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January 9, 2018

CAPT Ricardo Alonso
Chief, Office of Marine Environmental Response Policy
U.S. Coast Guard (CG-MER)
2703 Martin Luther King Jr. Avenue, S.E., STOP 7516
Washington, DC 20593

Dear CAPT Alonso:

I am writing to request that the Coast Guard renew, for a period of five years, the AWO Alternative Planning Criterion for emergency towing services under the salvage and marine firefighting regulations for applicable tank and non-tank vessels at 33 CFR 155.4030(a). In support of this request, attached please find a description of the APC and the rationale behind it.

Also included is a list of towing companies that have indicated their willingness to provide emergency towing services as described in the APC. AWO has obtained and previously provided the Coast Guard with letters of agreement from each of these companies. Understanding that the Coast Guard's records are incomplete, AWO is resubmitting these letters of agreement with this request. We will continue to update this list on an ongoing basis and will notify the Coast Guard by email of any additions or deletions in a timely manner, as well as provide the complete list to the agency upon request.

AWO will continue to request input annually from members on their experiences exercising and activating the APC and will share any significant information about APC utilization and lessons learned with the Coast Guard.

Thank you for your consideration. Please feel free to contact Caitlyn Stewart at (703) 841-9300, extension 262, or cstewart@americanwaterways.com, or me if you have any questions.

Sincerely,

Jennifer A. Carpenter

AMERICAN WATERWAYS OPERATORS EMERGENCY TOWING ALTERNATIVE PLANNING CRITERION

For decades, inland towing vessel operators have consistently and effectively relied on the assistance of others in the industry in responding to collisions, groundings, loss of steering or power, barge breakaways and other vessel emergencies, whether or not resulting in, or threatening to result in, an unauthorized discharge of oil or a hazardous substance. The density of towing vessel operations throughout the inland waterways, combined with a longstanding “there but for good fortune go I” attitude in the industry, has fostered this successful mutual assistance approach to emergency response. While some sectors exhibit a more adversarial approach to others in peril, the inland towing industry retains what may be considered an old-fashioned, collegial approach that recognizes the common operating risks that all of its members face.

Since the AWO Alternative Planning Criterion (APC) for emergency towing was first approved in 2011, AWO member companies operating on the Western Rivers have built successfully on this approach to satisfy their statutory and regulatory obligations.

VESSEL DETAILS

The AWO APC covers all tank barges, and all non-tank towing vessels over 400 GRT carrying oil as fuel, operated by AWO member companies within the Eighth Coast Guard District and areas of the Ninth Coast Guard District specified below. An inland towing vessel of at least 800 horsepower (the smallest towing vessel in routine service on the inland waterways) is capable of pushing the largest inland tank barge (approximately 35,000 barrels) loaded with cargo, or of assisting a towing vessel over 400 GRT.

GEOGRAPHIC AREAS

The AWO APC covers the COTP zones in the Eighth Coast Guard District, and those limited portions of the Ninth Coast Guard District encompassing the Illinois River, the port of Chicago, and the limited Great Lakes route between Chicago and Burns Harbor/Whiting, Indiana, commonly added to inland tank barge Certificates of Inspection. In these areas, towing vessel activity is concentrated and continuous, and mutual assistance is routine during vessel emergencies.

ALTERNATIVE

Federal regulations at 33 CFR 155.4030(a) (Salvage and Marine Firefighting Requirements to List in Response Plans) require tank and non-tank vessel response plan (VRP) holders to “identify, in the geographical-specific appendices of your VRP, the salvage and marine firefighting services listed in Table 155.4030(b) – Salvage and Marine Firefighting Services and Response Timeframes.” The timeframe for emergency towing services is 12 hours. In addition, 33 CFR 155.4030(e) requires that: “Your VRP must identify towing vessels with the proper characteristics, horsepower, and bollard pull to tow your vessel(s). These towing vessels must be capable of operating in environments where the winds are up to 40 knots.”

These requirements apply to tank barges and towing vessels over 400 gross tons carrying oil as fuel. For the reasons stated below, AWO believes that this national planning criterion (NPC) is inappropriate for towing vessels operating in the above specified geographic areas.

The American Waterways Operators (AWO) requests that the Coast Guard re-approve, for the reasons stated herein, the following as an Alternative Planning Criterion to the emergency towing planning criterion set forth in 33 CFR 155.4030, with respect to the COTP zones in the Eighth Coast Guard District and above specified areas of the Ninth Coast Guard District:

1. An inland towing vessel of 800 horsepower meets the characteristics, horsepower, and 40-knot wind criteria as an emergency towing vessel to respond to the largest inland tank barges, both fully laden and unladen, and an inland towing vessel over 400 GRT.
2. Inland tank barges and towing vessels over 400 GRT operating within the Eighth Coast Guard District and specified areas of the Ninth Coast Guard District by AWO members using the AWO APC will, in the event of an emergency, be responded to within required time frames by towing vessels, as described in paragraph (1) above, operating in the vicinity, under the towing industry's longstanding practice of mutual assistance, which offers an equivalent level of safety and emergency preparedness to the national planning criterion.

