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## Vessel Discharges Likely to Be Regulated Under NPDES Program

*Ninth Circuit Court Decision Affirms Lower Court Ruling; Congress Provides Two-Year Moratorium for Vessels Under 79 Feet*

AWO's two-year effort to secure relief from the U.S. District Court decision subjecting vessel discharges to regulation under the Clean Water Act's (CWA) National Pollutant Discharge Elimination System (NPDES) permitting program suffered two major setbacks last week, as the Ninth Circuit Court of Appeals upheld the lower court's ruling and Congress passed legislation providing only minimal relief to commercial vessels outside the fishing industry. While it appears probable that September 30 will see the beginning of Environmental Protection Agency (EPA) regulation of ballast water and other vessel discharges, AWO has been very active in attempting to shape the agency's proposed Vessel General Permit program under the NPDES. The agency's proposal was published on June 17 in the *Federal Register* and can be read [here](#).



### Ninth Circuit Rules against NPDES Exemptions for Vessel Discharges

On July 23, the Ninth Circuit Court of Appeals issued a decision in *Northwest Environmental Advocates v. EPA* affirming the 2005 decision of the U.S.

District Court for the Northern District of California. The circuit court's decision vacated a 1973 EPA regulation that had exempted three categories of discharges from regulation under the CWA. As a result, starting on September 30 of this year, the exemptions for discharges of effluent, ballast water and other discharges incidental to normal vessel operations will no longer be in place, and the EPA will need to grant permits under the NPDES for those types of discharges.

The plaintiffs in this case, the Northwest Environmental Advocates and various state governments, had argued that the exemptions in question were not authorized by the CWA, and, thus, should never have been granted by EPA. The district court agreed with this reasoning and in 2006, issued an order making September 30, 2008, the expiration date for the regulatory exemption.

The respondents, the EPA and the Shipping Industry Ballast Water Coalition (of which AWO is a funding member), put forward several arguments that the Ninth Circuit rejected. First of all, they argued that the district court had lacked subject matter jurisdiction over the original suit from the petitioners. The

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# Vessel Discharges Likely to Be Regulated Under NPDES Program



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Ninth Circuit responded that since the case involved permanent exceptions to the provisions of the CWA, the district court had indeed been the appropriate venue in which to bring the case.

Secondly, the respondents argued that the statute of limitations for challenging an agency decision under the act had passed, rendering the original suit before the district court void. The Ninth Circuit rejected the argument that 1973 should be considered the starting point for a challenge, since EPA had received a petition for repeal as recently as 1999.

Lastly, EPA and the coalition denied the charge that EPA had acted beyond congressional authorization. The respondents argued that Congress should be considered to have acquiesced in the EPA exemption since it had never passed legislation in the 35 years since the regulation's adoption that would have voided the exemption of vessel discharges. EPA and the coalition cited as examples several post-1973 statutes that had addressed the discharges exempted by the regulation. This argument was not convincing to the appellate court, however, as it ruled that claims of congressional acquiescence have to meet an "extremely high" standard of judicial review.

The Ninth Circuit concluded with an acknowledgment that establishing a permitting process for previously-

exempted vessel discharges by September 30 would be difficult, but confirmed that date as the deadline for vacatur of the regulatory exemption as ordered by the district court. The court noted that EPA had advised the court in a July 11 letter that it had issued a draft general permit for vessel discharges but that a final version might not be ready by the September 30 deadline. The Ninth Circuit clarified that if EPA wishes to request an extension of that deadline, the agency's request should be addressed to the district court. Unless an extension is granted, AWO members will be required to comply with proposed EPA permit procedures on that date.

***"The Ninth Circuit clarified that if EPA wishes to request an extension of that deadline, the agency's request should be addressed to the district court. Unless an extension is granted, AWO members will be required to comply with proposed EPA permit procedures on that date."***

For more information on the court case, please contact Jennifer Carpenter or Benjamin Rogers at (703) 841-9300, extensions 260 or 264, respectively, or via email at [jcarpenter@vesselalliance.com](mailto:jcarpenter@vesselalliance.com) or [brogers@vesselalliance.com](mailto:brogers@vesselalliance.com).

## Congress Passes Limited Exemptions for Commercial Vessels

On July 22, on the eve of the Ninth Circuit decision, Congress passed two bills designed to provide relief from the district court decision subjecting certain vessel discharges to regulation under the NPDES program. The bills, S. 2766 and S. 3298, were passed after extensive lobbying from AWO and the

Shipping Industry Ballast Water Coalition, but provide only limited relief to commercial vessels outside the fishing industry.

