



The American Waterways Operators

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Lynn M. Muench

Senior Vice President - Regional Advocacy

June 10, 2011

Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

RE: Water Quality Standards and Effluent
Limitations for the Chicago Area
Waterways System and Lower Des Plaines
River: Proposed Amendments to 35 ILL.
Adm. Code 301, 302, 303 and 304 (R.08-9
Subdocket A, Rulemaking-Water)

Dear Sir or Madam:

The American Waterways Operators is the national trade association for the tugboat, towboat and barge industry. AWO represents 350 member companies, over 20 of which are based in or transit through the Chicago Area Waterways System (CAWS). AWO appreciates the opportunity to comment on the Illinois Pollution Control Board's proposed second notice opinion and order in the rulemaking to establish recreational use of the CAWS and the Lower Des Plaines River (LDPR). **AWO strongly urges the IPCB to stay proceedings on this rulemaking to allow more time for all impacted parties and the IPCB to fully consider all relevant information available.**

AWO members are proud to be part of an industry that is the safest, most fuel efficient, and has the smallest carbon footprint of any transportation mode. AWO members also have a deep commitment to safety and environmental stewardship, having adopted in 1994 the Responsible Carrier Program, a code of safe practice that is a condition of AWO membership. AWO commends the IPCB for its diligent efforts to clean up this important waterway.

In our previous comments submitted in October 2010, we explained our concerns with increased recreational traffic on the waterways and the potential impact of that increase on the safety of both commercial and recreational vessels. We appreciate the Board's response to our comments in the published order, but respectfully disagree with the Board's conclusion

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that designating the CAWS and the LDPR as a primary contact waterway will not have an effect on commercial navigation and waterway safety.

According to national statistics from the U.S. Coast Guard, 90% of all recreational boating accidents involve boaters with no formal training and 50% are related to alcohol use by the recreational boater. By contrast, the professional mariners who operate commercial vessels are subject to U.S. Coast Guard requirements for drug and alcohol testing, including random testing. Indeed, neither drugs nor alcohol are permitted aboard a towing vessel at any time. Commercial vessel operators such as towboat captains and pilots spend thousands of hours per year on the water, undergo rigorous training and must be licensed by the U.S. Coast Guard.

Recreational boaters, especially the many who have not had any formal training, may not be aware of the precautions needed to operate safely in the vicinity of commercial vessels. For example, a recreational boater may not realize how fast a commercial vessel travels, the distance it takes the commercial to stop, or the effect of a wake created by a towing vessel. In addition, the CAWS and the LDPR pose special safety challenges because of the narrow and winding configuration of these waterways. It is often difficult to see out far enough to react to a dangerous condition. AWO urges the Board to stay the present proceedings to allow time for a thorough analysis of the safety considerations associated with increased recreational vessel traffic on the CAWS and LDPR so that appropriate safeguards can be implemented to ensure the safety of both commercial and recreational vessels.

If the Board moves forward with its plan to designate parts of the CAWS and the LDPR as primary contact waterways, AWO recommends that training be required for recreational boaters using the waterways. In partnership with the U. S. Coast Guard, AWO has developed a brochure called *Lifelines* that provides life-saving tips for recreational boaters sharing the waterways with commercial vessels. These brochures or similar training materials, posted signs, and mandatory training sessions, should be used to ensure that recreational vessels are prepared to operate safely in the vicinity of commercial vessels on the CAWS and the LDPR.

AWO also urges the IPCB to bear in mind the restrictions imposed by the U.S. Coast Guard for commercial vessels operating near the electric fish barriers in the CAWS. Safety tests done by the Coast Guard and the U.S. Army Corps of Engineers indicate that if a person enters the water in or near the electric barriers, there is a very high risk of death. As a result, the Coast Guard only allows commercial vessels to transit the area with restrictions to ensure safe transit over the electric barriers. If the Coast Guard believes that personnel safety concerns are serious enough to warrant restrictions that apply to professional mariners operating commercial vessels, the IPCB should seriously consider whether it is prudent to allow untrained recreational boaters to operate in the vicinity of the electric barriers.

Finally, as stated in our previous comments, AWO members supply critical cargoes to the Midwest, such as road salt and home heating oil, and rely on the congressionally authorized waterways to move commerce in a cost-effective and environmentally friendly way. Impeding the movement of waterborne commerce in order to make room for recreational

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traffic on the CAWS and the LDPR could negatively impact quality of life in the region due to increased traffic congestion, air emissions, and transportation costs. AWO encourages the Board to avoid actions that curtail commercial traffic and to establish training requirements to keep recreational boaters safe while sharing the waterways with commercial vessels.

Thank you for the opportunity to comment on this proposal. If the Board would like further information, AWO will be happy to provide it.

Sincerely,

A handwritten signature in cursive script that reads "Lynn M. Muench". The signature is written in black ink and is positioned above the typed name.

Lynn M. Muench