An AWO member company wishing to use the AWO APC will specify in its vessel response plan that it intends to use the AWO APC to meet the requirements of 33 CFR 155.4030 for emergency towing services. (A current list of AWO members who are authorized to use the APC may be found on AWO's website at www.americanwaterways.com/rcp-status. Upon approval of this request and as a courtesy, AWO will notify the Coast Guard by email of any changes in membership in a timely manner.) Inclusion of such a provision in the vessel response plan constitutes the company's commitment to:

1. Promptly notify and seek assistance from other towing vessels/companies in the event of an incident triggering the need for emergency towing services under the vessel response plan.
 - a. Typically, radio calls for assistance would be made by personnel on board the towing vessel attending the tank barge or the towing vessel subject to the non-tank vessel response plan regulations to other towing vessels in the vicinity and/or to nearby terminals, facilities and barge fleeting areas with towing vessels potentially available.
 - b. As needed, the spill management team managing implementation of the vessel response plan (required under 33 CFR Part 155 in the event of an incident giving rise to activation of the response plan) could assist personnel on board the towing vessel in implementing the APC by: contacting the owners of towing vessels known to be in the vicinity of the affected tank barge or towing vessel, based on input from the towing vessel; contacting the owners of towing vessels at terminals, facilities and barge fleeting operations in the vicinity of the

affected tank barge or towing vessel, based on readily available industry information sources, such as the *Inland River Guide*; contacting the owners of towing vessels in the vicinity of the affected tank barge or towing vessel based on AIS-based information available through widely used subscriptions to services such as Ship Tracks and PortVision; and, contacting the owners of towing vessels that routinely operate on the waterway on which the affected vessel is located, based on common industry knowledge of those operations, to determine if those owners have towing vessels operating on the waterway.

- c. When a towing vessel capable of providing emergency towing service has been located, the vessel response plan holder will obtain from the towing vessel operator an estimated time of arrival (ETA) at the incident site. The plan holder will provide this ETA to the cognizant Coast Guard Captain of the Port.
2. Respond to a request for assistance from another vessel response plan holder to provide emergency towing services in accordance with this APC, provided that the company has a towing vessel that is reasonably available in the vicinity of the stricken tank barge or towing vessel to do so.
3. While awaiting the arrival on scene of the towing vessel providing emergency towing services, provided that it can safely do so, the towing vessel attending an affected tank barge will push the affected tank barge to the nearest bank of the waterway and, to the extent possible, stabilize and secure the barge by mooring to an available structure and/or soft grounding, taking reasonably necessary precautions to avoid causing additional damage to the barge or exacerbating the discharge or threat of discharge.

These actions are consistent with longstanding towing industry practice on the inland waterways and with the responsibilities of vessel operators under the Inland Navigation Rules, the Bridge- to-Bridge Radiotelephone Act (33 CFR Part 26), and the vessel response plan regulations at 33 CFR Part 155. The Bridge-to-Bridge Act requires all vessels to monitor and maintain VHF Channel 16 as their emergency communications channel; Rule 2 of the Inland Navigation Rules addresses the responsibilities of good seamanship when encountering another vessel in distress; and Rule 37 requires vessels to send distress signals at stated intervals when other communications methods are not available due to the vessel's location.

The NPC for Emergency Towing is Inappropriate for the Inland Waterways

The AWO APC is needed because there are no towing vessels stationed on the inland waterways (or in coastal areas, for that matter) with a primary (or secondary) purpose of emergency towing response. No such infrastructure exists, nor is it possible to create such a capacity in the near future, given limited U.S. shipbuilding capacity.

Further, the emergency towing requirements of 33 CFR 155.4030 were clearly written without an understanding of inland tank barge and towing vessel operations. Inland towing vessels do not pull, but rather push, the barges that they tow. Accordingly, a requirement for bollard pull is not relevant to inland emergency towing vessels, which are not equipped with towing bitts

or towing winches for pulling. In addition, inland towing vessels are capable of operation without regard to wind velocity.