S. 2766, passed by the Senate on July 21 and the House on July 22, exempts discharges from recreational vessels from regulation under the NPDES program. "The Clean Water Act never intended for recreational boats to be forced to comply with an extensive federal permitting process," Representative Candice Miller (R-MI) said in a press release issued on July 22. The act ensures recreational boaters will not be subjected to citizen lawsuits, pending the determination of specific best management practices that could be applied at a later date. S. 2766 does not apply to fishing or commercial vessels regardless of size.

S. 3298, passed at the same time, exempts all fishing vessels and other commercial vessels less than 79 feet in length from complying with federal permitting for a period of two years. During that time, Congress expects the EPA to conduct a thorough analysis of vessel discharges and their impacts, and to make recommendations on the best way to address any discharges that are deemed to warrant regulation. Discharges the EPA is expected to study include any effluent typical of a normally functioning marine engine, graywater, and discharges incidental to the normal operation of a vessel. Discharges excluded from this exemption include ballast water, garbage and other waste discharged overboard; any discharges occurring when a vessel is operating in some capacity other than transportation; and, any discharges determined to be

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## Vessel Discharges Likely to Be Regulated Under NPDES Program

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harmful to human health or to the environment by any pre-established water quality standard.

Both bills were signed into law by President Bush on July 29. AWO had worked hard to extend S. 3298's two-year moratorium to include discharges from all barges and from self-propelled vessels under 125 feet, but was unsuccessful in extending the moratorium to cover these vessels. "These two developments mean that, unfortunately, AWO members will be forced to comply with the proposed EPA Vessel General Permit published in the *Federal Register* on June 17, when it is finalized," AWO Senior Vice President - National Advocacy Jennifer Carpenter wrote in a memo emailed to AWO members on July 24.

AWO and the Shipping Industry Ballast Coalition will discuss with counsel and with allies on Capitol Hill next steps for the industry in the wake of these disappointing developments. AWO will also reach out to EPA to offer the association's assistance in conducting the study of vessel discharges mandated by S. 3298. In the meantime, AWO members should prepare to comply with the proposed EPA Vessel General Permit for discharges incidental to normal vessel operations by the September 30 court deadline for vacatur of the existing EPA regulatory exemption.

### AWO Testifies on Proposed Vessel General Permit at EPA Hearing

On July 21, Jennifer Carpenter presented testimony at an EPA public hearing on the proposed regulation of vessel discharges under the NPDES permitting program. Ms. Carpenter argued that EPA's proposed general permit requires significant modification in order to effectively address the realities of tugboat, towboat and barge industry oper-

ations, joining more than a dozen other commercial and recreational vessel interests and environmental organizations in presenting testimony at the hearing.

Ms. Carpenter's statement addressed industry concerns over the burdensome administrative requirements that the draft EPA regulation would impose on vessel operators, such as the Notice of Intent (NOI) requirements that make it mandatory for all vessels over 300 gross tons, or with the capacity to hold more than eight cubic meters of ballast water, to submit a formal NOI to receive permit coverage. She also addressed the lack of clarity in certain proposed requirements that could potentially mandate spill rails, yearly drydock examinations, visual inspections as frequently as once per voyage, and other such compliance activities that fail to consider the logistical realities of tugboat, towboat and barge operations. AWO's proposed revisions, Ms. Carpenter argued, "will be critical to reduce unnecessary administrative, economic and operational impacts that the Vessel General Permit, if finalized, will have on the largest segment of the U.S. commercial vessel fleet."

Ms. Carpenter's statement also reiterated AWO's long-standing position that the NPDES program, which was implemented to regulate discharges from stationary, land-based sources, is a wholly inappropriate vehicle with which to regulate marine vessels. "We emphasize that nothing about these comments should be interpreted as acceptance of the utility of the NPDES program in regulating commercial vessel discharges," Ms. Carpenter said. Benjamin H. Grumbles, EPA's Assistant Administrator for Water, spoke briefly to public attendees at the hearing, criticizing the district court's ruling requiring federal permitting for tens of thousands of vessels as contrary to good public policy and common sense, but also

### Important Dates and Reminders

..... at a glance

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

**August 13-14:** Midwest and Ohio Valley Regions Joint Summer Meeting, The Palmer House Hilton, Chicago, IL

**August 20-21:** Atlantic Region Summer Meeting, The Seamen's Church Institute, New York, NY

**September 11:** Pacific Region Summer Meeting, Salty's on Alki, Seattle, WA

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## Vessel Discharges Likely to Be Regulated Under NPDES Program

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expressing confidence that Congressional relief was possible.

