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NTSB Puts SMS Requirement on "Most Wanted" List

The National Transportation Safety Board (NTSB) has placed a safety management system (SMS) requirement for domestic vessels on its list of ten most wanted transportation safety improvements, echoing a recommendation first made by the Safety Board in 2002. The NTSB released its annual list of top-priority safety improvements on February 18, calling on the U.S. Coast Guard to require domestic vessel operators to develop, implement and maintain a systematic and documented SMS to improve their safety practices and minimize risk.

The Coast Guard's forthcoming notice of proposed rulemaking (NPRM) on towing vessel inspection is expected to include an SMS requirement for towing vessels. However, the NPRM, mandated by Congress in 2004 legislation and strongly supported by AWO and the Congressionally authorized Towing Safety Advisory Committee (TSAC), has been under review by the Department of Homeland Security for more than a year.

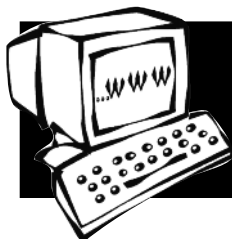
The NTSB called on the Coast Guard to "require an SMS for all domestic vessels so that the same level of safety is applied to the domestic fleet of vessels as is applied to the international fleet," and noted that while the Coast Guard has

announced that it intends to require SMS for vessels carrying more than 399 passengers, this is "unacceptable because it does not cover all U.S.-flagged vessels."

The 2010 "most wanted" list also reiterates the NTSB's 1999 recommendation that the Coast Guard should set work hour limits for mariners based on fatigue research, circadian rhythms, and sleep and rest requirements. The NTSB labeled the response of the Coast Guard and the Federal Aviation Administration to this multi-modal recommendation "unacceptable."

AWO is currently working with Northwestern University's Center for Sleep and Circadian Biology in a multi-year study aimed at developing strategies to build on the Crew Endurance Management System (CEMS) and ensure that towing vessel crewmembers get seven to eight hours of healthy sleep each day.

For a copy of the NTSB 2010 Federal Most Wanted List of Transportation Safety Improvements, click [here](#). If you have any questions, please contact Jennifer Carpenter or Robert McCaw at (703) 841-9300, extensions 260 or 279, respectively, or via email at jcarpenter@vesselalliance.com or rmccaw@vesselalliance.com.



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STCW NPRM Could Harm Mariners, Coastal Towing Companies, AWO Tells Coast Guard

The U.S. Coast Guard should ensure that forthcoming regulations to fully incorporate the 1995 amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) into the credentialing requirements for U.S. mariners are operationally appropriate for all of the vessels and mariners to which they will apply, AWO urged the Coast Guard in written comments submitted February 16. These comments amplified the oral statement that AWO Senior Vice President-National Advocacy Jennifer Carpenter gave at the January 20 public meeting in Washington, D.C. (See January 29 *AWO Letter*.) AWO noted that many of the requirements proposed in the November 17, 2009 notice of proposed rulemaking (NPRM) “are neither appropriate nor necessary for the safe operation of towing vessels in domestic coastal service, or limited international service to Canada and the Caribbean.”

AWO also urged the Coast Guard to ensure that the proposed requirements do not deny existing license holders the opportunity to continue serving on the vessels they are presently credentialed to operate. As the transitioning of licensing regimes can be very difficult to manage, the Coast Guard needs to take care that mariners are not the victims of avoidable misunderstandings or miscommunications. Additionally, AWO recommended that the Coast Guard revise its economic analysis of the NPRM’s impact on businesses to



account for the effect of the proposed regulations on towing companies, rather than exclusively on mariners and training institutions.

More specifically, AWO commented on three aspects of the proposed regulations that will have the greatest impact on the towing industry. Among the nearly 25 specific changes recommended in AWO’s

comments were the following:

- **Engineering License Structure.** AWO expressed concern that the proposed engineering license structure would eliminate the hawsepipe as a career path for engineers in the towing industry. AWO recommended changes to the NPRM that would preserve the hawsepipe as a viable career path, including allowing documented onboard training to be counted as “approved training and experience,” and allowing service as a Qualified Member of the Engineering Department (QMED) to be credited toward a chief engineer endorsement.
- **Deck Officer License Structure.** AWO urged the Coast Guard “not to create or imply new manning requirements in the process of implementing the STCW Amendments,” and recommended that mariners who operate

intermittently in oceangoing service be allowed to substitute approved training for recency of ocean service.

- **Training.** AWO urged the Coast Guard to take into account the capacity of the marketplace to offer required training when developing phase-in requirements and deadlines for mariners, noting the potential for significant gaps in the engineering training infrastructure. AWO also urged the Coast Guard to work closely with all stakeholders to ensure that any additional required training does not impose unnecessary financial burdens on vessel owners, mariners or training institutions.

