

VOLUME 64, No. 19 • NOVEMBER 9, 2007

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Congress Overrides President's WRDA Veto

WRDA Bill Becomes Law Despite President's Objections



On November 8, the Senate voted to enact the Water Resources Development Act (WRDA) despite the President's veto. The vote in the Senate was 79 to 14. Two days before, the House of Representatives also voted to override the President's veto by a vote of 361-54. The vote in both the House and Senate exceeded the two-thirds required under the Constitution to enact the legislation, the objections of the President to the contrary notwithstanding.

The WRDA legislation contains the authorization for a number of important water resources projects, as well as significant "Corps reform" provisions improving the project study process of the U.S. Army Corps of Engineers. Normally enacted every two years, this WRDA bill will be the first one to become law since 2000. The authorization for the Upper Mississippi River/Illinois Waterway project in this WRDA bill has long been a priority for AWO.

The override of the Presidential veto was the result of strong support for the legislation in both the House and Senate, as well as extensive grassroots support from AWO members, who have sent a consistent message to the Congress in support of WRDA. At the "Barge-In" during this year's AWO Spring Convention, members asked for prompt passage of the WRDA legislation which had become stalled in the last days of the 109th Congress in 2006. Throughout the

year, AWO has pressed for final passage of WRDA and urged approval of the conference agreement on the legislation in the face of the threatened veto. Once the President vetoed the legislation, AWO members sent dozens of letters to senators and representatives requesting that they vote to override the President.

AWO President Tom Allegretti said, "The strong show of support for WRDA from AWO members is an outstanding example of the power of grassroots advocacy, and the passage of the WRDA legislation over the President's veto shows how AWO can work together with other like-minded organizations to achieve success on one of our industry's priority issues."

House Homeland Security Committee Holds SAFE Port Act Oversight Hearings

The House Homeland Security Committee conducted two hearings last week on the failure of the Department of Homeland Security (DHS) to implement the mandates of the Safety and Security For Every (SAFE) Port Act.

During the course of the first hearing, on October 30, the Subcommittee on Border, Maritime and Global Counterterrorism examined the "SAFE Port Act: Status of

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House Homeland Security Committee Holds SAFE Port Act Oversight Hearings

(continued from page 1)

Implementation One Year Later.” Chairwoman Loretta Sanchez (D-CA) expressed her concern about the delayed roll-out of an efficient Transportation Worker Identification Credential (TWIC) program. Full Committee Chairman Bennie Thompson (D-MS) reiterated his concern and disappointment with the failure of DHS in implementing the TWIC program. He stated that DHS is “plagued by a lack of leadership” and has “failed in its mission to improve the maritime security.”

Maurine Fanguy, TWIC Program Director, Transportation Security Administration, testified that “TWIC will be one of the world’s most advanced, interoperable biometric credentialing programs and is powered by state-of-the-art technologies.” Congressman Al Green (D-TX) questioned the absence of card readers and inquired into the security that the TWIC cards provide when there is no reader to crosscheck the identity of the card holder. He stated that he is “disappointed that, after five years, we do not have the readers.” Ms. Fanguy informed the Subcommittee that the card readers will be rolled out when DHS is one hundred percent confident that the readers will work with the cards.

Chairman Thompson inquired into the question of state preemption, requesting clarification as to the requirements of states, such as Florida, which already have their own

identification card. Ms. Fanguy stated that it is up to states and local operators to determine whether additional cards are needed, but no one covered by the Maritime Transportation Security Act mandate will be excused from the requirement to have a TWIC.

...DHS is “plagued by a lack of leadership” and has “failed in its mission to improve the maritime security.”

- Full Committee Chairman Bennie Thompson (D-MS)

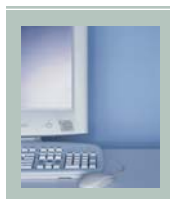
The Subcommittee hearing focused on additional shortfalls of DHS in implementing the SAFE Port Act, including the inability of DHS to develop a container security device and the lack of an operational vessel tracking device for vessels entering American ports.

On October 31, the full House Homeland Security Committee held a hearing on “Homeland Security Failures: TWIC Examined.” Chairman Thompson again expressed his disappointment in the lack of an operational TWIC program. He lamented that TWIC was “supposed to provide an extra layer of security at our nation’s ports and other critical transportation hubs. However, it seems that even before this program gets off the ground, it may have some fatal flaws that undermine its ultimate effectiveness.”