At press time, AWO was preparing to submit written comments on the proposed Vessel General Permit that elaborate on the association's statement at the public hearing. A link to the association's comments will be posted on the AWO Web site, [www.americanwaterways.com](http://www.americanwaterways.com), by August 4.

Without legislative or judicial relief on this issue, vessel owners will be subject to citizen lawsuits for vessel discharges into U.S. waters unless EPA finalizes the proposed permit by September 30 or obtains an extension from the district court. AWO will keep members advised of any new developments on this critical issue through the *AWO Letter* and email alerts to the membership. In the meantime, all affected members should begin preparing to comply with the proposed permit by September 30.

For more information on the proposed Vessel General Permit, please contact Jennifer Carpenter ([jcarpenter@vesselalliance.com](mailto:jcarpenter@vesselalliance.com)), Mary McCarthy ([mmccarthy@vesselalliance.com](mailto:mmccarthy@vesselalliance.com)), or Brian Vahey ([bvahey@vesselalliance.com](mailto:bvahey@vesselalliance.com)). For a copy of AWO's comments to the EPA docket, please contact Susan Miller at [smiller@vesselalliance.com](mailto:smiller@vesselalliance.com).

## Coast Guard Announces More TWIC Compliance Dates

This week, the Coast Guard and the Transportation Security Administration (TSA) announced a Transportation Worker Identification Credential (TWIC) compliance date of December 1, 2008, for facilities in the following Coast Guard Captain of the Port (COTP) zones: Charleston, SC; Long Island Sound, NY; Jacksonville, FL; and Savannah, GA. These zones include the ports of Port Canaveral, FL; Brunswick, GA; Port Royal, SC; New Haven, CT; Port Jefferson, NY; and, New London, CT.



As reported in the July 18 edition of the *AWO Letter*, the Coast Guard and TSA will make additional TWIC compliance date announcements in the coming weeks. Compliance for facilities will be phased in between October 15, 2008, and April 15, 2009, by COTP zones. After April 15, all ports must be in compliance and all credentialed mariners must possess a TWIC.

AWO urges all member companies to encourage their employees to obtain a TWIC as soon as possible to minimize the likelihood of last-minute processing delays or confusion as facilities begin to implement the program. AWO also requests member feedback on the proposed implementation schedule and its effect on mariners, in particular those who are not required to have Merchant Mariners Documents. Please share any feedback with Jennifer Carpenter or Susan Miller electronically by emailing them at [jcarpenter@vesselalliance.com](mailto:jcarpenter@vesselalliance.com) or [smiller@vesselalliance.com](mailto:smiller@vesselalliance.com), respectively.

## CEMS Training Opportunities

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.

DATE	LOCATION	CONTACT
August 7-8	Salyers Solutions, LLC New Orleans, LA	Jo Ann Salyers (Instructor) * (504) 236-4962 <a href="mailto:salyers_solutions@hughes.net">salyers_solutions@hughes.net</a>

\* Contact for CEMS Awareness and coaches training to be held at your location.

## AWO INTERREGION SAFETY COMMITTEE MEETS IN ST. LOUIS

The spring meeting of the AWO Interregion Safety Committee meeting was held in St. Louis, MO, on July 23-24. The meeting kicked off with a safety briefing followed by opening comments from Chairman Stan Knight, AEP River Operations. In attendance were 70 safety professionals representing 50 AWO member companies. Stan began his remarks by reporting that he assumed the chairmanship of the committee after former Chairman Steve Brundrett resigned from the committee due to his departure from Canal Barge Company, Inc. in July to pursue new opportunities

at a non-AWO member company. Replacing Mr. Knight as Vice Chairman is James K. Smith, Magnolia Marine Transport Company. Mr. Knight said that both he and Mr. Smith strongly support the goal of increasing the vertical alignment of the AWO Safety Committees with the overall goals of the association. Mr. Knight told the group he planned to focus on providing members with information on new initiatives to increase the effectiveness of the committee. Stan also said that he will continue the effort started by Mr. Brundrett to find additional ways



the committee can maximize its contribution to AWO as a whole while at the same time ensuring that time spent at meetings brings value to

