



Massachusetts Oil Spill Prevention & Response Act M.G.L. Chapter 21M

Program Activities &
Accomplishments

2011



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Main Cover Photo: Chatham and Harwich first responders deploying MassDEP provided oil spill equipment on September 27, 2011 at Stage Harbor, Chatham, MA.

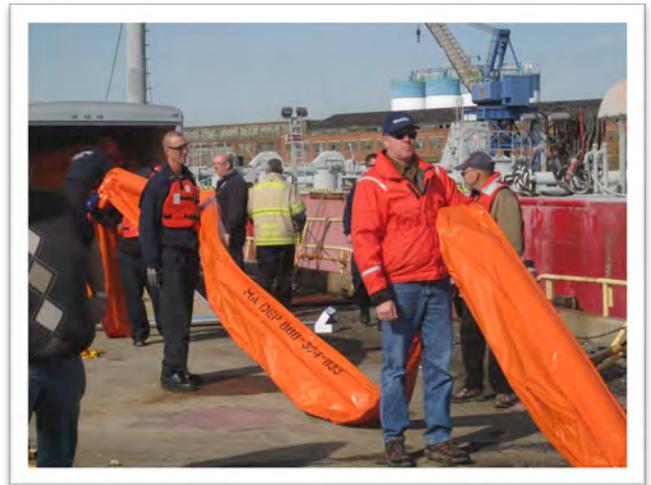
This report describes and documents the MassDEP Marine Oil Spill Prevention and Response Programs activities and accomplishments during 2011.

Statutory & Litigation Background

In the wake of the April 27, 2003 barge B-120 oil spill into Buzzards Bay the Massachusetts Legislature passed Chapter 251, Acts of 2004, *An Act Relative to Oil Spill Prevention and Response in Buzzards Bay and Other Harbors and Bays of the Commonwealth* (the Oil Spill Act or MOSPRA), which was signed into law on August 4, 2004. The purpose of the Oil Spill Act was to strengthen several statutes that govern Massachusetts's ability to prevent and respond to oil spills in the coastal waters of the Commonwealth. It created M.G.L. Chapter 21M, which contains most of the provisions related to implementation of MOSPRA. M.G.L. Chapter 21M was amended by Chapter 268 of the Acts of 2008 and Chapter 101 of the Acts of 2009.

The Oil Spill Act establishes a trust fund (the MOSPRA Trust Fund), financed by a 5-cent/barrel fee on petroleum products delivered to marine terminals in the state. This Fund is to be used and disbursed by the Commissioner of MassDEP to ensure that the Massachusetts coastline is protected from oil spills, through spill prevention and

response efforts and programs that may include: (a) improvements to vessel navigational systems and infrastructure; (b) development of spill response plans for local, regional, and/state responders; (c) procurement and maintenance of spill response equipment for local, regional, and/or state responders; (d) development and implementation of spill response drills and exercises; and (e) implementation of spill prevention/response research efforts. Appendix A provides a table showing the status of the MOSPRA Trust Fund revenues and balances.



Amendments passed in 2008 and 2009 provide that the owner or operator of a vessel that will be carrying 6,000 or more barrels of oil within Buzzards Bay may notify the department and request the services of a state pilot to be paid for by the MOSPRA Trust Fund. They also require that the MassDEP provide the services of an escort tug to aid otherwise unescorted, eligible tank vessels that request assistance while navigating in Buzzards Bay or the Cape Cod Canal.

On March 31, 2010, the U.S. District Court for Massachusetts issued a judgment¹ which enjoined Massachusetts from enforcing the personnel and manning requirements for tank vessels and the tug escort provisions for vessels in Buzzards Bay that were enacted by the creation of Chapter 21M in 2004.

On July 11, 2011, the United States Court of Appeals for the First Circuit issued a ruling which lifted the March 2010 injunction that had prevented MassDEP from implementing and enforcing MOSPRA's manning and tugboat escort requirements under Mass. Gen. Laws Chapter 21M, ss. 4, 6, and 314 CMR 19.00.

As a result of the Appeals Court ruling, beginning on July 12, 2011, the requirement under MOSPRA for owners or operators of single and double-hulled tank barges carrying 6,000 or more barrels of oil through Buzzards Bay and the Cape Cod Canal to hire a tugboat escort was reinstated. The effect of this ruling was to relieve MassDEP of its obligation to provide double-hulled tank barges and their towing vessels with a state-funded tugboat escort.