Congressman Thompson voiced his trepidation at the underestimation of

the number of workers who will require a card, as well as the number of transportation workers who might be disqualified from obtaining a TWIC card. In response to the Chairman’s concerns, Administrator Kip Hawley, Transportation Security Administration, assured the Committee that the number of people enrolled will be established on a ‘pay-as-you-go’ basis, which will allow for scalability and will not be a constraint on the ability to effectively enroll workers. Mr. Hawley also stated that the disqualifying factors are in place to effectively identify terrorist threats, not to punish those who may have made a mistake earlier in life.

Congressman Paul Broun (R-GA) inquired into the lack of an interim work provision, citing the amendment that had been offered by Congressman Richard Baker (R-LA) that would enable employees to work for up to ninety days while awaiting receipt of the final TWIC card. Administrator Hawley responded by saying that a period of ninety days without a security check will create problems of “brief vulnerability” because internal security checks done by employers do not provide the same the same level of security as checks conducted by the government. This response indicates a misunderstanding of the Baker amendment, which would not rely on employer-conducted checks but on the same government-run security screen currently utilized under the TSA regulations. ☘



If you receive a hard copy of the *AWO Letter* and need to know the exact Web addresses of the hyperlinks in any articles, please contact Mary McCarthy at (703) 841-9300, extension 254, or via email at mccarthy@vesselalliance.com. ☘

U.S. SUPREME COURT DECIDES TO HEAR *EXXON VALDEZ* CASE

On October 29, the U.S. Supreme Court granted a writ of certiorari in which it agreed to hear Exxon Shipping Company's appeal of a decision from the U.S. Court of Appeals for the Ninth Circuit. The Ninth Circuit decision allowed the largest punitive damage award in U.S. history for the 1989 *Exxon Valdez* oil spill in Prince William Sound. AWO, along with more than a dozen other organizations, filed an amicus curiae brief in support of the appeal, illustrating the case's importance to the economic stability and vitality of the maritime industry. (See September 28 *AWO Letter*.)

The Supreme Court agreed to hear arguments only about the maritime issues in the case, and not the constitutional issue of due process. The maritime questions it will answer are:

1. Whether punitive damages may be imposed against a ship owner (Exxon) for the actions of a vessel's master (the master of the *Exxon Valdez*);
2. Whether a federal law (in this case, the Clean Water Act) that does not provide for punitive damages preempts a court's decision to award punitive damages; and,
3. Should the Court determine that punitive damages are available, it will also decide on the standards for awarding punitive damages under maritime law.

Justice Samuel Alito did not participate in the decision to grant *certiorari*. If he recuses himself from the case on the merits, only eight justices will hear the case. Five votes are still needed to overturn the Ninth Circuit's decision; if there is a tie, the Ninth Circuit decision will be affirmed by an equally divided Court.

To read AWO's amicus brief, click [here](#). For more information, please contact Tom Allegretti at (703) 841-9300, extension 250, or at tallegretti@vesselalliance.com.

Important Dates and Reminders

..... at a glance

For more information, please contact Hermoine Wellman at (703) 841-9300, extension 291, unless otherwise noted.

January 17-18, 2008:
Southern Region Annual Meeting, New Orleans, LA.

January 24-25, 2008:
Atlantic Region Annual Meeting, Miami, FL.

January 30-31, 2008:
Midwest and Ohio Valley Regions Joint Annual Meeting, Nashville, TN.

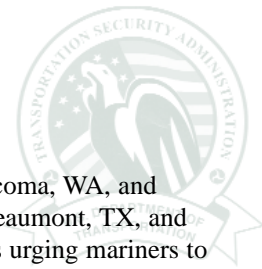
February 6-7, 2008:
Pacific Region Annual Meeting, Seattle, WA.

2008 AWO Safety Calendar Orders Now Being Accepted

The 2008 AWO Safety Calendar was unveiled at the Fall Convention in Houston, TX, revealing the winners of the seventh annual Photo Contest. The theme of this year's calendar is "Crew Endurance Management" and each page contains an important safety message. It is also a tool that AWO uses to promote the industry's commitment to safe operations by distributing the calendar to members of Congress, regulators in the Coast Guard and other federal agencies, state legislators and the media.

