



PORT OF INDIANA-BURNS HARBOR
6625 BOUNDARY ROAD, PORTAGE, IN 46368

PORT TARIFF NO. 007
RATES, CHARGES, RULES AND REGULATIONS
EFFECTIVE DATE: JULY 1, 2006

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TO: TARIFF DESTINATION SCOPE

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**PORT OF INDIANA-BURNS HARBOR
TARIFF NO. 007 – RULE 34**

SECTION ONE – PORT INFORMATION

ITEM 100 – SUBRULE 1

JURISDICTION

The Port of Indiana-Burns Harbor (“Port”) is operated by the Ports of Indiana, a body corporate and politic created pursuant to the laws of the State of Indiana. The Port, consisting of approximately 601 acres, is located on the south shore of Lake Michigan in the City of Portage, County of Porter, State of Indiana. Jurisdiction of the Ports of Indiana, and the applicability of this tariff, extends over all Port lands and harbor area south of the breakwater.

ITEM 105 – SUBRULE 2

ADMINISTRATION

Management of the Port is the responsibility of the Ports of Indiana. The day-to-day operations rest in the Executive Director, Port Director, and Ports of Indiana staff.

ITEM 110 – SUBRULE 3

FAIR PRACTICES

The Ports of Indiana is an equal opportunity employer. The Ports of Indiana prohibits discrimination on the basis of race, creed, color, or sex by any party within its jurisdiction. The Ports of Indiana is dedicated to the provision of fair and non-preferential services to all users of its facilities.

ITEM 115 – SUBRULE 4

FACILITIES AND STATISTICS

The Port provides 30 feet of draft at the entrance channel, 28 feet at the inner harbor, and 26.5 feet at berths. The harbor is protected by an all-weather breakwater and the Port is open all year. The entrance to the Port is located on Lake Michigan and is situated at 41 degrees 38 minutes north latitude, 87 degrees, 11 minutes west longitudes. Ship captains may take a bearing on the Michigan City lighthouse (U.S. Coast Guard Command) and thereafter have 10 miles of open sea in which to make a direct approach to the harbor entrance. These stated harbor depths are based on Low Water Datum reference plane for Lake Michigan by the Army Corps of Engineers. The listed depths are not a guarantee of draft levels at any given time as water levels are subject to frequent variation.

Vessels use Port facilities at their own risk.

Breakwater

Length:	4,600 feet
Width at base:	Approximately 200 feet
Width at lake level:	55 feet
Height above average lake level:	14 feet
Depth of water:	Approximately 40 feet

Harbor

East Harbor Arm:	2,260' x 820'
West Harbor Arm:	4,000' x 820'
Turning Basin:	Diameter 1600'
Water area:	225 acres
Entrance width at lake level:	600 feet
Width of channel:	400 feet

ITEM 120 – SUBRULE 5

DEFINITIONS

Apron: The portion of a wharf extending from the waterfront edge back 100 feet.

Berth: The waterside area of Port of Indiana-Burns Harbor, adjacent to a wharf.

Berth Space: A berth within the Port of Indiana-Burns Harbor, under the jurisdiction of the Ports of Indiana, to which a vessel is assigned by the Port Director.

Bulk Cargo: Cargo, dry or liquid, that is without mark or count, in a loose unpacked form, having homogenous characteristics.

Container: A permanent type cargo-carrying unit designed to be transported between various modes of transportation and having standardized dimensions.

Containerized Cargo: Any cargo carried in a container, as defined in this Tariff.

Day: Unless otherwise specified, a day in computing charges shall be considered as commencing when the vessel arrives at berth and shall comprise a period of 24 hours or any fraction thereof.

Director: The Port Director of the Port of Indiana-Burns Harbor acting personally or through his or her duly authorized representative.

Dockage: The charge assessed against a vessel or occupying a berth, or for tying to a berthed vessel.

Free Time: The specified period during which cargo may occupy assigned space free of charge.

General Cargo: All non-bulk cargoes.

Gross Registered Tonnage (GRT): The tonnage of a vessel as shown in Lloyd's Register of Shipping and in the Ship's Papers. However, the Ports of Indiana reserves the right to admeasure any vessel where deemed necessary or any vessel not included in Lloyd's Register of Shipping and to use such measure in the calculation of charges. When Lloyd's Register of Shipping includes more than one figure as the vessels GRT, the larger of the figures listed shall apply.

Heavy-lift Cargoes: All individual pieces or packages (excluding containers stuffed by shipper, steel coils, and steel slabs) weighing in excess of ninety (90) tons.

Holidays:

New Year's Day
Martin Luther King Day
Good Friday
Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day and Friday following.
Christmas Eve Day
Christmas Day

Inbound Cargo: Cargo received at the Port in a vessel from a foreign or domestic port of origin.

Ports of Indiana: The Ports of Indiana, a body both corporate and politic under the laws of the State of Indiana is responsible for developing and operating Indiana's three public ports including the Port of Indiana-Burns Harbor.

Liquid Cargo: Cargo which is neither solid nor gaseous, transferred by means of pipes or hoses.

Mooring: The anchoring or securing of a vessel within the harbor, other than at its designated berth.

Outbound Cargo: Cargo received at the port for loading onto a vessel for shipment to a foreign or domestic port of destination.

Person: An individual, partnership, corporation, association, joint venture, trust; railroad, governmental agency, or any and all entities not otherwise herein defined which are created for the conduct of business activity.

Project Cargoes: Material which is for the use in the construction of a specific undertaking.