In addition, the reinstatement of the requirement that owners and operators hire their own tugboat escort means that no double hulled tank barge loaded with 6,000 or more barrels of oil are permitted to be "unaccompanied by a tugboat escort," as provided in M.G.L. c. 21M, s. 9(b). Therefore, MassDEP is no longer required to fund state pilots for double-hulled tank barges and their towing vessels carrying 6,000 or more barrels of oil through Buzzards Bay and the Cape Cod Canal.



Following the July 2011 Appeals Court ruling, the MOSPRA program began monitoring industry compliance with the reinstated M.G.L. Chapter 21M requirements and continued its monitoring of navigational safety incidents and instances where the tugboat escort came to the assistance of the vessel it was escorting through Buzzards Bay and the Cape Cod Canal.

¹ The injunction was issued in a case brought by the U.S. Coast Guard. Separately, in April 2010, a group of marine transportation industry firms led by the American Waterways Operators filed suit against Massachusetts claiming that the 2009 MOSPRA provisions regarding voluntary notification and use of a state pilot and the triple fine provisions were preempted under the U.S. Constitution and federal statutes.

Chapter 21M Mandates

STATE-PROVIDED TUGBOAT ESCORT

Request to Assist Escorted Vessel

During 2011, tank barges loaded with more than 6,000 barrels of oil made 472 transits through Buzzards Bay and the Cape Cod Canal. MassDEP provided state-funded tugboat escort services for 228 double-hulled tank barges from January 1 to July 14, 2011. The cost to provide these tugboat escort services was \$2,133,262.

From July 15 to December 31, 2011, the tug/barge industry hired an escort tug for 244 single and double-hulled tank barges transiting through Buzzards Bay and the Cape Cod Canal.

During the period January 1 - July 12, 2011, the state-provided tugboat escort (SPTE) was called upon to render assistance on one occasion while escorting a vessel through Buzzards Bay and the Cape Cod Canal.

March 27, 2011 A crew member from the tug *Pathfinder* severely injured his hand during the process of changing from towing to pushing the tank barge *Chesapeake*. The injured crew member was placed on the SPTE *McAllister Sisters* for transportation to a waiting ambulance at Mass Maritime Academy. The state pilot and the tug/barge unit *Pathfinder/Chesapeake* waited at anchor for the SPTE to return before continuing its transit through the canal.

Incidents

Two incidents were reported during 2011. One involved a failure to make the voluntary notification of intent to transit, and the other a vessel assist incident that involved an SPTE.

January 20, 2011 MassDEP's escort tug contractor monitored the Vane Bros tug/barge *Susquehanna/DS-59* on the computerized Automated Information System (AIS) as it approached Buzzards Bay from the west heading to Sprague oil terminal in New Bedford. This vessel had not made the voluntary notification to MEMA of its intent to enter and transit Buzzards Bay. MassDEP staff and escort tug contractor made contact with the vessel and with the Vane Bros corporate office to identify its destination and determined if the vessel was eligible for a SPTE and state-funded pilot. The SPTE shadowed/escorted the *Susquehanna/DS-59* into the Sprague oil terminal in New Bedford harbor. MassDEP staff subsequently contacted the Vane Bros corporate office to advise them of the Massachusetts SPTE and state-funded pilot provisions.

February 26, 2011 McAllister Towing of Narragansett Bay contacted MassDEP and requested permission to temporarily remove the *Rowan McAllister* from service as the SPTE. McAllister had been contacted by the U.S. Coast Guard (USCG) and requested to respond to the *M/V Dintelborg*, which was in distress approximately 70 miles southeast of Cape Cod. The *Dintelborg*, a 438-foot bulk carrier hauling steel, had encountered heavy weather causing a fire and complete loss of electrical power and propulsion. The *Rowan McAllister* towed the stricken vessel 160 nm through 60 mph winds to Buzzards Bay where several tugboats held the vessel on station in the lee of

the Elizabeth Islands. The vessel had several hundred thousand gallons of bunker fuel on board. On March 1, 2011, when the weather cleared, the vessel was safely towed into Providence, RI for repairs by two tugboats.

INDUSTRY-PROVIDED TUGBOAT ESCORT

From July 13 to December 31, 2011, many of the vessels that were required to hire a tug boat escort under the Oil Spill Act’s reinstated provisions chose to utilize the services of the escort tug to assist them during the transits of Buzzards Bay and the Cape Cod Canal. Some of the requests for assistance were made to allow the vessel to continue to proceed during bad weather conditions, while others were the result of a mechanical or steering malfunction or to provide additional horsepower to a vessel traveling against the tide.