Each AWO member company will receive a calendar as a gift when they are printed in mid-November, and additional calendars are on sale for \$12 each. If you would like to order calendars, please fill out the attached form and mail it with a check, or fax it and be invoiced, to Mary McCarthy, The American Waterways Operators, 801 North Quincy Street, Suite 200, Arlington, VA 22203. If faxing the form, please send it to Mary's attention to (703) 841-0389.





TSA Releases TWIC Deployment Plan

Pre-Enrollment Begins in Five Ports

The Transportation Security Administration (TSA) has released its long-awaited schedule for beginning enrollment for the Transportation Worker Identification Credential (TWIC) at each fixed TWIC enrollment center site. The deployment will be rolled out on a quarterly basis and ends in September 2008, the deadline by which mariners must obtain a TWIC. Pre-enrollment has begun at a number of

sites, including Baton Rouge, LA, Tacoma, WA, and Honolulu, HI, on November 7, and Beaumont, TX, and Oakland, CA, on November 8. TSA is urging mariners to pre-enroll on the TSA Web site at <https://twicprogram.tsa.dhs.gov/TWICWebApp/> and to monitor the TSA and Homeport Web sites for updated TWIC implementation information.

TWIC Quarterly Deployment Plan as of October 30, 2007		January - March 2008	April - June 2008	July - September 2008
October - December 2007	<u>Late November/ Early December</u>	Anacortes, WA Ashtabula, OH Bay City, MI Bourne, MA Buffalo, NY Calcite, MI Cincinnati, OH Duluth-Superior, MN Escanaba, MI Everett, WA Green Bay, WI Guam Huntington, WV International Falls, MN Jacksonville, FL Key West, FL La Plata, MD Lorain, OH Louisville, KY Marine City, MI Marquette, MI Memphis, TN Miami, FL Morehead City, NC Morgan City, LA Muskegon, MI Nashville, TN New Orleans, LA New York/ New Jersey #2 New York/ New Jersey #3 Newport News, VA Norfolk, VA Ontonagon, MI Oswego, NY Palm Beach, FL Panama City, FL Pittsburgh, PA Port Canaveral, FL	Port Everglades, FL Portland, OR Richmond, CA S. Louisiana (La Place, LA) Salisbury, MD Samoa Sandusky, OH Sault Ste. Marie, MI St. Ignace, MI St. Louis, MO Tampa, FL Texas City, TX Toledo, OH Traverse City, MI Vicksburg, MS Victoria, TX Wilmington, NC	Paulsboro, NJ Point Comfort, TX Ponce, PR Port Hueneme, CA Portland, ME Portsmouth, NH Rochester, NY Saipan San Diego, CA San Francisco, CA San Juan, PR Valdez, AK
<u>October 16, 2007</u>	Boston, MA Charleston, SC Cleveland, OH Detroit, MI Port Fourchon, LA			
<u>November 1, 2007</u>	<u>Early December</u>			
Corpus Christi, TX	Brownsville, TX Hilo, HI Indiana Harbor, IN Mobile, AL			
<u>Mid-November</u>	<u>Mid-December</u>			
Baton Rouge, LA Beaumont, TX Honolulu, HI Oakland, CA Tacoma, WA	Albany, NY Brunswick, GA Long Beach, CA Los Angeles, CA Milwaukee, WI Philadelphia, PA Seattle, WA Tulsa, OK			
<u>Late November</u>	<u>Late December</u>			
Chicago/Calumet, IL Houston, TX Port Arthur, TX Providence, RI Savannah, GA	Joliet, IL Kansas City, MO Kauai, HI New York/New Jersey #1 Peoria, IL			

NMC Outlines Revamped Mission and Vision

The U.S. Coast Guard National Maritime Center (NMC) recently released this document outlining its mission and vision. The recrafted mission and vision were developed by Commanding Officer CAPT Dave Stalfort and NMC senior staff during a July retreat attended by AWO and a small group of industry and labor stakeholders.

U.S. Coast Guard National Maritime Center

MISSION AND VISION

Our Enduring Ideology - What Will Remain

Core Values

Honor

- The mariner and their experience.

Respect

- The mariner's time, get it right the first time.
- The mariner's personal information.

Devotion to Duty

- Value the mariner's suggestions for continuous improvement.

We will find a way to say yes, whenever legally and reasonably possible.

