoting Energy, the Environment, and the Economy*

Virginia Beach, VA – The Department of the Interior’s Minerals Management Service (MMS) today held its first task force meeting with officials from Virginia to discuss renewable energy development on the Outer Continental Shelf (OCS). The MMS is establishing inter-governmental task forces to consult with local, state, tribal and federal stakeholders concerning renewable energy commercial leasing and development on the OCS.

The task force includes state government officials, officials from affected federal agencies, elected local government officials, and tribal leaders. MMS is working with the task force to facilitate the commercial leasing process for OCS renewable energy development offshore Virginia.

"The MMS Virginia Task Force will provide a forum for efficient review of proposed renewable energy projects on the OCS to move toward the goal of expanding our nation’s energy resource portfolio in an environmentally sound manner, while being responsive to the needs of affected States, localities, and tribes," said MMS Director Liz Birnbaum. "MMS looks forward to the input, advice, and participation of this task force as we initiate planning for commercial renewable energy leasing offshore Virginia."

Virginia Governor Tim Kaine said "We are pleased to work with the Minerals Management Service to facilitate development of wind power in waters offshore Virginia. Offshore wind promises to be a clean source of power to meet Virginian’s needs in future years."

The task force charter was presented during the meeting, along with a discussion by MMS officials of the commercial leasing process for OCS renewable energy. The task force members also discussed options for starting the leasing process off Virginia and specific actions and timelines to support Virginia’s goal of developing offshore renewable energy.

In April 2009, President Barack Obama announced that the MMS finalized the framework for renewable energy development on the OCS. This framework establishes the process for granting leases, easements, and rights-of-way for offshore renewable energy development activities, such as siting and construction of wind generation facilities on the OCS. The framework also provides for MMS’s use of task forces in carrying out its responsibilities for authorizing OCS renewable energy activities in partnership with state, local, and tribal governments, and Federal agencies. Task force meetings were recently held with Delaware, Rhode Island, Massachusetts and New Jersey.

AMERICAN PETROLEUM INSTITUTE\*AMERICAN WATERWAYS OPERATORS  
CHAMBER OF SHIPPING OF AMERICA \*CRUISE LINES INTERNATIONAL ASSOCIATION  
INTERTANKO \* WORLD SHIPPING COUNCIL

January 26, 2010

Committee on Natural Resources  
Maine State Legislature  
100 State House Station  
Augusta, ME 04333-0100

Dear Natural Resources Committee Members,

The American Petroleum Institute, the American Waterways Operators, the Chamber of Shipping of America, the Cruise Lines International Association, INTERTANKO and the World Shipping Council are members of the Shipping Industry Ballast Water Coalition, an alliance of maritime trade associations that, together, represent over 90 percent of all vessels calling at U.S. ports, in both the domestic and international trades. The Coalition is committed to working with legislators, regulators and environmental groups to develop environmentally sound and economically practicable solutions to prevent the introduction and spread of invasive species in U.S. waters.

A number of the Coalition's member companies operate vessels in Maine waters, and some discharge ballast in order to maintain the trim and stability of their vessels. State Representative Sean Patrick Flaherty recently introduced a ballast water bill (LD 1693/HP1194) that would require vessels discharging ballast within the coastal waters of Maine to obtain a permit by 2011 and install systems to treat their ballast water. Many members of the Coalition are extremely concerned with this bill, and we urge the Natural Resources committee to vote against its passage out of committee.

State ballast water legislation is not needed, and, indeed, would be counterproductive, because ballast water discharges are already governed by two federal statutes, the National Invasive Species Act (NISA) and the Clean Water Act's National Pollutant Discharge Elimination System (NPDES) program. The bill overlaps and conflicts with a federal rulemaking currently being finalized pursuant to NISA that would require ballast water treatment systems on vessels with ballast water tanks. The proposed regulations, developed by the U.S. Coast Guard in cooperation with the Environmental Protection Agency and the White House Council on Environmental Quality, establish a stringent federal standard for ballast water treatment to prevent the introduction and spread of invasive species in U.S. waters. Ballast water discharges are also currently subject to U.S. EPA permitting requirements under the NPDES program. Establishing a patchwork of state requirements on top of these federal authorities will impede the efficient flow of interstate commerce and create confusion and regulatory burdens that do not enhance environmental protection.