During the period of time that the Marine Oil Spill Program operated the SPTE, if a vessel being escorted requested assistance from the escort tug boat, the SPTE would request permission to temporarily suspend its contract with MassDEP. An oral contract with the vessel requesting assistance would then be negotiated with the cost being borne by the vessel being escorted. Under the reinstated provisions of the Oil Spill Act, those single and double-hulled tank barges loaded with more than 6,000 barrels of oil are required to hire an escort tug boat at their own expense; therefore, a request for assistance will not result in additional costs to the operator since the tug is already under hire.

The fact that there were significantly more requests for assistance under the reinstated provisions as compared to the SPTE program suggests that operators are more likely to request assistance from the escort vessel under the operator-funded system. Based on this limited data, it appears that an industry-provided tug boat escort program in Buzzards Bay and the Cape Cod Canal will increase the likelihood that vessels will request assistance and therefore reduced the likelihood of a navigational incident or oil spill and provide an additional level of safety for tank vessels carrying oil.

Listed in the table below are sixteen occasions, between September and December 2011, when the vessel being escorted requested assistance from the escort tug boat.

ESCORT TUGBOAT ASSISTS JULY - DECEMBER 2011			
DATE REQUESTED	TOWING VESSEL	BARGE	COMMENTS
9/13/2011	Marjorie B. McAlister	RTC 62	Escort tug stood by while at anchor due to poor visibility
9/26/2011	McKinley Sea	DBL-103	Escort tug ask to lead through Cape Cod Canal due to poor visibility
9/26/2011	Mary Turecamo	Portland	Escort tug stood by while at anchor due to poor visibility
9/26/2011	Christine McAllister	RTC-502	Escort tug stood by while at anchor due to poor visibility
10/2/2011	Magothy	DS-502	Escort tug tied up to the Magothy/DS-502 to give power assist through Cape Cod Canal because of ebb tide

ESCORT TUGBOAT ASSISTS JULY - DECEMBER 2011			
DATE REQUESTED	TOWING VESSEL	BARGE	COMMENTS
10/22/2011	Java Sea	DBL-103	Escort tug tied up to the barge due to steering problems on the tug and assisted through canal
10/28/2011	Penn #6	Penn # 4	Escort tug tied up to and assisted the barge to tie up to the west stakes due to bad weather
10/30/2011	Penn #6	Penn # 4	Escort tug tied up to and assisted the Penn #6/Penn # 4 from the west stakes through the canal
10/31/2011	Bluefin	Penn#4	Escort tug tied up to and assisted the barge from Cleveland Ledge through the canal
11/1/2011	Morton Bouchard Jr.	B-210	Escort tug stood by the barge waiting for flood tide
11/6/2011	Barney Turecamo	Georgia	Escort tug tied up to the barge while at anchor waiting for fog to lift
11/23/2011	Java Sea	DBL-104	Escort tug stood by while at anchor due to poor visibility
12/7/2011	Tasman Sea	DBL-104	Escort tug stood by while at anchor due to poor visibility
12/12/2011	Mary Turecamo	Portland	Escort tug tied up to the barge to give power assist through Cape Cod Canal
12/24/2011	McKinley Sea	DBL-134	Escort tug stood by the barge until cleared to enter canal due to draft restriction
12/27/2011	Quenames	Bunker Portland	Escort tug picked up pilot from Quenames and transferred to pilot boat

Incidents

October 22, 2011 The *Java Sea/DBL-103*, carrying 65,000 barrels of ethanol, contacted MassDEP requesting permission to enter Buzzards Bay without an escort to anchor and evaluate a steering problem. Tank barges carrying ethanol are not considered to be carrying “oil” as defined in the Act and therefore are not required to hire an escort tugboat. The vessel’s captain was advised to contact the USCG and the U.S. Army Corps of Engineers (USACoE) Buzzards Bay Control to report the incident. The USCG and the USACoE Buzzards Bay Control instructed the vessel to proceed to anchor in Buzzards Bay to evaluate the problem. On October 23, 2011, the vessel completed its transit through the Cape Cod Canal utilizing the services of an escort tug after determining that a steering pump had failed and back-up hydraulic systems were functioning for steering control.

Tugboat Escort Waivers

As authorized by M.G.L. c. 21M, §9(f), and 314 CMR 19.03 (1)(b) the MassDEP is authorized to waive the requirements of M.G.L. c. 21M, §9(b) regarding the dispatch of

a state pilot and §9(d) the dispatch of a state-provided tugboat escort upon determination that exigent circumstances exist. In practice the marine oil spill program has issued waivers to utilize a tugboat escort that does not meet the ABS Fi-Fi 1 fire fighting specifications upon determination that exigent circumstances exist. A table listing the waivers approved in 2011 can be found in Appendix B.

