Dear LCDR Velez, CMDR Miros and CMDR Anderson,

Thank you so much for taking time out of your busy schedules to talk to us on November 15 about the status of barging fracking waste on inland rivers of the United States. My organization (Freshwater Accountability Project) and many partner organizationsmany others in which I participate learned a great deal as a result of your openness and transparency, and we hope that we can continue an open discourse with you on topics of importance such as barging fracking wastes on rivers. To that end, we would like to confirm our understanding about some specific details of our conversation to make sure that there is no confusion.

1. The Coast Guard indicated that the certificates for transporting fracking wastes approved by LCDR Montemerlo (e.g., Settoon Towing) are no longer valid because the conditions of submitting sampling and testing data were not fulfilled by the applicant by the required deadline...
2. The Coast Guard is not aware of any vessel transporting fracking waste on inland rivers to date.
3. If an application were to be submitted seeking approval of a certificate for transporting fracking wastes on inland rivers in the future, NEPA requirements would apply and there is no categorical exclusion which would apply.
4. The Coast Guard has no Working Instruction or guidance in place which applies to transporting fracking wastes on inland rivers.
5. If such a guidance or Working Instruction were to be developed in the future, it would be subject to relevant NEPA and public participation requirements.
6. In the event of a spill of fracking waste from a vessel on inland rivers, the general rule requires the carrier to be the responsible party for cleanup.
7. Because there are currently no approved certificates for barging fracking wastes on inland rivers, the spill of fracking wastes could be prosecuted as a criminal offense.

Please let us know if we misunderstood any aspect of our conversation. We sincerely appreciate your willingness to spend some time with us to clarify the current status of these issues at the Coast Guard. We look forward to a continuing dialogue with the Coast Guard and thank you for your public service