Although not expressly required in 33 CFR 155.4030(e), the preamble to the salvage and firefighting final rule states that plan holders must list emergency towing vessels by name. Such a requirement for inland tank barge and towing vessel response planning is inappropriate for several reasons. Inland towing vessels routinely operate in multiple COTP zones, and the scope of operation in those zones may vary over time depending upon the requirements of cargo owners shipping cargo by barge(s) in tow of the towing vessel. The same is true of inland tank barges. Because of the mobility of towing vessels and tank barges across the inland waterway system, listing the towing vessels capable of responding within a given COTP zone is impractical. This mobility is at the heart of the mutual assistance approach to emergency towing that has served the inland tank barge and towing industry well for many years. In addition, given the large number of vessels operating across COTP zones in the Eighth Coast Guard District and the number of COTP zones across which most tank barges and towing vessels over 400 GRT operate, requiring a listing of available towing vessels in the VRP adds little value, while updating and maintaining such a list in each of the plan's geographic-specific appendices would create an unreasonable administrative burden. Coupling that burden with the 30-day advance submittal requirements of 33 CFR 155.1070 would, as a practical matter, make it impossible for inland tank barge and towing vessel operators to both serve their customers' requirements and be compliant with the NPC.

The Alternative Provides an Equivalent Level of Safety

The density of inland towing vessel operations within COTP zones in the Eighth Coast Guard District and specified areas of the Ninth Coast Guard District is sufficient to ensure availability of emergency towing vessels to respond to an incident on a mutual assistance basis. The attached maps depicting point-in-time snapshots of towing vessels operating along inland transportation routes (and capable of providing assistance to tank barges or towing vessels over 400 GRT in the event of a casualty giving rise to the need for emergency towing services) support this assertion.

IDENTIFICATION OF REQUIRED RESPONSE RESOURCES

Attached is a list of AWO member companies operating towing vessels in the Eighth and Ninth Coast Guard Districts that have indicated their willingness to provide emergency towing services as described herein. AWO has obtained and previously provided the Coast Guard with letters of agreement from each of these companies. AWO will update this list on an ongoing basis (e.g., to reflect changes in company names due to mergers and acquisitions, the addition or deletion of companies to/from the list, etc.) and provide an updated list to the VRP program and COTP zones in the covered geographic areas in a timely manner, as well as on upon request.

BUILD-OUT PLAN

AWO does not believe that specific planned milestones to increase response capacity are necessary to enhance the efficacy of the AWO APC. The demonstrated availability of emergency towing vessels to respond on a mutual assistance basis establishes a robust response capacity, and the unique nature of the circumstances underlying the APC mitigates the need to establish a build-out plan. However, the AWO APC is not static. AWO is committed to the continuous improvement of the APC and is engaged in an ongoing dialogue with APC users and with the Coast Guard to ensure and enhance its effectiveness. On an annual basis, AWO requests input from users on their experiences exercising and activating the APC so that lessons learned can inform our discussions with the Coast Guard and help us ensure that the APC continues to provide a level of response readiness and capability equivalent to the NPC.

ECONOMIC ASSESSMENT

The cost of full compliance with the NPC through the construction and maintenance of a dedicated emergency towing response network on the inland waterways would be exorbitant and unreasonable. The Eighth District alone encompasses at least five major river systems spanning 26 states and the Western Rivers system as a whole spans almost 12,000 miles. Constructing a fleet of dedicated emergency towing vessels would pose a host of challenges, most notably securing the capital to construct or purchase the vessels and establishing a stable funding mechanism for the system. In addition, vessel operators would face the substantial administrative and financial burdens of establishing and maintaining contracts or retainer agreements with emergency towing vessel providers.

In contrast, continued utilization of the mutual assistance approach embodied in the AWO APC imposes minimal incremental costs on plan holders and emergency towing service providers. The result of the longstanding industry-wide cooperative approach memorialized in the APC is that requests for assistance from other towing vessel operators, even competitors, are met with prompt and reasonable responses. Rarely is any remuneration demanded or expected, and rarely is more than the most reasonable contractual protection against additional liability required.

ENVIRONMENTAL ASSESSMENT

As previously stated, due to the density of towing vessel operations in the covered geographic areas, the AWO APC provides a level of safety and environmental protection equivalent to the NPC for emergency towing on the inland waterways. Mutual assistance in emergency towing situations has been the operative approach on the inland waterways for many years, and since the Coast Guard's initial approval of the AWO APC in 2011, AWO is unaware of any adverse environmental impacts that have resulted from its use as an alternative to the NPC for emergency towing.

The geographic areas covered by the AWO APC span multiple Area Contingency Plans and, therefore, may include environmentally, economically and culturally sensitive areas. However,

use of the AWO APC does not increase the risks to sensitive areas relative to full NPC compliance. Towing vessels operating under the principle of mutual assistance have been demonstrated to respond to an incident well within the specified 12-hour planning criterion.