Our Envisioned Future - What Will Change

Big Audacious Goal - Vision

We will build the mariner credentialing version of Intuit, Inc.'s *TurboTax*®. One day mariners will be able to upgrade or renew their credential on demand from any location in the world, much like you can access your bank account and withdraw cash from an ATM, or pay your taxes online.

Vivid Description

We will build a system that will enable mariners, industry and other data providers to electronically submit information, such as sea service, training, course completion, and physical exam results, to the NMC to issue, upgrade, or renew an individual's credential from anywhere in the world, anytime. This information will be instantly transmitted to an electronic work flow system at the NMC where it will be processed. The NMC will receive electronic data from the mariner instead of a paper file, initialing a parallel work flow process through security, medical and professional qualification evaluations. Mariners will also be able to use this system to access and take their professional examinations. The system will also produce information so mariners can see the status of their application as it is evaluated.

When we're finished, mariners will be delighted by the service they receive. Credentials will be issued faster and the level of customer service will exceed the mariner's expectations.



D.C. Stalfort, Captain
Commanding Officer

“Waterways Could Be Key to Freeing Up Freeways”

This article, written by Larry Copeland, was published in *USA Today* on October 10.

Lucrative cargo moving at a snail's pace on crowded freeways might reach its destination more quickly on the USA's original highway – the water.

That's the view of some federal transportation strategists as they study ways to accommodate the surging growth of truck traffic without overwhelming an already challenged interstate highway system.

The U.S. Department of Transportation's Maritime Administration is pushing the idea of “marine highways,” which supporters say could remove hundreds of thousands of trucks from highways along the Eastern seaboard at a fraction of the cost of building new highways.

“This is going back to the future,” says Maritime Administrator Sean Connaughton. “The original interstates for the United States were its waterways. Prior to the advent of rail and the interstate highway system, the vast majority of goods and people moved by boat.”

More than 2 billion tons of cargo a year already moves on the USA's 25,000 miles of waterways, most of it bulk commodities such as oil, gasoline, grain and coal, Connaughton says.

“We're working with state and local governments to try and move some of the trucks and higher-end cargo, put them onto vessels and get them off the roads and around the bottlenecks,” Connaughton says.

“We're working to take containers (arriving at) the Port of New York, put them on barges, transfer them to Bridgeport, Conn., through New York Harbor and Long Island Sound,” he

says. “We'd take thousands of trucks every day off one of the most congested parts of I-95 between Bridgeport and northern New Jersey.”

The Maritime Administration and several private companies hope to educate state and local governments, shippers and carriers on the economics of shipping by water.

One potential obstacle is harbor maintenance taxes, federal taxes imposed on shippers based on the value of goods moved through ports. Other hurdles could be inadequate port facilities and a shortage of cranes and barges.

The American Trucking Associations, which represents 40,000 companies, doesn't oppose the marine highways concept as long as “it doesn't take money from highways,” says spokeswoman Tiffany Wlazlowski. But, she adds, “We don't see this taking a measurable number of trucks off the road.”

Delays are costly

The focus on truck congestion reflects a bleak reality of road travel in the USA: Road capacity is not keeping pace with demand. From 1980 to 2000, vehicle miles traveled on the nation's highways increased by 80 percent while miles of highway lanes grew by 2 percent, the Federal Highway Administration says.

Investing \$2 billion in coastal shipping and ports could take 700,000 trucks a year off Interstates 95 and 81 by connecting four pairs of ports on the East and Gulf coasts, says retired lieutenant general Kenneth Wykle, president of the National Defense Transportation Association. By comparison, he says, spending \$8.5 billion to widen I-81 through Virginia would add a few hundred miles of lanes and keep 700,000 trucks on the road.

Truck traffic is growing rapidly because of Americans' fondness for imported goods.

U.S. international trade more than doubled from 1990 to 2000, the Federal Highway Administration says. Trade with Mexico and Canada has risen by about 90 percent since the North American Free Trade Agreement went into effect in 1994. Since then, growth in truck miles traveled has outpaced that for passenger vehicles.

“The amount of freight is only going to increase,” says Frank Moretti, director of policy and research at TRIP, a Washington, D.C.-based group that promotes policies to ease congestion and make highways safer. “In certain corridors, waterways could be very helpful. Obviously, the limitation is you can't put them in where they don't exist.”