The STCW Convention applies to mariners on towing vessels of any size on international voyages, over 200 gross tons on voyages beyond the U.S. Boundary Line and of any size on domestic voyages that pass through international waters.

AWO will keep members informed of any news pertaining to the timeline for publication of a final rule. To read AWO’s comments, please click [here](#). For more information, please contact Jennifer Carpenter or Benjamin Rogers at (703) 841-9300, extensions 260 or 264, respectively, or via email at jcarpenter@vesselalliance.com or brogers@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.



AWO Commends Coast Guard on Proposed Rule Changing Definition of CDC and CDC Residue

On February 22, AWO submitted comments to the U.S. Coast Guard supporting the agency’s notice of proposed rulemaking (NPRM) that would change the definition of certain dangerous cargo (CDC) and CDC residue. The proposed rule, titled “Notification of Arrival in U.S. Ports – Certain Dangerous Cargoes” and published in the *Federal Register* on December 23, 2009, would limit the number of cargoes that would be classified as CDC when in residue form. Under this revised definition, only residue quantities of eight chemicals – anhydrous ammonia, chlorine, ethane, ethylene oxide, methane (LNG), methyl bromide, sulfur dioxide, and vinyl chloride – would be classified as CDCs. The proposed rule would limit the occasions in which operators would be required to submit a Notice of Arrival (NOA) when carrying all other CDCs in residue form.

The Coast Guard’s proposed rule is consistent with recommendations made by the Chemical Transportation Advisory Committee (CTAC) in 2006. A CTAC subcommittee, which included many AWO members, concluded that industry practices are sufficiently effective in diluting CDC residues and that it would be prudent for the Coast Guard to develop a different set of security requirements for vessels with

certain types of residues on board. In its proposed rule, the Coast Guard concurred with CTAC’s conclusions, and noted that under the revised definition of CDC and CDC residue, Coast Guard, state, and private security resources could be better utilized if MARSEC levels were to increase due to threat intelligence.

AWO expressed its support for the NPRM and commended the Coast Guard for working closely with CTAC and industry representatives in formulating this proposed rule. “AWO believes the NPRM accurately states the recommendations of CTAC, and if implemented would offer vessel operators and the Coast Guard the advantages envisioned by the advisory committee when it proposed the revised definition,” wrote Jennifer Carpenter, AWO’s Senior Vice President-National Advocacy. Ms. Carpenter concluded her comments by urging the Coast Guard “to move quickly to finalize this rulemaking and implement the common sense changes proposed in the NPRM.”

To read AWO’s comments, click [here](#). To read the NPRM, click [here](#). For more information, please contact Jennifer Carpenter or Brian Vahey at (703) 841-9300, extensions 260 and 251, respectively, or via email at jcarpenter@vesselalliance.com or bvahey@vesselalliance.com.

Important Dates and Reminders *at a glance*

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

March 9-11: RCP Auditor Training, The Crowne Plaza Old Town, Alexandria, VA

April 13: “Barge-In” Preparation Briefing, Arlington, VA

April 14-16: AWO Spring Convention, Arlington, VA

April 28-29: Interregion Safety Committee Meeting, Fairmont Pittsburgh, Pittsburgh, PA

June 9-10: Coastal Safety Committee Meeting, MGM Grand, Las Vegas, NV

August 4-5: Executive Committee Meeting, AWO Headquarters, Arlington, VA

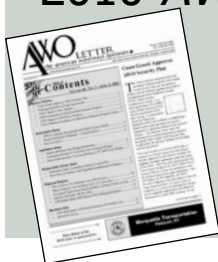
September 1-2: Southern Region Summer Meeting, Beau Rivage Resort & Casino, Biloxi, MS

September 8-9: Interregion Safety Committee Meeting, Sheraton Westport Lakeside Chalet Hotel, St. Louis, MO

October 13-15: 2010 Fall Convention, The Fairmont, San Francisco, CA

December 1-2: Executive Committee Meeting, AWO Headquarters, Arlington, VA

2010 AWO Letter Sponsorships Still Available!



AWO is still accepting sponsorship applications for the 2010 *AWO Letter*. Each great advertising opportunity costs \$500, which includes a front-page “sponsorship block” featuring your company’s name, location, logo, and Web site

address. To secure a sponsorship, please complete the sponsorship form [here](#) and fax it to Anne Burns at (703) 841-0389 or via email at aburns@vesselalliance.com.

TSAC, MERPAC to Meet in New Orleans

During the week of March 8, the Towing Safety Advisory Committee (TSAC) and the Merchant Marine Personnel Advisory Committee (MERPAC) will both be holding meetings at the New Orleans Marriott Metairie at Lakeway Hotel in Metairie, LA, just outside of New Orleans. The TSAC meeting will be held on March 9-10, and the MERPAC meeting will take place on March 11-12.