It is at best premature for Maine to establish additional state ballast water treatment requirements that duplicate or conflict with federal regulations currently being finalized. The members of the Coalition urge the committee to vote against this bill's passage out of committee and wait to take up the issue until after the Coast Guard has published its final ballast water treatment rule. In the meantime, we stand ready to provide more information about ballast water treatment and invasive species prevention initiatives underway at the national level, or about the maritime industry, to assist the Committee as it grapples with this issue.

Thank you very much for considering our concerns.

Sincerely,

Robin Rorick  
Director, Marine and Security  
American Petroleum Institute

Nicole deSibour  
Vice President – Atlantic Region  
American Waterways Operators

Kathy Metcalf  
Director of Maritime Affairs  
Chamber of Shipping of America

Michael Crye  
Executive Vice President  
Cruise Lines International  
Association

Joe Angelo  
Deputy Managing Director  
INTERTANKO

Christopher L. Koch  
President & CEO  
World Shipping Council

Statement of

John Hume  
Safety Officer  
Winslow Marine, Inc.  
Falmouth, ME

Before the Joint Standing Committee on Natural Resources  
Maine State Legislature  
January 29, 2010

Good morning, Senator Goodall, Representative Duchesne, and members of the Natural Resources Committee, I am John Hume and I live in Portland.

Thank you very much for the opportunity to testify about Representative Sean Patrick Flaherty's proposed bill LD 1693. I'm here representing Winslow Marine, Inc., which is based in Falmouth, Maine. Winslow Marine operates tugboats and barges out of Portland and Bath. We provide ship docking, bunkering, construction barge, and specialized transportation services along the Eastern Seaboard.

Winslow Marine is also a member of the American Waterways Operators, or AWO, which is the trade association that represents the national tugboat, towboat and barge industry. AWO is part of the Shipping Industry Ballast Water Coalition, an alliance of maritime trade associations that, together, represent over 90 percent of all vessels calling at U.S. ports. Winslow Marine, AWO, and the members of the Coalition whose vessels operate in Maine waters are extremely concerned with Representative Flaherty's bill, which would require vessels discharging ballast within the coastal waters of Maine to obtain a permit by 2011 and install systems to treat their ballast water. I urge you to vote against the bill's passage out of committee. A letter echoing

this request, signed by members of the Coalition affected by this bill, was sent to the Committee earlier this week.

State ballast water legislation is not needed, and, indeed, would be counterproductive, because ballast water discharges are already governed by two federal statutes, the National Invasive Species Act (also known as NISA) and the Clean Water Act's National Pollutant Discharge Elimination System, or NPDES, program. The bill overlaps and conflicts with a federal rulemaking currently being finalized pursuant to NISA that would require ballast water treatment systems on vessels with ballast water tanks. The proposed regulations, developed by the U.S. Coast Guard in cooperation with the Environmental Protection Agency and the White House Council on Environmental Quality, establish a stringent federal standard for ballast water treatment to prevent the introduction and spread of invasive species in U.S. waters. Ballast water discharges are also currently subject to EPA permitting requirements under the NPDES program. Establishing a patchwork of state requirements on top of these federal authorities will impede the efficient flow of interstate commerce and create confusion and regulatory burdens that do not enhance environmental protection.