EQUIPMENT INSPECTIONS

Operators who use the AWO APC to meet the requirements for emergency towing services are obliged to comply with the equipment inspection and maintenance requirements of 33 CFR §155.1062 and §155.5062.

As of July 20, 2018, most towing vessels over 26 feet are subject to Coast Guard inspection under 46 CFR Subchapter M. Subchapter M requires the regular inspection and maintenance, and attendant documentation, of the equipment required to meet a company's commitment under the AWO APC, including communications equipment (46 CFR §140.715) and towing gear (46 CFR §140.801).

PERSONNEL TRAINING

Operators who use the AWO APC to meet the requirements for emergency towing services are obliged to provide and document training to those persons with responsibilities under their VRP in accordance with 33 CFR §155.1055 and §155.5055.

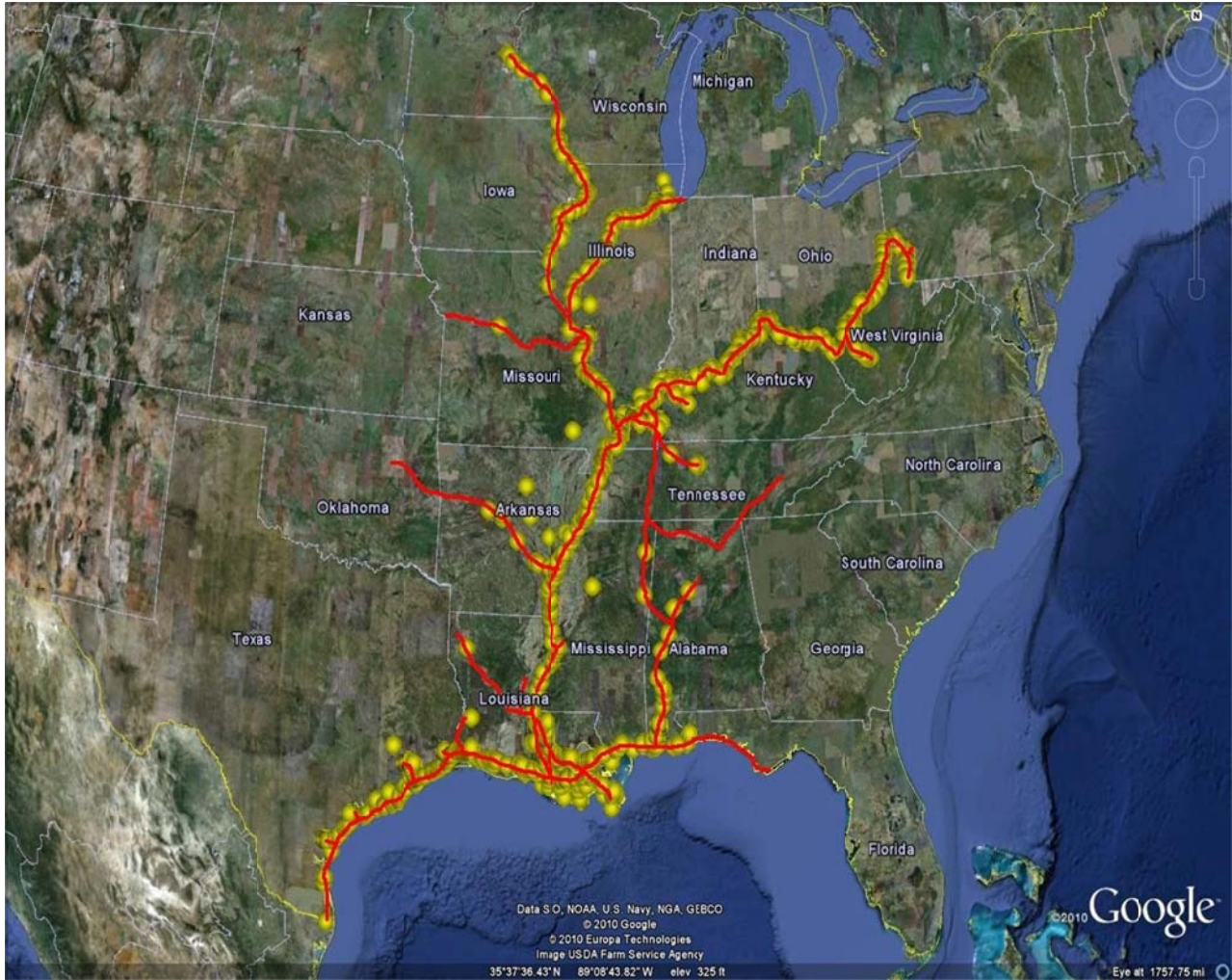
EXERCISES

Operators who use the AWO APC to meet the requirements for emergency towing services are obliged to conduct announced and unannounced exercises consistent with the requirements of section 4202(a) of the Oil Pollution Act of 1990 and 33 CFR §155.1060 and §155.5060.