AWO Submits Study Plan Comments to FERC

AWO Continues Engagement on Mississippi River Projects

On February 16, AWO submitted pre-filing comments to the U.S. Federal Energy Regulatory Commission (FERC) regarding Free Flow Power (FFP) Corporation's 48 proposed Traditional Licensing Process (TLP) hydrokinetic turbine projects in and by the Mississippi River.

In the latest round of comments, Lynn Muench, AWO Senior Vice President-Regional Advocacy, affirmed the industry's strong support for renewable energy projects and urged FERC to wait for the results of FFP's seven "lead" Integrated Licensing Process (ILP) project studies before any further decisions are made regarding proposed study topics for the 48 other TLP projects. In addition, AWO urged FERC that the timeline for FFP's ILP and TLP projects have been too compressed to ensure thoughtful consideration, and noted that without any further verifiable data generated by FFP's seven lead ILP project studies, it is impossible to consider the potential impacts of proposed ILP projects, or necessary TLP study recommendations.

The comments are in response to FERC's January 27 Initial Determination Letter (IDL) regarding its recommendations on FFP's Revised Study Plan, a plan that seeks to substantiate the viability and effectiveness of FFP's ILP projects. The IDL approved or modified several of FFP's proposed study designs, applicable to most or all studies that will be conducted for FFP's ILP and TLP Projects, and required FFP to consult AWO as a resource in its upcoming navigation studies.

For a copy of AWO's comments, click [here](#). To read FERC's IDL, click [here](#). For more information, please contact Mark Wright or Robert McCaw at (985) 674-3600 or (703) 841-9300, extension 279, respectively, or via email at mwright@vesselalliance.com or rmccaw@vesselalliance.com.

Included on the agenda for the TSAC meeting are: a report on possible revisions to Navigation and Vessel Inspection Circular (NVIC) 04-01 on Licensing and Manning for Officers of Towing Vessels; an update on the Transportation Worker Identification Credential (TWIC); and, a discussion of a possible new task to examine the career path from Towing Vessel Master to Inland Mate of Any Gross Tons. The MERPAC meeting agenda includes reports on task statements pertaining to the development of training guidance for engineers on near-coastal vessels and the components that should be included in the new Merchant Mariner Credential.

To read the TSAC meeting announcement, please click [here](#). To read the MERPAC meeting announcement, please click [here](#). If you have questions about either of the meetings or would like further information about their agendas, please contact Benjamin Rogers at (703) 841-9300, extension 264, or via email at brogers@vesselalliance.com.

Save the Date for the AWO Spring Convention

The 2010 AWO Spring Convention will be held April 14-16 in Arlington, VA. With more critical issues facing the towing industry than ever before, the Spring Convention gives you the opportunity to be engaged with AWO's efforts to lobby policymakers on your behalf. The Convention will kick off on April 14 with the seventh annual "Barge-In" to Capitol Hill, giving you a chance to speak to your Senators and Representatives about issues facing your industry. (If you are planning to attend the "Barge-In," please make arrangements that allow you to attend a preparatory session the afternoon of April 13.) On April 15, committee meetings to discuss critical issues will be held at the Ritz-Carlton Pentagon City, followed by an evening reception. The Convention concludes on April 16 with the Annual Membership and Board of Directors meetings, also at the Ritz.



More information and registration will become available closer to the event. If you have any questions, please contact Ashley Smith at (703) 841-9300, extension 291, or via email asmith@vesselalliance.com.

"In Carp Debate, Anglers, Boaters Bicker with Tour, Barge Operators"

AWO members were part of a sizeable group who showed up last week at public hearings in Illinois and Michigan on a federal plan to prevent Asian carp from gaining access to the Great Lakes through the Chicago Sanitary and Ship Canal. The barge industry and passenger vessel groups made their opinions known on the potential for lock closures.

2010 AWO Safety Calendar Now on Sale!



The 2010 AWO Safety Calendar, which features 13 beautiful, full-color industry photos, is now for sale. The theme of this year's calendar is "Exercise for Health and Safety," and each page contains an important safety message.

Each AWO member company receives a calendar as a gift, and additional calendars are on sale for \$12.00 each. If you would like to order calendars, please fill out an order form (attached) and mail it with a check, or email/fax it and have it invoiced, to Anne Burns at the following address:

The American Waterways Operators
801 North Quincy Street
Suite 200
Arlington, VA 22203
(703) 841-0389 (fax)
aburns@vesselalliance.com.

Order your calendars today! 🍀

Ypsilanti may be a long way from the Great Lakes, but about 200 people concerned about the possible spread of Asian carp into Lake Michigan showed up to tell federal officials what to do about the fish at a meeting Wednesday.