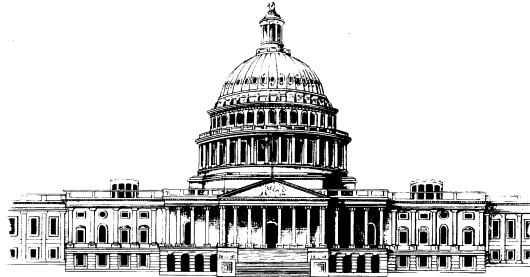
It is at best premature for Maine to establish additional state ballast water treatment requirements that duplicate or conflict with federal regulations currently being finalized. I urge the committee to vote against this bill's passage out of committee and wait to take up the issue until after the Coast Guard has published its final ballast water treatment rule, and I know that I speak for AWO and the members of the Coalition as well. In the meantime, we stand ready to provide more information about ballast water treatment and invasive species prevention initiatives underway at the national level, or about the maritime industry, to assist the Committee as it grapples with this issue.

Thank you very much for the opportunity to testify.

# **SPRING CONVENTION BARGE-IN**

# Is there something you'd like to say to your Government?

Please Join AWO for the  
Eighth Annual Congressional “Barge-In”  
April 14, 2010 in Washington, DC



The First Amendment protects your right to “petition the Government for a redress of grievances.” AWO flexes that right every working day of the year. Now it’s your turn.

You are a tax-paying, job-producing lynchpin of the U.S. economy – and you vote! Congress needs to hear from you! Whether you have a personal relationship with your Senator or you don’t know your local Congressman, AWO needs your voice to be heard on Capitol Hill because:

- You’re the expert on why Congress should establish uniform vessel discharge requirement;
- You’re the expert on why the Jones Act protects national security and American jobs;
- You’re the expert on why America’s locks and dams need modernization.

AWO is planning now for the Eighth Annual Congressional Barge-In to assure more targeted visits directly with Senators and Representatives to help you start or grow relationships with your elected officials.

Sign-up for the Barge-In will be part of the AWO Spring Convention registration form. If you wish to sign up early, please contact your Regional Vice President or send your contact information to Chris Coakley at [ccoakley@vesselalliance.com](mailto:ccoakley@vesselalliance.com) .

# **BIOGRAPHIES**

**CDR David Barata**

**LCDR Matthew Marlow**

**Ken Eriksen**



# Ken A. Eriksen

## **Ken A. Eriksen, Senior Vice President, Transportation. Informa Economics**

Mr. Eriksen is responsible for transportation research, service and consulting with the barge, rail and bulk commodity industries. Prior to joining Informa Economics, Mr. Eriksen worked for the US Department of Agriculture's National Agricultural Statistics Service as an agricultural statistician. In that capacity, he conducted national surveys and set national estimates on chemical use in agriculture, oversaw the genetically modified organism and biotechnology NASS data, and released the annual Pest Management Practices report for the Integrated Pest Management program. Also while at USDA, he worked for the Agricultural Marketing Service on its transportation and marketing program, conducting research and analysis on domestic and international transportation issues. Specifically, he did grain transportation modal share analysis and analyzed the ocean freight market. Mr. Eriksen also worked as an international longshoreman for the Pacific Maritime Association in Tacoma, Washington. He received his bachelor's and master's degrees in agribusiness and agricultural economics from Washington State University. While working on his master's degree there, Mr. Eriksen was a transportation economist for the Department of Agricultural Economics, performing economic transportation data analysis and modeling.



The American Waterways Operators

*The national advocate for the tugboat, towboat and barge industry.*

## **MARK YOUR CALENDAR!**

### **2010 Spring Convention**

April 14 - 16, 2010

The Ritz-Carlton, Pentagon City  
Arlington, VA

*\*Registration and Hotel Information to follow*

### **Atlantic Region Summer Meeting**

August 11 - 12, 2010

InterContinental The Barclay New York  
New York, NY

*\*Registration and Hotel Information to follow*

*Please contact Ashley Smith at [asmith@vesselalliance.com](mailto:asmith@vesselalliance.com) or at (703) 841-9300,  
Extension 291, with questions about upcoming meetings.*

