



The American Waterways Operators

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Lynn M. Muench
Senior Vice President - Regional Advocacy

May 15, 2014

Mr. James Gignac
Environmental and Energy Counsel
State of Illinois
Office of the Attorney General
69 W. Washington Street
18th Floor
Chicago, IL 60602

Dear Mr. Gignac:

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 more than 11,000 covered hopper barges. Fifteen AWO members 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 over 171 tons of carbon dioxide per ton mile, and rail produces over 21 tons, compared to only 16.41 tons produced by barge transportation.¹ Our comments are informed by our long 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>.

AWO supports the state's goal to minimize emissions. However, since the U.S. Environmental Protection Agency has stated that petcoke is non-toxic and non-hazardous, and there are no known illnesses or health effects associated with petcoke dust, any law regulating petcoke dust would not minimize problematic emissions.²

Federal Regulation of the Towing Industry

The Mississippi, Ohio, and Illinois rivers, along with the Chicago Area Waterways are highly trafficked federal waterways allowing the safe and efficient delivery of bulk materials. To facilitate interstate 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 protect the environment.

HB 5939 is Impractical and Will Reduce Environmental Protection

The proposed legislation is not practical for vessel operations. AWO agrees with the goal of prescribing reasonable maintenance practices to minimize harmful airborne emissions. However, if the legislation is enacted as written, it will destroy the economic feasibility of handling these materials in Illinois. This will result in lost jobs and revenues, along with increased air emissions and traffic accidents.

- Requiring barges to load and unload in an enclosed area is 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 trucks, rail cars, or discontinue operations. 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 Illinois with increased traffic, air pollution, and damage to the already fragile highway infrastructure.
- The proposed legislation's provision requiring that barges be covered with tarps would create an unsafe work environment or drive businesses off the waterways. 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 a serious safety risk. 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. It is wholly possible that a tarp could blow off a barge and knock a person into the water, where that person would be trapped underneath it in the (likely very cold) water. Placing or removing the tarps would also present a safety risk for deckhands. Our members have examined new technologies that would facilitate tarps. However, real-world experience has demonstrated that tarps are

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.

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both infeasible and unsafe. An AWO member has captured the infeasibility of tarps in a film that we would be happy to share with your office.

- Requiring 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 beyond the coaming 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 be moved onto truck and rail; both options would increase air emissions.
- Covers on barges also present safety issues because coal could combust and produce a fire during warm weather and other conditions if moved on a covered barge.
- 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 between \$70,000 and \$85,000.
- Finally, this new requirement would decrease the availability of covered hopper barges and thus drive up the price of goods traditionally transported this way, including grain, which is a major export for Illinois.

AWO respectfully requests that the State withdraw or amend the proposed rule in the following manner: 1) remove the requirements for enclosed loading/unloading areas and 2) remove the requirement for tarps or covers on barges.

Thank you for your consideration. Please don't hesitate to contact me if you need further information. The industry stands ready to work with the state on environmental issues facing Illinois on its waterways.

Sincerely,

A handwritten signature in cursive script that reads "Lynn M. Muench". The signature is written in black ink and is positioned below the word "Sincerely,".

Lynn M. Muench