



The American Waterways Operators

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Lynn M. Muench
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February 7, 2014

Chicago Department of Public Health
Attn: Environmental Permitting and Inspections
333 South State Street
Room 200
Chicago, IL 60604

Re: Proposed Regulations for Handling
and Storage of Bulk Material Piles

Dear Sir or Madam:

The American Waterways Operators is the national trade association for the U.S. tugboat, towboat, and barge industry. Our industry's 4,000 tugboats and towboats and more than 27,000 barges safely and efficiently move more than 800 million tons of cargo each year in the domestic commerce of the United States, including more than 60 percent of U.S. export grain, energy sources such as coal and petroleum, and other bulk commodities that are the building blocks of the U.S. economy. The industry operates over 7,000 open hopper barges and slightly more than 11,000 covered hopper barges. Seventeen AWO member companies are headquartered in Illinois and many others operate vessels that transit through the Chicago Area Waterways.

The U.S. tugboat, towboat, and barge industry is the nation's safest, most environmentally friendly and most economical mode of freight transportation, and AWO members are committed to leading the marine transportation industry in safety and environmental stewardship. Barges also have the smallest carbon footprint among competitive transportation modes. Truck transportation produces 171.83 tons of carbon dioxide per ton mile, and rail produces 21.35 tons, compared to only 16.41 tons produced by barge transportation.¹ AWO is demonstrating its ongoing pledge to environmental stewardship by establishing a workgroup that will examine even more avenues to protect the environment. Our comments are informed by our long and continuing commitment to environmental protection.

¹ Texas Transportation Institute, *A Modal Comparison of Domestic Freight Transportation Effects on the General Public 2001-2009*, February 2012, <http://www.nationalwaterwaysfoundation.org/Research.html>.

Federal Regulation of the Towing Industry

The Chicago Area Waterways are a highly trafficked federal waterway that allows for the safe and efficient delivery of bulk materials upon which our economy depends. To facilitate commerce, regulation of towing vessels has long been managed by federal agencies such as the U.S. Coast Guard and EPA. Towing vessels are required to comply with a number of environmental regulations at the federal level, and AWO members routinely operate above and beyond regulatory minimums in order to better protect the environment. Disrupting waterborne commerce would either destroy critical business in the Chicago area or force more products to be moved by trucks and trains, increasing air pollution and decreasing quality of life for Chicago-area citizens. A city regulation placing operational requirements on barges moving through federal waterways engaging in interstate commerce would negatively impact Chicago for the reasons highlighted below.

This Regulation is Impractical for Vessel Operations and Will Reduce Environmental Protection

The proposed regulation is not practical for vessel operations. AWO agrees with the goal of prescribing reasonable maintenance practices to minimize harmful airborne emissions. However, if the regulations take effect as written, they will destroy the economic feasibility of handling these materials in Chicago. This will result in lost jobs, lost revenue for the city, and air emissions and traffic accidents will increase.

- The stated purpose of this proposed regulation is to minimize emissions from petcoke, coal, ores, and metcoke. However, the definitions of “bulk solid material” and “fugitive dust” could be interpreted to include a wide range of commodities such as grain, sand, salt, or mulch. Chicago should also define the “construction materials” exemption to clarify what specific materials would be exempted from this regulation.
- AWO supports the city’s efforts to minimize emissions. However, the requirements in the proposed rule don’t match the actual risks. The U.S. Environmental Protection Agency stated that petcoke is non-toxic and non-hazardous, and there are no known illnesses or health effects associated with petcoke dust.²
- The provisions requiring barge loading and unloading in an enclosed area are impractical. Approximately 11 bulk cargo terminals in Chicago receive uncovered materials. Many businesses would not be able to perform the operations as described, requiring terminals in the city to use either trucks or rail cars, or to discontinue operations entirely. Since only one barge of product is equivalent to over 70 semi-tractor trucks or 16 rail cars, this will severely decrease the quality of life in the

² U.S. Environmental Protection Agency, *Screening Level Hazard Characterization: Petroleum Coke*, June 2011, http://www.epa.gov/chemrtk/hpvis/hazchar/Category_Petroleum%20Coke_June_2011.pdf.

Chicago metro area with increased traffic and air pollution, and would damage the already fragile highway infrastructure.

- The proposed rule's provision requiring that barges be covered with tarps is based on a misunderstanding of how hopper barges work. Some barges have fiberglass or steel covers that are used for grain and other cargo that must be protected from the elements. Placing tarps on barges is not physically possible. Hopper barges are large, about 200 feet long by 35 feet wide. It is unclear how such a massive tarp would be affixed to the barge without any risk that it would partially or fully blow away in inclement weather. Additionally, there is nowhere to store a tarp on an empty barge. Most importantly, if there were inclement weather, it is possible that the tarps could be unsecured and start flapping or blowing away, posing a huge safety risk to the deckhands working on the barge. It is wholly possible that a tarp could blow off a barge and knock a person into the water, potentially trapping them underneath. Tarps are both infeasible and a safety hazard.
- Any future requirement to require covers on all hopper barges would also be extremely problematic. Dry bulk cargo like coal and petcoke is loaded above the coaming (or rim) of the barge. The fact that these large barges can be loaded with a lot of product and then many of them can be pushed together by one towboat is a major reason why our industry is so economical and environmentally friendly. Requiring covers on barges would drastically reduce the amount of product that can be carried in each barge. This would force more barges to be used and therefore more towboats, or this product would have to be moved by truck or rail; both options would increase air emissions. Covers on barges are also dangerous because coal could combust and produce a fire during warm weather (or other conditions) if moved in a covered barge. Furthermore, not enough covers exist in the industry to immediately put them on barges carrying coal, petcoke, or other products not normally protected from the elements. Building covers and retrofitting a barge would cost approximately \$70,000 to \$85,000 per barge. Finally, if cargo traditionally carried in open hoppers is immediately required to be moved to covered hoppers, it would drastically affect the market for covered hopper barges and the rates for products traditionally carried in them, namely grain.

AWO respectfully requests that the City either withdraw the proposed rule or amend it in the following manner: 1) narrow and/or itemize definitions to prevent unintentionally harming ancillary business interests, 2) remove the requirement for tarps, and 3) remove the requirements for enclosed loading/unloading areas and covered barges.

Thank you for the opportunity to comment on this proposed regulation. Please don't hesitate to contact me if you need further information.

Sincerely,



Lynn M. Muench