STATE-PROVIDED MARINE PILOT

From January 1 to July 11, 2011, under the provisions of M.G.L. c. 21M, s. 9(b) in effect at that time, MassDEP provided a state marine pilot for 217 towing vessels accompanied by double hulled tank barges transiting through Buzzards Bay and the Cape Cod Canal. The cost to provide these pilot services was \$483,340.

MassDEP stopped providing this service on July 12, 2011 because the provisions of M.G.L. c. 21M, s. 9(b) reinstated by the Appeals Court, which state that no double-hulled tank barge loaded with 6,000 or more barrels of oil be "unaccompanied by a tugboat escort," require vessels to secure escorts on their own.²

Marine Oil Spill Program Accomplishments and Priorities

A main focus of MassDEP's Marine Oil Spill Program in 2011 was to continue to implement lessons learned from the 2003 Buzzards Bay oil spill as reflected in the mandates of the Oil Spill

Act: to reduce the risk of future oil spills; and improve the state's and local municipalities' ability to mount a timely and effective response to a marine oil spill.

Experience has shown that during the first 24 to 48 hours of response to a coastal oil spill, a well-equipped and trained local response is essential to conducting important mitigation activities while federal, state and responsible party resources are brought to action. The Marine Oil Spill Program has, over the past 5 years, provided municipalities with the basic equipment, training, and Geographic Response Plans (GRPs) necessary to perform the

initial stages of an effective response to oil spills. Other program priorities include: conducting regular inspection and maintenance of equipment and replacement of supplies; development and



² However, federal regulations under 33 CFR 165.100 remain in place and require owners of single-hulled tank barges carrying more than 5,000 barrels of oil to hire an escort tug and to place a federal pilot who is not a member of the crew on board while transiting through Buzzards Bay and the Cape Cod Canal.

testing of GRPs; and conducting training and exercises necessary to maintaining and improving early response capability.

The Marine Oil Spill Program’s Threat and Equipment Inventory Analysis, completed in 2009, has helped identify existing public and private equipment resources and capabilities and together with the program plan has guided agency decisions concerning additional state or municipal equipment and training needs.

GEOGRAPHIC RESPONSE PLANS

MassDEP developed a Geographic Response Plan (GRP) was during 2011 to protect coastal resources along the South Shore from Cohasset to the east end of the Cape Cod Canal. Using a collaborative workgroup approach, protection strategies were developed for coastal sites based on environmental sensitivity criteria, vulnerability, and the feasibility of protecting the site.

To facilitate GRP development, the Massachusetts coastline was segmented into 6 geographic areas. The South Shore Geographic Response Plan is the fifth GRP developed for the Massachusetts coast. GRPs have been completed for Buzzards Bay, Cape Cod and the Islands, North Shore and Boston Harbor coastal areas. Development of the sixth and final coastal GRP covering Mt. Hope Bay and the lower Taunton River will begin in June 2012. All Massachusetts GRPs can be found at

<http://grp.nukaresearch.com>



As part of the 2011 International Oil Spill Conference, MassDEP, USCG, and MassDEP’s contractor Nuka Research and Planning Group submitted a poster that describes the process, methods and lessons learned from the approach used to develop and test the Massachusetts GRPs (and those of Rhode Island). The poster was awarded first prize in its category at the conference.

Approaches to Development and Testing of Geographic Response Plans in Massachusetts and Rhode Island

Background

Over the past five years, Geographic Response Plans (GRPs) have been developed for over 150 coastal sites in Massachusetts and Rhode Island.

GRP Testing in Rhode Island

In Rhode Island, response contractors from the site of the spill response and GRP development capability. GRP testing was conducted over 8 days for a subgroup of GRP sites during the GRP development process.

GRP Testing in Massachusetts

In Massachusetts, GRP Testing takes place after the GRPs are complete and incorporated in the Area Contingency Plan (ACP). A GRP Testing Program was established by the state as part of their Marine Oil Spill Program, which also funds the GRP development. The Massachusetts Department of Environmental Protection has also provided spill response trailers to most coastal communities, including boom, skimmers, and other equipment. These trailers are available for local first responders to use at their discretion.