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## U.S. Ratifies MARPOL Annex VI: Prevention of Air Pollution from Ships

On July 21, President Bush signed into law the Maritime Pollution Prevention Act of 2008. The bill opens the door for U.S. ratification of the International Maritime Organization's (IMO) MARPOL Annex VI convention. Annex VI reduces engine emissions from vessels by setting limits on sulfur oxide (SOx) and nitrogen oxide (NOx) emissions from vessel exhausts and prohibiting deliberate emissions of ozone depleting substances. The final step in implementation of Annex VI occurs when the President sends to IMO a diplomatic instrument of ratification letter; three months later, the U.S. officially becomes party to the convention.

MARPOL Annex VI applies to all engines above 130 kW installed on a vessel constructed on or after January 1, 2000, or that undergo a major conversion on or after January 1, 2000. It contains three key provisions that will affect the tugboat, towboat and barge industry.

**1. Engine Certification:** A vessel owner must obtain from the engine manufacturer an Engine International Air Pollution Prevention Certificate (EIAPP). The U.S. Environmental Protection Agency (EPA) issues EIAPPs to engine manufacturers that demonstrate that their engines comply with MARPOL Annex VI NOx reduction standards. All affected engines already have an EPA-issued

Statement of Voluntary Compliance (SOVP). EPA is in the process of developing a policy for exchanging SOVPs for EIAPPs; until then, a SOVP will be acceptable for demonstrating compliance.

**2. SOx Limits:** Fuel burned by vessels must contain less than 4.5 percent sulfur content. In IMO-designated SOx Emission Control Areas (SECA), fuel burned must contain less than 1.5 percent sulfur. EPA plans on making application to IMO to designate the maximum area of U.S. coastline a SECA. EPA already mandates that all marine distillate fuel contain less than 500 ppm sulfur (.05 percent), reducing that number to 15 ppm (.0015 percent) by 2012.

**3. Vessel Inspections:** The Coast Guard, during the vessel inspections it already conducts, will also inspect vessels for Annex VI compliance. Besides verifying EIAPPs, the Coast Guard will issue to vessels above 400 gross tons International Air Pollution Prevention (IAPP) certificates after verifying that they comply with all Annex VI standards.

For more information, please contact Mary McCarthy at (703) 841-9300, extension 254, or via email at [mmccarthy@vesselalliance.com](mailto:mmccarthy@vesselalliance.com).

## AWO INTERREGION SAFETY COMMITTEE MEETS IN ST. LOUIS

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attendees, and to the organizations they represent. Mr. Knight concluded his remarks by saying that he looks forward to working with members of the committee on projects to improve the safety of the industry and is committed to providing attendees with information they can use at their companies to improve safety.



Ron Wunderlich, Safety Coordinator, ARTCO, gave a presentation on the practical concerns, training requirements, and maintenance required when equipping a fleet with Automatic Electronic Defibrillators (AEDs). In attendance was Captain Terrell Griffis, who reported on his personal experience with one of ARTCO's AEDs when he suffered a heart attack in the wheelhouse of his tug. Captain Griffis credits his survival to the training and quick action of his crew, and the availability of the AED.

Roger Bohnert, Acting Associate Administrator Port and Intermodal, U.S. Maritime Administration (MARAD), gave a presentation on the National Port Gateway & Freight Corridor Strategy. Mr. Bohnert reported that while the marine transportation system has been a story of success, it faces serious challenges; the National Port Gateway & Freight Corridor Strategy is an effort to address these challenges.

The committee also heard presentations on current issues affecting AWO members including: progress on the Transportation Worker Identification Credential (TWIC) program; the impending National Pollutant Discharge Elimination System (NPDES) permitting program that will become effective on September 30; and, on future challenges for AWO with the upcoming change in administration.

The next meeting of the Interregion Safety Committee will be held in conjunction with the Coastal Safety Committee at the Joint Safety Committee meeting on January 21-22, 2009, in New Orleans, LA. 🌐

### Midcontinent Office

## Corps Revises Proposed Temporary RNA on Chicago Sanitary and Ship Canal

The U.S. Army Corps of Engineers - Chicago District has revised its proposal to establish a temporary regulated navigation area (RNA) for the Chicago Sanitary and Ship Canal near



Romeoville, IL. Originally, the Corps had asked the Coast Guard to propose an RNA that lasts from June 30 to August 15 so that the Corps could repair electrical dispersal barrier I electrodes. The RNA affects all red-flagged vessels transiting through barrier IIA (barriers I and IIA are designed to prevent the movement of invasive species). The Corps is now asking the Coast Guard to propose an RNA between September 3 and October 15. The RNA would impose restrictions on vessel movements, specifically requiring all barge tows carrying hazardous material to be assisted by a bow boat within one mile of the RNA.