Anglers and boaters from Michigan skirmished with tour and barge operators from Illinois throughout the three-hour hearing over whose interests should come first.

Dozens of tour, boat and barge operators pushed the panel to keep locks open and to question the validity of testing that shows DNA evidence of carp in Lake Michigan but, as of Wednesday afternoon, no live fish.

"Lock closures would be devastating to us," said Doug Chyna, a captain with Wendella Boats, which operates tours through the downtown Chicago lock.

Thousands of recreational boats and barges also carry billions of dollars of

cargo through the locks, people from those industries testified.

Several federal agencies crafted a 45-page plan to fight carp, and the Ypsilanti hearing was the second and final public meeting on the plan.

U.S. Rep. John Dingell, D-Mich., said regardless of what's done now, the carp are not going away. "The very best thing we can do is to close the locks so they are no longer a point of access...to the Great Lakes," he said.

Jo-Ellen Darcy, assistant secretary of the U.S. Army, said a decision on whether to intermittently close locks will be made within 90 days. She cautioned that even when closed, the locks are not watertight.

The Army Corps of Engineers is studying the feasibility of walling off the Chicago canal from the Great Lakes permanently, but that study will take several years. 🍀

United States Merchant Marine Academy to Hold Job Fair

The United States Merchant Marine Academy will hold a Shipping-Out Job Fair for its First Classmen on April 21 in the Academy's O'Hara Hall at Kings Point, NY. The Shipping-Out Job Fair will bring together employers and graduating midshipmen who are seeking obligation-fulfilling employment. The purpose of the job fair is for employers to share information about their company, meet students, and advise them on application procedures. While Sea Fair Day is the Academy's premier career fair, it is providing this additional opportunity for companies to meet exclusively with the Class of 2010.

Should you wish to interview candidates, interviews may be arranged either following the fair or on Thursday, April, 22. If you are interested in attending, please complete and return the Shipping-Out Job Fair registration form, found [here](#).

For more information, contact Veronica Cassidy Barry, Director of Career Services, United States Merchant Marine Academy, at (516) 726-5825 or via email at barryv@usmma.edu. 🍀

“Carp May Leave Some Locked Out of Business”

The following story, written by Becky Schlinkerman, appeared in The Southtown Star on February 21. It is reprinted here in its entirety.

Jamie Long and his 60 workers are a crucial part of the steelmaking process. But Long doesn’t manufacture steel – he’s charged with bringing hundreds of thousands of tons of coke, a key ingredient in making steel, to steel mills along Lake Michigan. But his job and hundreds of others could be severely impacted by a flipped scaly intruder – the Asian carp.

A lawsuit filed late last year by Michigan officials asks the U.S. Supreme Court to immediately close the gateways in to and out of Lake Michigan, including the O’Brien Lock and Dam on the Calumet River near Burnham and the Chicago Controlling Works – better known as the lock near Navy Pier – in downtown Chicago.

And if you enjoy taking out your boat, use anything made with steel or plan on building a house, this pesky fish – and the legal battle over how to keep it out of Lake Michigan – might affect you.

The steelmaking process, for instance, has a crucial stop in the Southland. Barges bring coke up the Mississippi River from New Orleans into Illinois via the Illinois River and into the Southland via several waterways including the Calumet Sag Channel.

After traveling through the south suburbs on the Cal Sag and the Little Calumet River, the barges pass through the O’Brien Lock en route to Lake Michigan. That’s where Long, the port captain of Calumet River Fleet, in Chicago, takes over. Calumet River Fleet, from its facilities at 103rd Street near Lake Calumet, tows the materials on a barge out into Lake Michigan and delivers them to steel mills in Northwest Indiana and other

points along the lake.

The massive barges, towed or pushed by tugboats, also pick up the finished steel slabs and coils from the steel mills and deliver them to other spots along the Lake Michigan shore - and sometimes back through the O’Brien Lock for transport through the Southland and back down to the Mississippi River, Long said. “We’re involved from cradle to the grave,” he said.

But if the crucial juncture at the O’Brien Lock is blocked, cargo coming upriver wouldn’t be able to reach Long. And he’d no longer be able to get loads brought in from the lake started on their way to customers downriver. “It would devastate us,” Long said. “The mills may look outside for other options.”

It’s a fear shared by Lemont-based Illinois Marine Towing. The company’s tugboats help guide 75 percent of their cargo through the O’Brien Lock. The petroleum and coke coming upriver on its barges are delivered to the blast furnaces on Chicago’s Southeast Side and steel mills in Northwest Indiana. Without being able to service those sites, Illinois Marine Towing would be forced to lay off en masse, said Bill Russell, director of human resources for the company.

“This is the business we’re in,” he said, adding that closing the locks “would take away three-fourths of what we actually do.”