PERIOD OF ACCEPTANCE

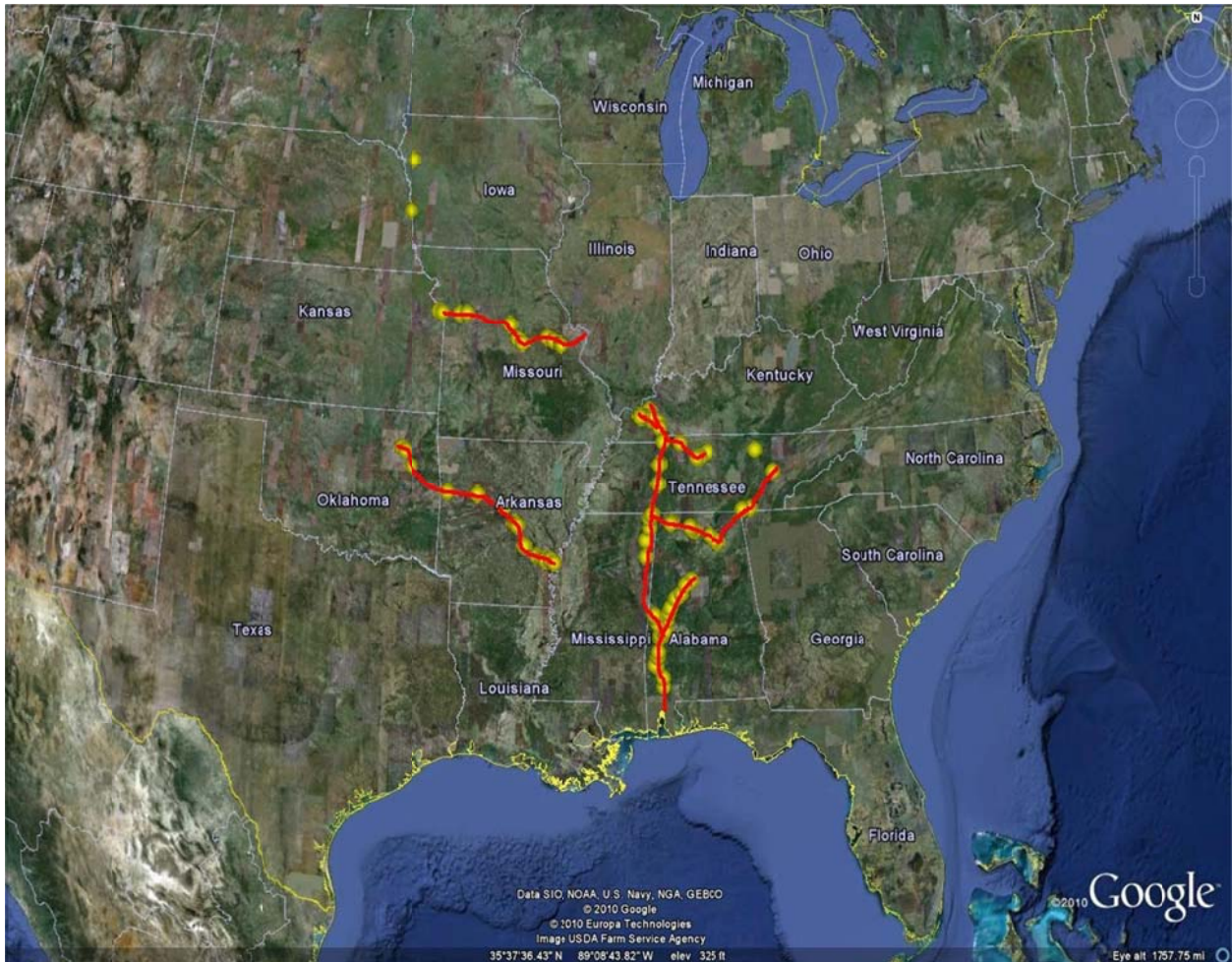
AWO requests a five-year renewal of the APC. The current acceptance period for the AWO APC expires on January 31, 2019. AWO is requesting a renewal with an expiration date of January 31, 2024.