AWO commented on the original proposal on June 27, requesting three changes and/or clarifications to the RNA:

- 1) A decrease in the period of activation to 30 days;
- 2) Outreach by the Coast Guard and Corps to the maritime industry on the availability, requirements, and process for using bow boats; and,
- 3) Clarification that the previous RNA would once again be effective when this RNA expires.

In addition, the U.S. Navy released a report concluding that the effects on a person immersed in water electrified by the barriers could possibly be fatal. AWO will meet with the Corps next month in order to ensure that safety of vessel crews is the top priority, and that navigation disruptions are minimized. For more information, please contact Lynn Muench at (314) 446-6474, or via email at [lmuench@vesselalliance.com](mailto:lmuench@vesselalliance.com). 🌐

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 [mmccarthy@vesselalliance.com](mailto:mmccarthy@vesselalliance.com). 🌐



Midcontinent Office**CAPT Hudson Assumes Command of Sector Upper Mississippi River**

On July 25, CAPT Steven L. Hudson assumed command of U.S. Coast Guard Sector Upper Mississippi River of the U.S. Coast Guard from CAPT Sharon K. Richey. CAPT Hudson most recently served as the Chief of Prevention for the 17th Coast Guard District and was responsible for marine safety, waterways management and the Coast Guard Auxiliary

in Alaska, including direct supervision of six Buoy Tenders and six Loran Stations.

A native of Lewes, DE, Captain Hudson graduated with a Bachelor of Science degree in Civil Engineering from the Coast Guard Academy, and is the recipient of a Master of Science degree in Natural Resources and Environment from the University of Michigan.

Captain Hudson has served in a number of prestigious posts, including being in charge of Investigations at the Marine Safety Office in Memphis, TN. More recently, he was the Commanding Officer of the Marine Safety Office Pittsburgh, PA from 2000 to 2003.

Pacific Region***Pacific Region Meeting  
Coming Soon***

Please mark your calendars for the Pacific Region Summer Meeting!

The meeting is scheduled for September 11 from 8:00 a.m. to noon with registration starting at 7:30 a.m. The meeting will be held at Salty's on Alki Restaurant, 1936 Harbor Avenue SW, Seattle. Guest speakers will include CAPT Sue Englebert, incoming commander, sector Seattle, and representatives from the U.S. Army Corps of Engineers, who will discuss the Seattle seawall, and the Pacific Northwest Waterways Association. There will also be discussion of issues that are critical to both the regional and national tugboat, towboat and barge industry. For more information, please contact Jason Lewis at (206) 245-5758, or via email at [jlewis@vesselalliance.com](mailto:jlewis@vesselalliance.com).



The Sector Upper Mississippi River has the largest area of responsibility of any Coast Guard sector in the lower 48 states. It covers 11 states, over 2,000 miles of navigable rivers, and 1,800 miles of tributary waterways.

CAPT Richey, also the previous commanding officer of MSU-Port Arthur, TX, has retired from active duty. AWO members thank CAPT Richey for her leadership and partnership.

**Last Chance to Register  
for the Midwest and Ohio  
Valley Regions Joint  
Summer Meeting**

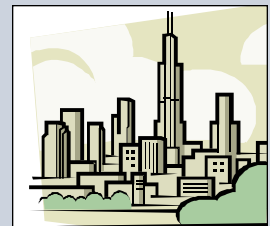
The Midwest and Ohio Valley Regions Joint Summer meeting will be held in Chicago, IL, on August 14 with a reception to be held on August 13. The host hotel is The Palmer House Hilton in downtown Chicago.

Guest speakers include RADM Joel Whitehead and RDML Peter Neffenger, commanders of the Eighth and Ninth Coast Guard districts, respectively.

Merritt Lane, AWO Chairman of the Board, will outline his plan to take the association to a new level of advocacy excellence. Regional priorities will be discussed along with an update on the association's reorganization. Senior advocacy staff will join the meeting via teleconference for a special open discussion on current issues.

Meeting packets will be sent next week. Sponsorships are still available. To register for the meeting, click [here](#).