As the debate plays out in Washington, tugboat companies already are feeling the effects. “The threat of the unknown has created issues already,” Long said. “Just the threat of a lock closing has cut down on the number of barges.”

Locks Control Access... and Water Levels

If the O’Brien Lock were shut, businesses downstream would also be

affected because water levels along the state’s water systems would be impacted.

Take Lemont-based K.A. Steel Chemicals. Its facilities are along the Chicago Sanitary & Ship Canal and rely on the waterway system to bring in crucial materials.

The ability to control the water levels in the canal is one concern, said Brad Davidson, executive vice president of the bleach company.

A bigger worry is that the frantic push to stop the Asian carp will lead to a decision to seal off the Chicago-area waterways even further downstream near Lockport, preventing all barge traffic from making its way north into the city and south suburbs. “We would basically shut down,” Davidson said. “We’d have to move facilities if we couldn’t have access to barge.”

K.A. Steel Chemicals brings about 250 barges a year up from the Gulf of Mexico – filled with caustic soda to make bleach for water sanitation, which is then shipped by truck to areas within 250 miles of Chicago. If the cargo couldn’t be delivered via barge, it would have to come by train – which would add about 4,000 rail cars to the Chicago area’s already congested rail system.

Aaron Ozinga, president of Mokena-based cement maker Ozinga, said his company gets the sand and gravel it needs to make cement delivered to its facilities along Chicago waterways via barges. If the waterway system is sealed off downstream, his company would have to put thousands of trucks out on the roads to bring in its supplies.

Data from the American Waterways Operators indicates that just closing the O’Brien Lock would amount to more than 200,000 additional trucks hauling materials on the Chicago region’s roads each year.

(continued on page 7)

“Carp May Leave Some Locked Out of Business”

(continued from page 6)

Not only would that be bad for the environment, but it's a much more expensive way to move materials. And those costs would end up affecting consumers.

Ozinga, a vocal opponent of the locks closure, estimated the cost of cement would shoot up by 30 percent to 40 percent because of the added costs of truck transportation.

Other Industries Affected

Ron Miltzow takes people fishing in Lake Michigan. His bread and butter for attracting fishermen to his charter boat are the salmon and trout that swim in its deep waters.

It's businesses such as his that helped spur Michigan's attorney general to file the lawsuit seeking to close the Chicago-area locks. Michigan officials are worried that the Asian carp could invade the Great Lakes and damage the natural ecosystem that fishermen such as Miltzow depend on.

The carp can grow up to 100 pounds and eat 40 percent of its body weight daily, wiping out food sources for the salmon and trout and other native fish. “I wouldn't be in business,” Miltzow said.

Miltzow, of Tinley Park, said he isn't worried about Asian carp yet. After all, no fish have been found in the lake, though the carp's DNA has been found less than a mile from the lake.

But there's one thing the captain of Wake 'N' Sea Fishing Charter is concerned about – his 38-foot boat is in storage on the “wrong side” of the O'Brien Lock, downstream of it, and if the locks were closed, he wouldn't be able to access the lake.

In that case, Miltzow would have to pay thousands of dollars to move his

boat by land so it can access Lake Michigan before fishing season starts in late March. “I'm hoping they keep it open until March 20,” he said.

Miltzow probably doesn't have anything to worry about because any new information about the lock closures isn't expected until April.

Meanwhile, others who make their living on the water won't be breathing a sigh of relief any time soon.

About 80 percent of the people who stop at the Riverdale Marina on the Calumet River for gas, supplies or a bite to eat are boaters who want access to the lake, manager Rick Dawson said. “Every marina would be in trouble,” he said of the possible lock closures.

Dawson said he's “hanging on to see what happens” though he can't believe a “fish could close the locks.”

Thousands of boaters take off from the boat launch along the Calumet Sag Channel in Worth every year. Some stay on the channels in the Southland, but many head east, ending up at Lake Michigan after passing through the O'Brien Lock.

Others head downstream before heading north on the Sanitary & Ship Canal and eventually making their way up to the Chicago River and into the lake through the downtown lock. Such sojourns out on the lake wouldn't be possible to attend by boat from the Southland if the locks were closed.

And for the village of Worth, which built its boat launch about 15 years ago, closed locks would put a small dent in the village's revenue.

More than 100 boaters use the launch each summer weekend, village Clerk Bonnie Price said. And each time a boat enters the Cal Sag in Worth, the

village makes \$10. Plus there's the investment of building the launch itself. “We've put money into the boat launch,” Price said. “We'd see somewhat of a loss.”

But more worrisome, she said, would be the effect on Southland marine families.


“This will be a loss for families that have boats,” Price said. “It will be a big loss for people who use the waterways.”

A Little Bit of Fish-Tory

As its name implies, the Asian carp isn't native to these parts, but flooding at facilities in the South where it was being bred allowed it to get into the Mississippi River system.