Aiming for efficiency

Transportation Secretary Mary Peters says the maritime initiative is part of a comprehensive effort to reduce congestion and increase freight efficiency.

“We're losing our competitive edge because of congestion making it less dependable (for businesses) to get their products there when they need them,” she says.

Peters supports initiatives such as truck-only toll lanes and congestion pricing, where drivers pay more during peak travel times.

Some local efforts to reduce truck congestion reflect the urgency of the issue.

Covington, Ky., Mayor Butch Callery wants to ban big trucks during rush hour from the heavily traveled Brent Spence Bridge, which carries I-71 and I-75 traffic over the Ohio River and

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AWO Safety Committees Meet Jointly

New Safety Tools and 2008 Safety Priorities Developed

On October 31 and November 1, the AWO Interregion and Coastal Safety Committees held their eighth annual joint meeting in Baltimore, MD. In addition to determining safety priorities for 2008, the committees reviewed the status of the work of the safety subcommittees. It was decided

that, during 2008, the subcommittees should go forward with completing the Disaster Preparedness Sample Policy and begin the development of a new lesson plan on Personal Protective Equipment (PPE) and safety considerations in working with the new super strength synthetic lines.

Coastal Safety Committee Chairman Gail Johnson, Great Lakes Dredge and Dock Company, and Interregion Safety Committee Chairman Steve Brundrett, Canal Barge Company, Inc., presided over the joint meeting. In attendance were 48 AWO members representing 37 member companies.


The committees heard from several invited speakers. Alan Creutz, PortVision, presented a new product based on AIS technology that can provide real time vessel tracking, which can also be useful in accident investigation. Also addressing the Committee were LCDR Benjamin Hawkins, the newly-arrived Chief for the Coast Guard's Human Element & Ship Design Division (which is responsible for the Crew Endurance Management System (CEMS)) and LCDR Vivianne Louie, Team Leader for CEMS implementation. LCDR Hawkins discussed the goals for the upcoming meeting of the Crew Endurance Quality Action Team on November 14. LCDR Louie reviewed the dramatic increase in the number of trained CEMS coaches and program participants. Then AWO member Joanne Salyers, Salyers Solutions, LLC, discussed the benefits of CEMS to shorebased tankermen and other employees who go home after 12 hours. Doug Scheffler, AWO Manager - Data & Analysis, and Dave Dickey,

Coast Guard Program Analyst, provided an update on the Coast Guard-AWO Safety Partnership's statistics program. Bob Clinton, AWO Vice President - Safety, presented the 2008 AWO Safety Calendar, the theme of which is "Crew Endurance Management."

The safety committees also heard from committee members, including Jeff Slesinger, Western Towboat, who reviewed his congressional testimony on the industry's personnel shortage, as well as John Lawrence, K-Sea Transportation Corp., and Stan Knight, B&H Towing, who presented "lessons learned" on a recent towing vessel fire and a fall overboard incident. Lora Ferraro, Hile Group, updated attendees on the AWO Voluntary Safety Statistics effort.

Finally, the committees broke out into individual sessions. The Interregion Safety Committee heard a presentation on Behavior Based Safety from Stephen Richards, BP Shipping USA, and Brian Martin, Training Coordinator, BP Shipping USA. The Coastal Safety Committee heard from John Patterson, Ingram Barge Company, and Stan Knight, who gave a presentation on collecting, analyzing and reporting safety statistics.

In their final actions, both committees approved their safety priorities for 2008. They are listed at left.

A reception was generously sponsored by Canal Barge Company, Great Lakes Dredge and Dock Company, Western Towboat and B&H Towing. For more information, please contact Bob Clinton at (703) 841-9300, extension 253, or via email at bclinton@vesselalliance.com. 

2008 Safety Priorities

Coastal Safety Committee

- Crew Alertness
- Managing Fire Risk in the Offshore Environment
- Communication and Improved Crew Safety Performance
- Leadership Skills
- Line Handling
- Safety with Super Strength Synthetic Lines
- Disaster Preparedness


Interregion Safety Committee

- Crew Alertness
- Fall Overboard Prevention
- Communication and Improved Crew Safety Performance
- Leadership Skills
- Staph Infections
- Navigation Technologies
- Safety Statistics