TOWING VESSEL POSITION SNAPSHOT SEPTEMBER 15, 2010

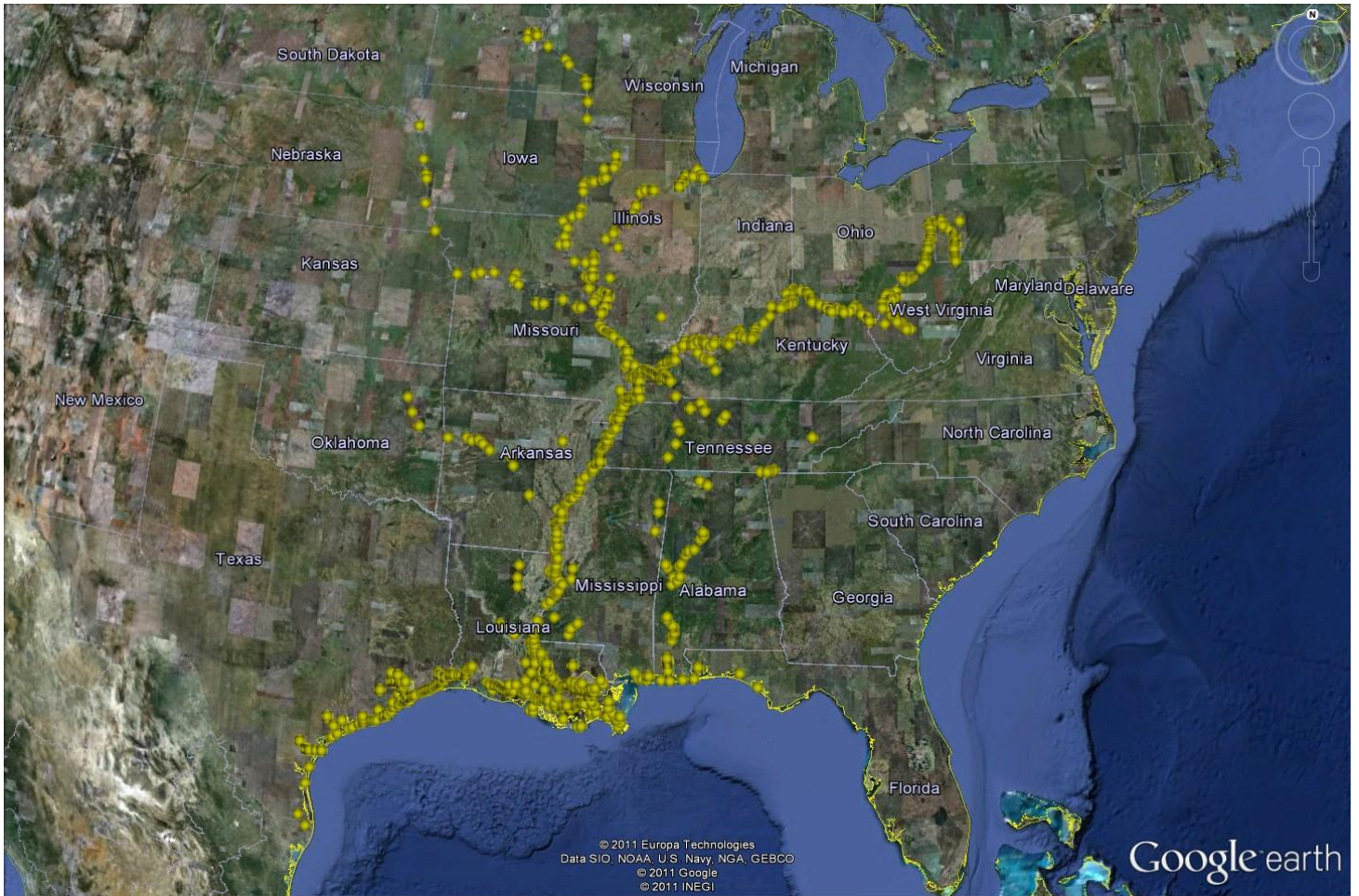


TOWING VESSEL POSITION SNAPSHOT OCTOBER 08, 2010

TENNESSEE RIVER, CUMBERLAND RIVER, TENNESSEE-TOMBIGBEE WATERWAY,
ARKANSAS RIVER AND MISSOURI RIVER

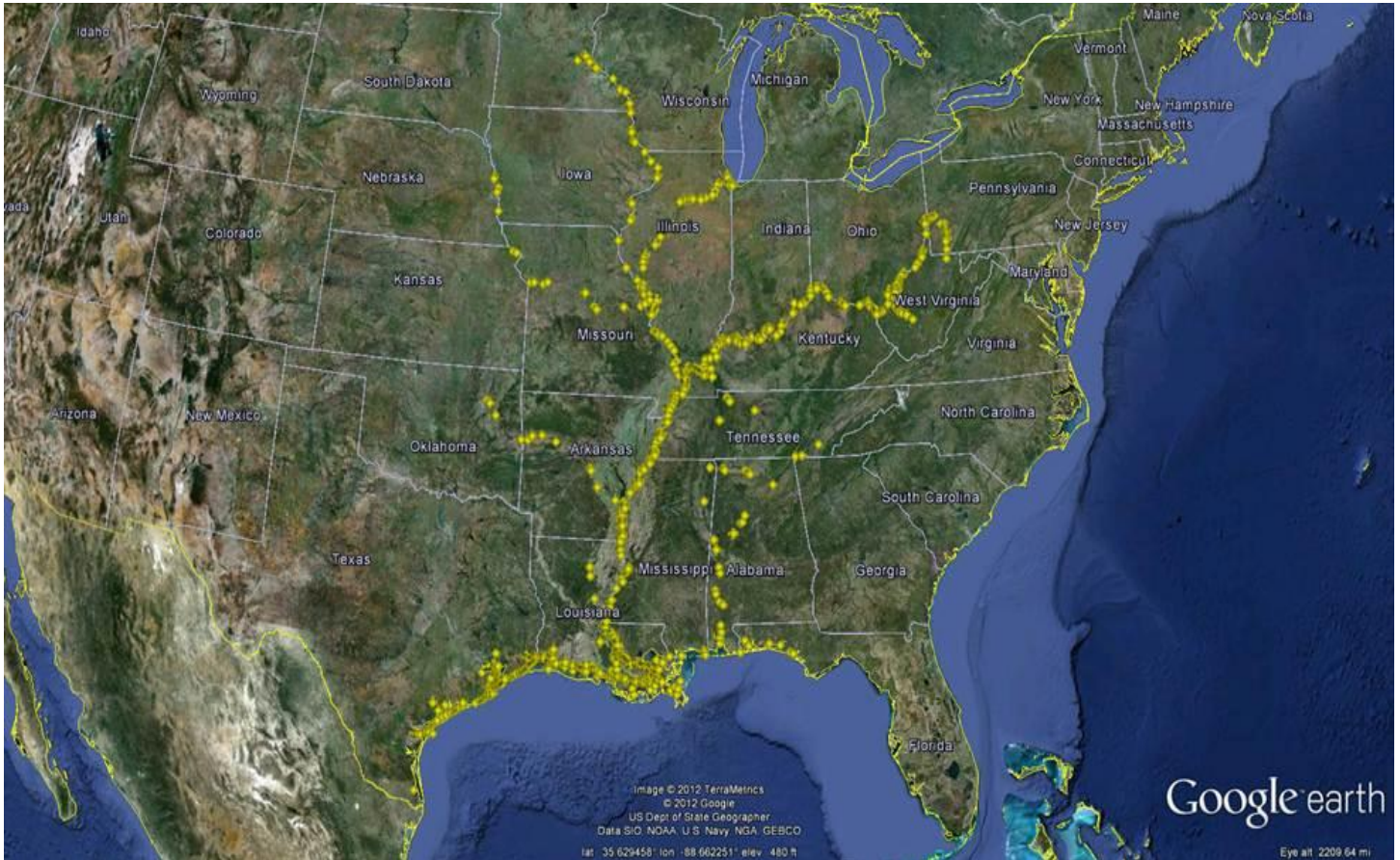


Towing Vessel Position Snapshot October 14, 2011



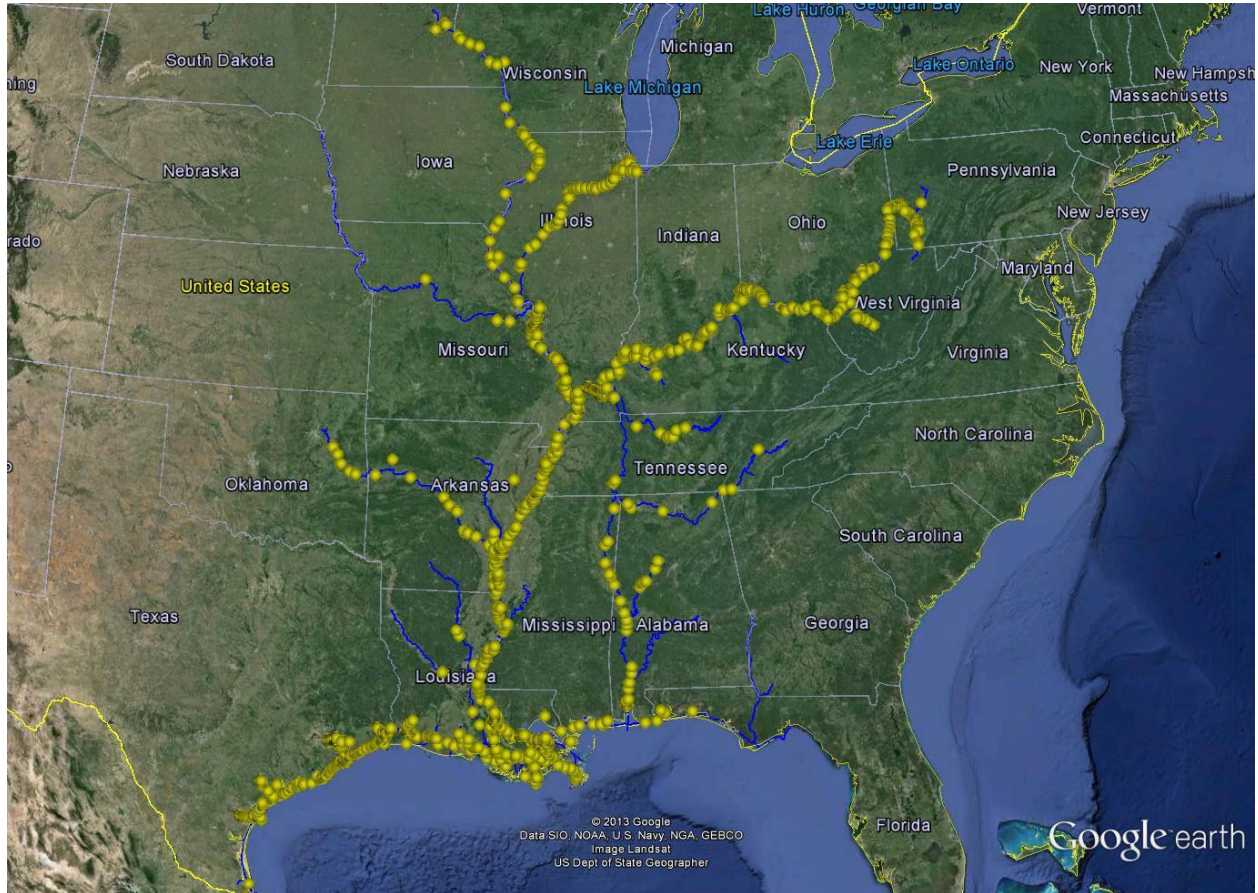
Towing Vessel Position Snapshot

October 23, 2012



Towing Vessel Position Snapshot

October 29, 2013



Attachment 2: List of AWO Member Companies Willing to Provide
Emergency Towing Services as Described in the AWO APC

AEP River Operations	Echo Towing Service Inc.	Magnolia Fleet, LLC