Since then, the fish have been making their way up toward Chicago. An electronic barrier was put in the Sanitary & Ship Canal near Romeoville in hopes of preventing the voracious eater from reaching the Great Lakes. But environmental DNA tests have showed some varieties of Asian carp may have made their way north of the barrier.

That has led those with an interest in the \$4.5 billion commercial sport fishing industry on the Great Lakes to push for more drastic measures to ensure that the Asian carp doesn't make the final push into the lakes, where it could wipe out the food sources for native fish.

Michigan's attorney general has filed a lawsuit, asking the U.S. Supreme Court to immediately close the O'Brien Lock on the Calumet River, among other locks in the Chicago-area waterways, to seal them off from Lake Michigan. 

First Nine Members Due in 2010 Complete RCP Audits

RCP audits are off to a great start in 2010! Of the 79 members due this year, the first nine have already completed certification or recertification of their Responsible Carrier Program® (RCP) audit. Congratulations to these companies on their successful participation in the program! The RCP is the award-winning safety management program of the tugboat, towboat and barge industry. Members are required to undergo a certification audit by an AWO-certified third-party auditor



within one year of joining AWO and to undergo regular recertification audits to verify their compliance with the RCP.

For these companies, this achievement is tangible proof of their commitment to continued safety and environmental protection. AWO is proud of their accomplishment. For

information on the RCP or the audit, please contact Bob Clinton at (703) 841-9300, extension 253, or via email at bclinton@vesselalliance.com.

The following companies have achieved audited certification:

Chem Carriers
 Sunshine, LA
 Audit date: 01/06/2010
 Reaudit due: 01/06/2013

Brennan Marine, Inc.
 La Crosse, WI
 Audit date: 02/11/2010
 Reaudit due: 12/16/2010

Joseph C Domino, Inc.
 Marrero, LA
 Audit date: 01/29/2010
 Reaudit date: 01/29/2013

Greater NY Marine Transportation, LLC
 Syosset, NY
 Audit date: 02/02/2010
 Reaudit date: 02/02/2013

White Near Coastal Towing Corp.
 Syosset, NY
 Audit date: 02/02/2010
 Reaudit due: 02/02/2013

Alter Barge Line, Inc.
 Bettendorf, IA
 Audit date: 03/08/2010
 Reaudit due: 03/08/2013

B & R Towing, Inc.
 Sorrento, LA
 Audit date: 01/13/2010
 Reaudit due: 01/13/2011

Carline Management Company, Inc.
 Gonzales, LA
 Audit date: 03/14/10
 Reaudit due: 03/14/13

K-Sea Transportation Partners, L.P.
 East Brunswick, NJ
 Audit date: 03/07/10
 Reaudit due: 03/07/13

CEMS Training Opportunities Available

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 Pik Kwan Rivera, U.S. Coast Guard, at (202) 372-1354.

DATE	LOCATION	CONTACT
March 8-9	Salyers Solutions, LLC Norfolk, VA	Jo Ann Salyers (Instructor) (504) 236-4962 salyers_solutions@hughes.net
March 17-18	Salyers Solutions, LLC Houston, TX	Jo Ann Salyers (Instructor) (504) 236-4962 salyers_solutions@hughes.net
March 23-24	Salyers Solutions, LLC St. Louis, MO	Jo Ann Salyers (Instructor) (504) 236-4962 salyers_solutions@hughes.net
April 20-21	Salyers Solutions, LLC Tampa, FL	Jo Ann Salyers (Instructor) (504) 236-4962 salyers_solutions@hughes.net
April 27-28	Salyers Solutions, LLC Oakland, CA	Jo Ann Salyers (Instructor) (504) 236-4962 salyers_solutions@hughes.net

(Additional classes can also be scheduled at your location.)

ATLANTIC REGION**Maryland Proposes No Discharge Zone Bill**

A bill has been introduced in the Maryland state legislature that would, in effect, make all state waters a no discharge zone (NDZ). The bill, Senate Bill 513 and its identical companion House Bill 1257, would both prohibit the discharge of treated or untreated sewage in Maryland waters and require the state Department of Natural Resources (DNR) to request that the U.S. Environmental Protection Agency (EPA) deem all state waters a NDZ. The bill also requires DNR to promulgate regulations to enforce these provisions, including vessel inspections, and authorizes state law enforcement personnel and DNR police to inspect vessels for compliance with the bill's requirements. There is a hearing on the bill in the Education, Health and Environmental Affairs Committee on March 16.