Lessons Learned from GRP Testing

- Massachusetts GRP Testing Program was originally conceived as a pilot project to assess GRP tactics. It has evolved into a robust training program that allows first responders to practice on-site before deployment under a range of conditions.
- GRP tests take input from local responders as they become more familiar with the GRP tactics and strategies.
- Standardization of tactics and terminology facilitates communication and coordination.
- Having a realistic (7" pump generator) manage the GRP development allowed multiple agencies from local, state and federal levels to work together on equal grounds.
- Long term testing programs provide an opportunity to develop rules of thumb for boom deployment (e.g. weather limits, booms, handling, and staging areas, seasonal considerations, etc.).
- Lessons learned from GRP tests may be applied to future GRP development in selecting and equipping booms based on what worked best in the field.
- Ongoing testing program has provided an opportunity to improve testing approach over time, build an experience.
- GRPs should include as much practical and logistical information as possible (i.e. site access, staging, resource and personnel requirements).
- GRP development provides a viable example to local responders that all-grip planning is in place.

FIRST RESPONDER TRAINING AND GRP TESTING EXERCISES

DEP’s Marine Oil Spill Program has continued its focus on equipping and training local and state first responders by conducting a program of first responder oil spill drills, exercises and training classes, as it has during the past five years. The program includes:

- Classroom training and equipment familiarization;
- Hands-on deployment of MassDEP-provided oil spill equipment;
- Familiarizing responders with response plans such as Area Contingency Plans, GRPs, and MassDEP/MEMA procedures for oil spill equipment allocation; and
- Field testing of protection strategies found in the GRPs.

All exercises and testing follow the U.S. Department of Homeland Security Exercise Evaluation Program (HSEEP) guidelines and objectives and utilize the ICS structure and principals.

During 2011, the Marine Oil Spill Program sponsored and conducted first responder field exercise/GRP tests for coastal communities at the following locations:

- May 11, 2011 – New Bedford/ Fairhaven: New Bedford Harbor at Popes Island
- July 26, 2011 – Somerset/Swansea: Coles River, Swansea
- September 27, 2011 – Chatham/Harwich: Stage Harbor, Chatham
- October 31, 2011 – Quincy/Braintree/Weymouth: Fore/Town River, Weymouth/Braintree

The Marine Oil Spill Program continues to receive requests from communities to provide these training/field exercises. They are frequently covered by local and regional press and receive positive media attention.

In addition, the program participated in a training held at Mass Maritime Academy on January 25, 2011 sponsored by the Massachusetts Shellfish Officers Association and an exercise funded by the Wampanoag Tribe of Gay Head (Aquinnah) held on June 7, 2011 in Aquinnah, Massachusetts.

HOMELAND SECURITY EXERCISE EVALUATION PROGRAM GRANTS (HSEEP)

In recent years, municipal budgetary constraints have resulted in requests for reimbursement of overtime (OT)/backfill costs to send first responders to Marine Oil Spill Program sponsored exercises. To address these requests, MassDEP has successfully applied to the Northeast Homeland Security Regional Advisory Council (NERAC) and Southeast Homeland Security Regional Advisory Council (SERAC) for funding reimbursement for these municipal OT/backfill costs.

The alignment of MassDEP's Marine Oil Spill Program with the HSEEP exercise program has provided the benefit of increased coordination at the municipal, county and state level as well as increasing awareness of and competence in the use of NERAC & SERAC equipment assets.



OIL SPILL EQUIPMENT PROCUREMENT, MAINTENANCE AND RESTOCKING

To implement the program's goal to provide oil spill response equipment for coastal communities, 76 oil spill response trailers have been provided to 69 Massachusetts coastal communities. In addition, 2000 feet of 36-inch boom suitable for offshore use has been purchased and staged at the State Pier in New Bedford and Massachusetts Maritime

Academy in Bourne. MassDEP has continued its commitment to perform maintenance and restocking of this equipment to ensure it remains in a state of readiness.

A working group comprised of members of the City of Boston, USCG, MassDEP, and MassDEP's contractor Nuka Research and Planning Group have identified 6 additional oil spill equipment trailers needed to protect Boston Harbor. This equipment will be procured by MassDEP and staged at agreed upon locations that allow for timely deployment. The equipment will be procured and placed in service in 2012.