American Commercial Barge Line, Inc.	Enterprise Marine Services, LLC	Magnolia Marine Transport Company
American River Transportation Company	Florida Marine Transporters, Inc.	Marathon Petroleum Company LP
Amherst Madison, Inc.	Genesis Marine LLC	Marine Fueling Service, Inc.
Bayou Fleet, Inc.	Golding Barge Line, Inc.	Marquette Transportation Company, Inc.
Blessey Marine Services, Inc.	Hard's Marine Service Ltd.	Martin Marine
Boone Towing, Inc.	Helena Marine Service, Inc.	McDonough Marine Service
Buffalo Marine Services, Inc.	Illinois Marine Towing, Inc.	McNational, Inc.
C & B Marine	Ingram Barge Company	Murray American Transportation, Inc.
C & J Marine Services, Inc.	Inland Marine Service	Osage Marine Services Inc.
Callais & Sons LLC	Intergulf Corporation	Parker Towing Company, Inc.
Campbell Transportation Company, Inc.	James Transportation LLC, d/b/a Tennessee Valley Towing	Progressive Barge Line, Inc.
Canal Barge Company, Inc.	JANTRAN, Inc.	River Marine Enterprises, LLC
Chem Carriers, LLC	JB Marine Service, Inc.	Rodgers Marine Towing Service, Ltd.
Crouse Corporation	Kindra Lake Towing, LP	S & W Marine, Inc.
D & S Marine Service	Kirby Corporation	Serodino, Inc.
DeLoach Marine Services	Le Beouf Bros. Towing, LLC	Settoon Towing, LLC
Devall Towing & Boat Service, Inc.	Lorris G. Towing Corporation	
Echo Marine, Ltd.	Luhr Bros., Inc.	

Turn Services, LLC

Upper River Services

**Vidalia Dock & Storage
Co., Inc.**

Wepfer Marine, Inc.