AWO is concerned that the bill's designation of all Maryland waters as a NDZ oversteps the intent of the Clean

Water Act, which allows states to request that EPA deem a certain, specific area of a state's waters that needs special protection an NDZ; it is not meant to be a blanket application covering the entirety of a state's waters. Also, for EPA to deem state waters an NDZ, it must find that there are adequate pumpout facilities available to vessels. AWO is concerned that, while these facilities might be available to recreational vessels, relatively few will be accessible to larger, deeper draft commercial vessels like tugboats. Finally, the right to inspect vessels falls specifically within the purview of the U.S. Coast Guard; any laws allowing state personnel on vessels infringes on that federal jurisdiction.

AWO has a long history of working with state environmental agencies and EPA to ensure that NDZ determinations take tugboat and barge industry concerns into account, and will reach out to the state and other

interested stakeholders to discuss the bill and AWO's concerns. For more information, please contact Nicole deSibour or Mary McCarthy at (703) 841-9300, extensions 292 or 254, respectively, or via email at ndesibour@vesselalliance.com or mmccarthy@vesselalliance.com.

MIDCONTINENT OFFICE**AWO Thanks Members for Funding the Coalition to Protect the Missouri River**

AWO thanks its members for funding the Coalition to Protect the Missouri River (CPR), which has been an active advocate for preserving navigation interests on the Mississippi and Missouri rivers since 2001. CPR has counteracted numerous attempts by other groups to change river flows that would shorten the navigation season and strike serious blows to waterways commerce. Currently, AWO serves as Chairman of CPR and staff plays an instrumental role as the Vice Chairman of the Missouri River Recovery Implementation Committee (MRRIC). CPR is currently working with the U.S. Army Corps of Engineers and other river stakeholders to ensure that the Corps' Missouri River Authorized Purposes Study (MRAPS) preserves navigation as one of the Missouri river's two primary authorized purposes of the Missouri River system under the Flood Control Act of 1944 and recognizes that Missouri River's flows have significant impacts on Mississippi

(continued on page 10)

EPA Designates Portion of North Carolina Coastline a No Discharge Zone

On February 22, the U.S. Environmental Protection Agency (EPA) designated the coastal waters of New Hanover County in North Carolina a no discharge zone (NDZ). EPA determined that adequate pumpout facilities existed in New Hanover County's coastal waters after being petitioned by North Carolina in August 2009. A list of those pumpout facilities can be found in the NDZ designation notice [here](#), and a map of New Hanover County coastal waters can be found [here](#).

For more information, please contact Nicole deSibour or Mary McCarthy at (703) 841-9300, extensions 292 or 254, respectively, or via email at ndesibour@vesselalliance.com or mmccarthy@vesselalliance.com.



MIDCONTINENT OFFICE

AWO Urges Coast Guard to Alter its Ballast Water Provisions in the Fish Barrier’s Temporary Interim Rule

The U.S. Coast Guard should ensure that its Temporary Interim Rule (TIR) for the Chicago Sanitary and Ship Canal (CSSC) is consistent with the agency’s ballast water regulation, AWO urged the Coast Guard in

comments submitted on February 5. The comments were written in response to the TIR that was published in the *Federal Register* on January 6, applying to vessels transiting the CSSC’s electric fish barrier. AWO informed the Coast

Guard that the TIR’s prohibition on vessels traveling through the CSSC’s safety zone with “non-potable water on board in any space except for water on board that will not be discharged on the other side” of the zone does not correspond to the Coast Guard’s ballast water regulation. This regulation does not consider water taken into ballast tanks from commercial or municipal fresh water sources as ballast water for the purposes of the regulation. In order to provide uniformity, AWO suggested that adding the phrase “water on board from a commercial or municipal source (which ultimately could be discharged)” to the exception language for transit prohibition would be preferable.

Also in the comments, AWO provided clarification of inaccurately characterized events, including a correction of the Coast Guard’s statement that during the December 2009 rotenone application in the CSSC, “One Silver Carp was found in the area immediately south of the barrier.” In fact, as AWO pointed out, the single carp that was found during this process was “located just above the Lockport Lock and Dam, nearly six miles below the barrier.”

To read the entire comments submitted by AWO, please click [here](#). For more information on the TIR or any issues related to Chicago-area navigation, please contact Lynn Muench at (314) 446-6474, or via email at lmuench@vesselalliance.com, or, in the Arlington office, please contact Mary McCarthy or Benjamin Rogers. They can be reached at (703) 841-9300, extensions 254 or 264, respectively, or via email at mmccarthy@vesselalliance.com or brogers@vesselalliance.com.

AWO Thanks Members for Funding the Coalition to Protect the Missouri River

(continued from page 9)

River navigation and the national economy.

The AWO Inland Liquid and Dry Sector Committees voted to fund CPR at the \$10,000 per year since 2007. CPR continues to afford an opportunity to join allies to engage on critical issues and is a critical part of the regional priority to ensure reliable navigation on the Missouri and Mississippi rivers. Members of the Inland Dry and Liquid sectors should extend their thanks to the following companies, listed at right, who fulfilled its CPR funding commitment for 2009.