APPENDIX B

Massachusetts Oil Spill Prevention Act, MGL Chapter 21 M Section 9, Report on “Exigent Circumstances” Waiver Requests and Vessels Requesting Escort Tugboat Assistance in 2011



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Massachusetts Oil Spill Prevention Act

MGL Chapter 21 M Section 9

Report on “Exigent Circumstances” Waiver Requests

And

Vessels Requesting Escort Tugboat Assistance in 2011

M.G.L. c. 21M, §9(f), effective September 24, 2009 (*An Act Preventing Oil Spills in Buzzards Bay*), enables the Commissioner of the Department of Environmental Protection (MassDEP) to waive the requirements of M.G.L. c. 21M, §9(b) regarding the dispatch of a state pilot and §9(d) the dispatch of a state-provided tugboat escort upon determination that exigent circumstances exist.

Implementation of the State-Provided Tugboat Escort (SPTE) program began on March 29, 2010 when MassDEP signed a contract with McAllister Towing Co. During calendar year 2011 MassDEP operated a State-Provided Tugboat Escort (SPTE) program from January 1, 2011 – July 11, 2011 and from July 12 – December 31, 2011 owners of tug and barge units were required to hire tugboats to escort their vessels through Buzzards Bay and the Cape Cod Canal. This report documents requests to waive the specific equipment requirements applicable to state or privately funded escort tugboats as well as instances when an escort tugboat responded to assist the tug/tank barge while being escorted.

During the period January 1, 2011 – July 11, 2011, the MassDEP State-Provided Tugboat Escort (SPTE) conducted 228 tugboat escorts for double-hulled tank barges, carrying more than 6,000 barrels of oil as cargo, operating in Buzzards Bay and the Cape Cod Canal. During that same period, 6 requests were received from McAllister Towing Co.

to utilize a tugboat escort that did not meet all the specifications of a SPTE. All six (6) requests were approved because exigent circumstances existed under the provisions of Chapter 21M §9(f).

From July 12, - December 31, 2011 the tug/barge industry hired an escort tug for 244 single and double hulled tank barges transiting through Buzzards Bay and the Cape Cod Canal. During this 6 month time frame 24 requests were made and approved to utilize an escort tugboat that did not meet all of the specifications as described in the MOSPA.

In each case the request was approved by MassDEP so as to not to significantly disrupt energy services to the public. The substitute escort tug approved for use in most cases met all requirements except for the ABS Fire Fighting 1 standard. The approved escort tugs did however meet a fire fighting standard that was deemed acceptable for the state provided escort tug and provided a capability that is consistent with industry practice for towing or providing assistance to tank barges of the size that transit Massachusetts coastal waters.

Exigent Circumstance Waiver Requests January 1 – July 11, 2011

From January 1, 2011 through July 11, 2011 there were 6 occasions when due to exigent circumstances a waiver for the state provided escort tug was requested and approved.

January 4, 2011 The tug Elizabeth McAllister, which does not comply with the requirement that a tugboat escort have a minimum of 4000 hp, was utilized to escort the Morton Bouchard Jr./B-220. The primary SPTE the Rowan McAllister and the backup SPTE the Bruce McAllister were occupied escorting other vessels for MassDEP. The tug Liberty from subcontractor Boston Towing & Transportation Co was also unavailable.

January 5, 2011 The tug Elizabeth McAllister, which does not comply with the requirement that a tug boat escort have a minimum of 4000 hp, was utilized to escort the Frederick Bouchard/B-210. Due to a combination of bad weather and multiple vessels waiting for a favorable tide several vessels planned to transit Buzzards Bay and the Cape Cod Canal within a 12 hour time frame. The Rowan McAllister and the Bruce McAllister were occupied escorting vessels.

February 2, 2011 The tug Nancy McAllister, which does not comply with the requirement that a tug boat escort must have a minimum of 4000 hp, was utilized to escort the Ruth Reinauer/RTC-102. The primary SPTE the Rowan McAllister and the backup SPTE the Bruce McAllister were occupied escorting other vessels for MassDEP. The tug Liberty from subcontractor Boston Towing & Transportation Co was also unavailable.

March 12, 2011 The tug Harold Reinauer, which does not comply with the requirement that a tug boat escort must have a minimum of 4000 hp, was utilized

to escort the Meredith Reinauer/RTC-150. The primary SPTE the Rowan McAllister and the backup SPTE the Bruce McAllister were occupied escorting other vessels for MassDEP. The tug Liberty from subcontractor Boston Towing & Transportation Co was also unavailable.

April 25, 2011 The tug Reliance, which does not comply with the requirement that a tug boat escort must have a minimum of 4000 hp, was utilized to escort the Freedom/Barbara C. The primary SPTE the Rowan McAllister and the backup SPTE the Bruce McAllister were occupied escorting other vessels for MassDEP. The tug Liberty from subcontractor Boston Towing & Transportation Co was also unavailable.