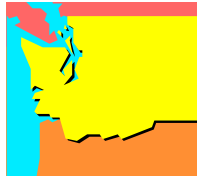
If you would like to sponsor the regional meeting or for more information, please contact Hermoine Wellman at (703) 841-9300, extension 291, or via email at [hwellman@vesselalliance.com](mailto:hwellman@vesselalliance.com).



Pacific Region

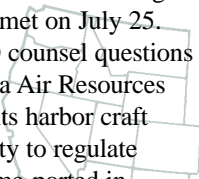
## AWO Attends OSAC Meeting

AWO attended the Washington State Oil Spill Advisory Council (OSAC) meeting on July 17 in Port Townsend, WA. The meeting focused on Washington State's review of a large-scale spill preparedness study, with the first spill being 50,000 gallons and the second spill equaling 1,000 gallons. There was also a discussion on the root causes of spills and the need to study those causes. AWO will be engaging OSAC to ensure that the interests of the tugboat, towboat and barge industry are considered when the studies are presented. For more information, please contact Jason Lewis at (206) 245-5758, or via email at [jlewis@vesselalliance.com](mailto:jlewis@vesselalliance.com).



## AWO Holds First Pacific Region Emissions Workgroup

The members of the AWO Pacific Region Emissions Workgroup met on July 25. The group asked AWO counsel questions regarding the California Air Resources Board (CARB) and if its harbor craft regulation has the ability to regulate vessels that are not home-ported in California. Also discussed was CARB's ability to regulate beyond three miles off the shore of California and the requirements to replace engines to meet the new regulation. There will be a follow-up meeting to discuss next steps in dealing with the harbor craft regulation. For more information, please contact Jason Lewis at (206) 245-5758, or via email at [jlewis@vesselalliance.com](mailto:jlewis@vesselalliance.com).



Atlantic Region

## AWO and EPA Collaborate on Common-Sense Boston NDA

On July 24, the Environmental Protection Agency (EPA) approved a no discharge area (NDA) for Boston Harbor in Massachusetts. AWO is pleased to say that in crafting this NDA, the Commonwealth contacted AWO members that operate in Boston Harbor to gauge their operational abilities and solicit requests as to where adequate pumpout facilities should be located. As a result of this outreach, the Massachusetts petition represents the first time a state has reasonably considered the operational realities for pumping effluent from tugboats and articulated tug barge units and incorporated those realities into a common-sense NDA petition. AWO submitted comments to the EPA commending the Commonwealth of Massachusetts Office of Coastal Zone Management (MACZM) staff for its inclusive industry outreach and recommended that the process by which the Commonwealth approached this petition should be a model used by other states. In response to those comments, EPA stated that it agrees with the AWO assessment of the MACZM process and that it will recommend that other EPA regions encourage their state programs to follow this example. AWO looks forward to greater outreach from states to AWO members in advance of NDA petitions. For more information, please contact Chris Coakley or Nicole DeSibour at (703) 841-8300, extension 297 or 292, respectively, or via email at [ccoakley@vesselalliance.com](mailto:ccoakley@vesselalliance.com) or [ndesibour@vesselalliance.com](mailto:ndesibour@vesselalliance.com).

## Massachusetts Legislature Passes Buzzards Bay Legislation

On July 23, the Massachusetts House of Representatives passed additional legislation regarding oil spills in Massachusetts entitled "An Act Further Protecting Buzzards Bay." The Senate had passed the bill last year and it was placed on Governor Deval Patrick's desk on July 29 for his signature or veto within ten days.

The bill amends the Massachusetts State Oil Spill Act to establish reporting requirements for tank vessels transiting Buzzards Bay, an increase in the fee for petroleum deliveries to Massachusetts terminals, and the placement and manning of "rescue tugs" in Buzzards Bay. AWO opposes the bill because it infringes on U.S. Coast Guard authority to regulate vessel traffic in Buzzards Bay and raises taxes without enhancing safety. Additionally, the U.S. Department of Justice and AWO are currently involved in litigation with the Commonwealth of Massachusetts over provisions in the 2004 Oil Spill Act that are similar in subject matter to the bill and likely to be deemed unconstitutional by the U.S. District Court.

AWO will continue to work with the federal government to ensure that the bill enhances safety in a lawful way. If you have any questions, please contact Chris Coakley at (703) 841-9300, extension 297, or via email at [ccoakley@vesselalliance.com](mailto:ccoakley@vesselalliance.com).