The CPR contributors have continued to make it possible for the existence of present and future Missouri River navigation and to allow Mississippi River navigation to build on the reliable flows. Thank you to the AWO members who fund CPR and other issues that set unacceptable precedents impacting the towing industry and the national economy. AWO will once again need to ask members to provide funding for 2010. If you

CPR Contributors
Gate City River Transportation, LLC
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Canal Barge Company, Inc.
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JB Marine Service, Inc.
Magnolia Marine Transport Company
McDonough Marine Service
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Western Kentucky Navigation

are able to contribute, please contact Lynn Muench before the AWO Spring Convention in April.

For more information on CPR, please contact Lynn Muench or Mary McCarthy at (314) 446-6474 or (703) 841-9300, extension 254, respectively, or via email at lmuench@vesselalliance.com or mmccrthy@vesselalliance.com.

MIDCONTINENT OFFICE**Missouri Urges Corps to Narrow Scope of MRAPS Per Legislative Mandate***AWO Member Provides Navigation Perspective to MRAPS Focus Group Meeting in New Orleans*

The U.S. Army Corps of Engineers should be conducting its Missouri River Authorized Purposes Study (MRAPS) in accordance with the authorizing legislative language and should not broaden the scope of the study, Missouri Attorney General Chris Koster told Jo-Ellen Darcy, Assistant Secretary of the Army for Civil Works, in a letter on February 22. Attorney General Koster points out in the letter that the Omnibus Appropriations Act of 2009 requiring the Corps to conduct MRAPS states that the study's purpose is to "review the original project purposes based on the 1944 Flood Control Act...to determine if changes to the authorized project purposes...may be warranted." Those two purposes are flood control and navigation. However, the Corps has launched a broad study that examines the potential economic, ecosystem and socio-economic benefits of the river. Attorney General Koster urges the Corps to follow its unambiguous legislative mandate and focus only on determining if changes to the authorized purposes may be warranted.



AWO heartily supports Attorney General Koster's letter, as the broader reach of the study threatens to dilute the importance of flood control and navigation on the Missouri River. AWO also shares Attorney General Koster's assessment that MRAPS is a redundant study that is wasting precious taxpayer dollars considering the Corps recently completed a study of the Missouri River that took 17 years, cost \$35 million and resulted in revisions to the Missouri River Master Water Control Manual.

AWO has been continuously involved with MRAPS since it was initiated in fall 2009 in order to ensure that the importance of Missouri River navigation and the importance of the Missouri River flows to critical Mississippi River navigation are taken into account. The Corps has held a number of focus group meetings to gather feedback from stakeholders on the study, and David Humphreys, counsel for AWO member Magnolia Marine Transport Company, attended a focus group meeting on February 23 in Kenner, LA. Mr. Humphreys, who serves as an alternate on the Missouri River Recovery Implementation Committee (MRRIC), gave a presentation during the meeting on the significant economic advantages to maintaining navigation as an authorized purpose of the Missouri River. Also attending that meeting and providing feedback during the public comment period were Roger Harris, Magnolia Marine Transport Company, Jeff Kindl, AEP River Operations, and Mark Wright, AWO.

For more information on MRAPS, please contact Lynn Muench or Mary McCarthy at (314) 446-6474 or (703) 841-9300, extension 254, respectively, or via email at lmuench@vesselalliance.com or mmccarthy@vesselalliance.com.

SOUTHERN REGION**Houston/Galveston Navigation Safety Advisory Committee Meeting on March 11**

The Houston/Galveston Navigation Safety Advisory Committee (HOGANSAC) and its working groups will meet in Houston, TX, on March 11, from 9:00 a.m.-12:00 p.m. The committee will discuss waterway improvements, aids to navigation, area projects impacting safety on the Houston Ship Channel, and various other navigation safety matters in the Galveston Bay area. All meetings will be open to the public.

Chairperson Tava Foret will preside over the meeting and Committee Sponsor RADM Landry will provide the opening remarks. Old business items covered by the meeting will include a navigation operations and maritime incident review; a dredging report; a technology report; a waterways optimization report; a replacement vote for the Commercial Recovery Contingency Subcommittee; a HOGANSAC outreach report; and, an area maritime security committee liaison's report. New business items covered will include a towing vessel bridging program explanation, a state of the waterways address, general announcements, a ports and waterways safety assessment (PAWSA) completion and a vessel traffic service area (VTSA) change request.

If you have questions concerning the HOGANSAC meeting, please call or e-mail LTJG Margaret Brown, Waterways Management Branch, Coast Guard, at telephone (713) 678-9001, or via email at

Margaret.A.Brown@uscg.mil.

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