May 9, 2011 The tug Reliance, which does not comply with the requirement that a tug boat escort must have a minimum of 4000 hp, was utilized to escort the Freedom/Barbara C. The Cape Cod Canal was closed for several hours due to fog. When it reopened multiple vessels had planned to transit Buzzards Bay and the Cape Cod Canal within a 6 hour time frame. All available escort tugs were utilized to escort these vessels.

From July 12 – December 31, 2011 the MassDEP state funded escort tug program was suspended and provisions requiring industry to hire an escort tug for single and double hulled tank barges were reinstated. Regulatory requirements for an industry provided escort boat tug are more stringent than for the state provided escort tugboat and therefore fewer escort tugs are available that met the equipment requirements. This resulted in an increase in the number of requests to use an escort tug that did not meet the equipment requirements in the MOSPA.

The following table reflects 24 occasions when due to exigent circumstances a waiver to use an escort tug that was not fully compliant was requested and approved.

Escort Tugboat Waivers July – December 2011

Date	Towing Vessel	Barge	Cargo	Quantity	Escort Tug Used
7/12/2011	Quenames	Portland	# 6 oil	22,000	McAllister Sisters
7/17/2011	Marjorie B. McAlister	RTC-60	Jet Fuel	50,000	McAllister Sisters
7/19/2011	Ruth Reinauer	RTC 102	Diesel	30,000	McAllister Sisters
8/1/2011	Ruth Reinauer	RTC 102	Jet Fuel	100,000	McAllister Sisters

8/11/2011	Austin Reinauer	RTC 100	Diesel	57,000	McAllister Sisters
8/16/2011	Jane A Bouchard	B-225	Gasoline	111,000	McAllister Sisters
8/20/2011	Potomac	DS-58	Gasoline	50,000	McAllister Sisters
8/23/2011	Frederick E. Bouchard	B-210	Jet Fuel	89,000	McAllister Sisters
9/27/2011	McKinley Sea	DBL-103	Diesel	65,000	McAllister Sisters
10/7/2011	Joanne Reinauer	RTC 81	Gasoline	100,000	Reliance
10/6/2011	Mary Turecamo	Portland	Gasoline	100,000	McAllister Sisters
10/8/2011	Java Sea	DBL-104	Gasoline & Ethanol	40,000	McAllister Sisters
10/14/2011	Ellen Bouchard	B-284	Gasoline	80,000	McAllister Sisters
10/23/2011	Linda Moran	Houston	# 6 oil	108,000	Reliance
10/23/2011	Marjorie B. McAlister	RTC-60	Jet Fuel + Lt cycle oil	36000 + 24,000	McAllister Sisters
11/6/2011	Barney Turecamo	Georgia	#6 oil	108,000	McAllister Sisters
11/6/2011	Mary Turecamo	Portland	Gasoline	75,000	McAllister Sisters
11/16/2011	Barbara McAllister	B-220	# 2 oil	100,000	Iona McAllister
11/28/2011	Mary Turecamo	Portland	Jet fuel	80,000	Iona McAllister
12/11/2011	Barney Turecamo	Georgia	# 6 oil	106,000	Iona McAllister
12/18/2011	Gulf Service	Energy 11104	Diesel	100,000	Iona McAllister
12/26/2011	Ruth Reinauer	RTC-102	#2 oil	100,000	Iona McAllister
12/27/2011	Irish Sea	DBL-103	# 2 oil	100,000	Iona McAllister
12/31/2011	Morgan Reinauer	RTC-101	Gasoline	100,000	Iona McAllister

Request to Assist Escorted Vessel

During the period January 1 - July 11, 2011, the State Provided Tugboat Escort was called upon to render assistance on one occasion while escorting a vessel through Buzzards Bay and the Cape Cod Canal.

March 27, 2011 A crew member from the tug Pathfinder severely injured his hand during the process of changing from towing to pushing the tank barge Chesapeake. The injured crew member was placed on the SPTE McAllister Sisters for transportation to a waiting ambulance at Mass Maritime Academy. The state pilot and the tug/barge unit Pathfinder/Chesapeake waited at anchor for the escort tug to return before continuing its transit through the canal.

From July 12 – December 31, 2011 many of the vessels that were required to hire a tug boat escort under the reinstated MOSPA provisions chose to utilize the services of the escort tug to assist them during the transits of Buzzards Bay and the Cape Cod Canal. Some of the requests for assistance were made to allow the vessel to continue to proceed during bad weather conditions while others were the result of a mechanical or steering malfunction or to provide additional horsepower to a vessel traveling against the tide.