CEMS *Training Opportunities*

DATE	LOCATION	CONTACT
November 15-16	Kirby Corporation Baton Rouge, LA	Ms. Kelly Parker (Contact) kelly.parker@kirbycorp.com (713) 435-1775
December 6-7	Inland Waterways Academy Huntington, WV	Ms. Jo Ann Salyers (Instructor) salyers_solutions@hughes.net (504) 236-4962
December 20-21	Kirby Corporation Houston, TX	Ms. Kelly Parker (Contact) kelly.parker@kirbycorp.com (713) 435-1775

The Crew Endurance Management System (CEMS) is a system for managing risk factors in maritime work environments that can lead to human error and performance slumps. The Coast Guard and AWO have been working together to help companies implement the principles of CEMS. In this space, AWO will publish details of CEMS training opportunities around the country. For further information on CEMS training opportunities, please contact LCDR Vivianne Louie, U.S. Coast Guard, at (202) 372-1358. 

Annual Meetings of the Regions Scheduled for Early 2008

Mark your calendars for the upcoming AWO Annual Regional Meetings, to be held in January 2008. Issues that are critical to both the regional and national tugboat, towboat and barge industry will be discussed, and members will vote on which issues should be included on the 2008 Regional Priorities lists that direct the work of AWO staff. In addition, attendees will nominate and elect

members to the AWO Board of Directors. Below is a list of the 2008 Annual Regional Meetings. If you have any questions, please contact Hermoine Wellman at (703) 841-9300, extension 291, or via email at hwellman@vesselalliance.com.

Southern Region Meeting
January 17-18, 2008
InterContinental New Orleans
New Orleans, LA

Atlantic Region Meeting

January 24-25, 2008
Marriott Miami Biscayne Bay
Miami, FL

Midwest & Ohio Valley Regions Joint Meeting


January 30-31, 2008
Nashville, TN

Pacific Region Meeting

February 6-7, 2008
Salty's on Alki
Seattle, WA

Atlantic Region


AWO Member Testifies Before Congress about Massachusetts's Taunton River

On October 30, AWO member Don Church, owner of Seaboats, Inc., based in Fall River, MA, testified before the Subcommittee on National Parks, Forests and Public Lands of the House Natural Resources Committee about the proposal to designate the Taunton River as a "Wild and Scenic" river. Seaboats, Inc. is located on lower segment four of the river, which is an industrial area housing many businesses, such as power plants and oil refineries. Designating this area of the river as "Wild and Scenic" not only does not make sense because of the location, but it would harm these businesses because special approval by the National Park Service would be required before a business expanded its operations. Mr. Church argued that Seaboats, Inc. would be put out of business if it was unable to continue to expand, which would put his 150 employees out of work and hurt the economy of Fall River. "We have grown steadily and now have contributed over 24 million dollars to the economy each year, with a payroll over 5 million," Mr. Church stated in his testimony. "I cannot see any benefit to the economy by designating the lower portion of the Taunton River 'Wild and Scenic' nor can I see any benefit to the environment. The only possible effect would be to stop economic development." 

Waterways Could Be Key to Freeing Up Freeways

(continued from page 6)

links Covington and Cincinnati.

Callery says that 33 percent of the 155,000 vehicles crossing the bridge daily are trucks. "I was getting real concerned, and nothing was being done about it," he says. "So I thought I'd jump into the fray." 

Pacific Region

AWO Presents Comments at California Air Resources Board Meeting on Harbor Craft Emissions Regulation

On October 26, the California Air Resources Board (CARB) held a meeting to hear public comments on the harbor craft regulation. The meeting took place at the California Environmental Protection Agency in Sacramento.

Testimony delivered by AWO members and staff focused on removing oceangoing tugs from the regulation, extending the voluntary compliance date from January 2008 to July 2009 and allowing for automatic extensions to the compliance date when equipment or service is not available.

CARB was clearly in favor of shortening the compliance timeline on the industry. The idea of adopting the more aggressive South Coast timeline for the entire state was introduced and discussed by CARB members and environmental groups. However, CARB staff suggested that the separate compliance timeline for the South Coast apply only to the South Coast. While imposing the South Coast timeline for the entire state would result in reduced emissions in 2014, it would decrease the total emissions reduced for the life of the regulation. This is due to more Tier II engines being utilized than Tier III engines.