These assists represent some examples where the use of an escort tug may reduce the likelihood of a navigational incident or oil spill and provide an additional level of safety for vessels.

<u>Escort Tugboat Assists September - December 2011</u>			
Date Requested	Towing Vessel	Barge	Comments
9/13/2011	Marjorie B. McAlister	RTC 62	Escort tug stood by while at anchor due to poor visibility
9/26/2011	McKinley Sea	DBL-103	Escort tug ask to lead through Cape Cod Canal due to poor visibility
9/26/2011	Mary Turecamo	Portland	Escort tug stood by while at anchor due to poor visibility
9/26/2011	Christine McAllister	RTC-502	Escort tug stood by while at anchor due to poor visibility
10/2/2011	Magothy	DS-502	Escort tug tied up to the Magothy/DS-502 to give power assist through Cape Cod Canal because of ebb tide
10/22/2011	Java Sea	DBL-103	Escort tug tied up to the barge due to steering problems on the tug and assisted through canal

10/28/2011	Penn #6	Penn # 4	Escort tug tied up to and assisted the barge to tie up to the west stakes due to bad weather
10/30/2011	Penn #6	Penn # 4	Escort tug tied up to and assisted the Penn #6/Penn # 4 from the west stakes through the canal
10/31/2011	Bluefin	Penn#4	Escort tug tied up to and assisted the barge from Cleveland Ledge through the canal
11/1/2011	Morton Bouchard Jr.	B-210	Escort tug stood by the barge waiting for flood tide
11/6/2011	Barney Turecamo	Georgia	Escort tug tied up to the barge while at anchor waiting for fog to lift
11/23/2011	Java Sea	DBL-104	Escort tug stood by while at anchor due to poor visibility
12/7/2011	Tasman Sea	DBL-104	Escort tug stood by while at anchor due to poor visibility
12/12/2011	Mary Turecamo	Portland	Escort tug tied up to the barge to give power assist through Cape Cod Canal
12/24/2011	McKinley Sea	DBL-134	Escort tug stood by the barge until cleared to enter canal due to draft restriction
12/27/2011	Quenames	Bunker Portland	Escort tug picked up pilot from Quenames and transferred to pilot boat

Noteworthy Incidents

January 20, 2011 The Vane Bros tug/barge Susquehanna/DS-59 was monitored by MassDEP escort tug contractor on the computerized Automated Information System as it approached Buzzards Bay from the west heading to Sprague oil terminal in New Bedford. This vessel had not made the voluntary notification to MEMA of its intent to enter and transit Buzzards Bay. MassDEP staff and escort tug contractor made contact with the vessel and with the Vane Bros corporate office to identify its destination and determined if the vessel was eligible for a state provided escort tug and state funded pilot. The SPTE shadowed/escorted the Susquehanna/DS-59 into the Sprague oil terminal in New Bedford harbor. MassDEP staff subsequently contacted the Vane Bros corporate office to advise them of the Massachusetts state escort tug and state funded pilot provisions.

February 26, 2011 The McAllister Towing of Narragansett Bay contacted MassDEP and requested permission to temporarily remove the Rowan McAllister from service as the State Provided Tugboat Escort. The company had been contacted by the USCG and requested to respond to the M/V Dintelborg which was in distress some 70 miles SE of Cape Cod. The vessel, a 438 foot bulk carrier hauling steel, had encountered heavy weather causing a fire and complete loss of electrical power and engines. The Rowan McAllister towed the stricken vessel 160 NM through 60 mph winds to Buzzards Bay where it was held by several tugboats in the lee of the Elizabeth Islands. The vessel had several hundred thousand gallons of bunker fuel on board. On March 1, 2011 when the

weather cleared the vessel was safely towed into Providence, RI for repairs with the assistance of 2 other tugboats.

October 22, 2011 The Java Sea/DBL-103 carrying 65,000 barrels of ethanol, which is not covered by the escort requirements of MOSPA and not required to hire an escort tug, contacted MassDEP requesting permission to enter Buzzards Bay without an escort to anchor and evaluate a steering problem. The vessel's captain was advised to contact the USCG and the USACoE Buzzards Bay Control to report the incident. The USCG and the USACoE Buzzards Bay Control instructed the vessel to proceed to anchor in Buzzards Bay to evaluate the problem. On October 23, 2011 the vessel completed its transit through the Cape Cod Canal utilizing the services of an escort tug after determining that a steering pump had failed and back-up hydraulic systems were functioning for steering control.