CARB elected to postpone voting on the harbor craft regulation until November. Before it votes on the regulation, CARB asked its staff to address policy concerns and questions that currently exist. Those concerns/questions pertain to:

- The sizes of the fleets of the affected companies, and the impact of multiple engine replacements in a short time period on companies;
- Accelerating the compliance timeline for ferries;
- The impact of the regulation on companies that have made recent engine investments; and,
- The applicability of Carl Moyer funds.

There have been a number of questions surrounding the additional comment period that CARB will be opening because of the requested changes to the draft. CARB closed the 45-day comment period on October 25th. It has continued its consideration of the proposal to the November 15th hearing. After considering the revised proposal, the

Board can either approve adoption of the revised proposal or direct staff to make additional modifications. The

Board will then publish a revised regulatory proposal with a 15-day comment period, unless the Board again pushes back the item to a future hearing. The original draft proposal is no longer subject to public review and comment. AWO will circulate the latest draft of the regulation when it is available.

For more information, please contact Jason Lewis at (206) 262-8019, or via email at jlewis@vesselalliance.com.



Port of Seattle Releases Emissions Reduction Plan



On October 30, AWO met with the Port of Seattle regarding the Port's emissions reduction plan. The Port planned to circulate a draft reduction plan on November 8 or 9, which, as the *AWO Letter* went to press, was not yet available. The original draft emissions reduction plan included increased use of biodiesel, requiring ultra low-sulfur diesel, preliminary vessel hybridization and engine retrofits. After discussions with Port staff, there has been an indication that the next draft may not include biodiesel requirements and engine retrofits. There has also been discussion about adding a provision for space to be made at the port for the tug to tie up when not in service.

AWO will circulate the November draft shortly. AWO draft comments on the Ports Emissions Reduction Plan will also be circulated to members for discussion.

For more information, please contact Jason Lewis at (206) 262-8019, or via email at jlewis@vesselalliance.com.

Pacific Region

Washington State Releases New Ballast Water Reporting Form and Fee Increase

Washington state has a new ballast water reporting form for vessels entering the waters of the state. Vessels three hundred gross tons or more and capable of carrying ballast water will now have to fill out a ballast water reporting form at least 24 hours before entering the state. Also, the fee for improperly discharging ballast or not completing a ballast water reporting form has increased to a civil penalty of up to \$27,500.



There is a full exemption for vessels that discharge ballast water only at the location where

the ballast water originated. This exemption is intended to allow vessels that have already filed a ballast water reporting form to discharge ballast water in a Washington port, and to take on and discharge additional ballast water during normal loading/unloading operations without having to file again. It is also intended to exempt vessels that function solely within a port from having to file a ballast water report every time they discharge. There is also a innocent passage exemption from the ballast water reporting form. The Department of Fish and Wildlife recommends that, if a company is in doubt over whether it should file a report, it should contact the Department or file a form regardless.

If a vessel is not intending to discharge ballast water into state waters, then the company can file a ballast water reporting form and indicate that it will not discharge ballast, or it can file a letter with the Department of Fish and Wildlife at least thirty days in advance stating that the vessel will not discharge ballast water.

The Department of Fish and Wildlife requires the same ballast water reporting form as required by the U.S. Coast Guard pursuant to Title 33 C.F.R. Part 151.2045. The ballast water reporting form and instructions are available at <http://invasions.si.edu/bwform.htm>.

Ballast Water Reporting Forms must be filed electronically (preferred) or by fax 24 hours prior to entering Washington

state waters through one of the following designated agents based on intended port of call:

The Marine Exchange of Puget Sound

Email: waballast@aol.com

FAX: (206) 443-3839

Info: (206) 443-3830

The Merchants Exchange for the Columbia River

Email: marine.room@pdxmex.com

FAX: (503) 295-3660

Info: (503) 228-4361

The Washington Department of Fish & Wildlife

Email: ballastwater@dfw.wa.gov

FAX: (360) 902-2845

Info: (360) 902-2700

For more information, please contact Jason Lewis at (206) 262-8019, or via email at jlewis@vesselalliance.com.

Southern Region

LMRWSAC Seeks Applicants, Plans December Meeting

The Lower Mississippi River Waterway Safety Advisory Committee (LMRWSAC), a U.S. Coast Guard-sponsored regional advisory committee that deals with Lower Mississippi River issues, is seeking applications for membership. Click [here](#) for more information about applications, which are due on December 14.



Also, LMRWSAC will meet in New Orleans, LA, on December 11. Click [here](#) for more information about the meeting.