Shipside: The location within reach of ship's tackle to a vessel.

Storage: The charge assessed against cargo remaining on a wharf, pier, facility, or in the transit area.

Ton: The term "ton" as used in this Tariff refers to a unit weight of 2,000 pounds.

Transit Area: The area covered or uncovered, bordering on the apron of a wharf, pier, or bulkhead structure within which cargo is assembled for loading on a vessel, and to which cargo is discharged for delivery from a vessel.

Transshipped Cargo: Cargo discharged from a vessel onto a wharf with the intention that said cargo will be reloaded onto the same or another vessel for removal from the premises.

User: Any person (as defined in this Tariff) using the Ports of Indiana property, facilities, or equipment or to whom or for whom any service, work, or labor is furnished, performed, done, or made available by the Ports of Indiana.

Vessel: Any ship tug towboat; packet, barge, lighter, or other water craft, whether self-propelled or non-self-propelled.

Wharf: Any dock, pier, or apron owned by, operated by, and/or under the jurisdiction of the Ports of Indiana.

Wharfage: A charge assessed against all cargo, which passes over a wharf; is transferred between vessels, or is loaded to or unloaded from a vessel, regardless of whether a wharf is used.

Wharf Demurrage or Demurrage: Charges published in this Tariff, assessed against both inbound and outbound cargoes, which remain on wharves, or in transit areas, or on aprons beyond the limit of free time allowed, and commencing with the expiration thereof. Such charges do not include the cost of handling to or from place of storage.

SECTION TWO – RULES AND REGULATIONS

ITEM 125 – SUBRULE 6

CONSENT TO TERMS

Use of the harbor and port facilities under the jurisdiction of the Ports of Indiana constitutes a consent to the terms and conditions of this Tariff; and constitutes a legally enforceable agreement on the part of all vessels, their owners/ agents, and other users of the Port to pay all charges specified, and to be governed by all rules and regulations contained herein.

ITEM 130 – SUBRULE 7

COLLECTION OF CHARGES

The charges specified in this Tariff will be billed to the vessel, shipper, consignee, or other person as appropriate. Invoices maybe issued by the Ports of Indiana’s agents, its authorized stevedores, and such other third parties as the Ports of Indiana may appoint for that purpose from time to time. Invoices issued by others on behalf of the Ports of Indiana shall have the same force as if they were issued by the Ports of Indiana. Any vessel charges shall constitute a lien against the vessel and/or its agents. Any cargo charges shall constitute a lien against the merchandise or commodity. Any service charges shall be payable by the person requesting such service. The Ports of Indiana reserves the right to estimate charges if necessary in order to make billing within seven (7) days of vessel departure. All bills are due on receipt. Any bills or portions thereof unpaid thirty (30) days after billing shall be deemed delinquent. Presentation of invoices to vessel agents is done as a matter of accommodation and convenience, and shall not constitute a waiver of the lien for charges against the vessel for services and/or supplies furnished the vessel for which maritime law gives a lien. Under no conditions shall an invoice be altered by the recipients. Any apparent error should be submitted to the Ports of Indiana or invoicing party, which shall give prompt consideration to the claim and make any necessary adjustments. The

Ports of Indiana reserves the right to apply any payment received against the oldest outstanding invoice. The Ports of Indiana reserves the right to estimate and collect in advance the charges set forth in this Tariff if the financial responsibility of the vessel, shipper, consignee, or other party, as appropriate, has not been properly established to the satisfaction of the Ports of Indiana, and use of the Port's facilities may be denied or cargo removed until such advance payments or deposits are made.

ITEM 135 – SUBRULE 8

BERTH ASSIGNMENTS

Assignment of public and leased vessel berths shall be made by the Director. Any vessel entering the harbor without an assigned and then available berth-public, leased, or private-shall tie or anchor only at such place as designated by the Director. Any vessel in violation of, or falling to comply with, this rule will be fined \$100 per hour during the time such violation continues.

ITEM 140 – SUBRULE 9

APPLICATION FOR PORT ENTRY/BERTH

Owners, captains, or agents of all vessels shall make application to the Director for permission to enter the Port of Indiana-Burns Harbor. The application shall be in writing when possible, specifying the date and estimated time of arrival and the nature and quantity of cargo, if any, to be handled. Such vessel desiring berth space at wharves under the control of the Ports of Indiana shall also indicate in the application the desired date and time of docking. If the application is approved, the Director will notify the applicant. The approved application, as signed, shall constitute a contract by and between the Ports of Indiana, the vessel, its owner(s), and agent(s). The Port of Indiana-Burns Harbor is an approved 33CFR 105 Facility. All vessels are subject to Federal Requirements including the Declaration of Security (DOS).

ITEM 145 – SUBRULE 10

ANCHORING OF VESSELS

Vessels may anchor in the open harbor if granted special permission, in writing, by the Director.

ITEM 150 – SUBRULE 11

HARBOR OF REFUGE

Rules in Item Numbers 135, 140, 145, and 265 will not apply when vessels are forced to enter the Port of Indiana-Burns Harbor as a harbor of refuge. Immediately upon entry, Vessel owner or agent shall personally contact Port Security by calling 219-787-8853.

ITEM 155 – SUBRULE 12

VACATING OF BERTHS

In order to expedite the handling of vessels, when there are more vessels assigned to specific berths than can be accommodated at one time, vessels already in the berth shall be required, at the discretion of the Ports of Indiana, to work overtime at their own expense. Should such vessels elect not to work overtime, the berth shall be vacated. Failure to vacate the berth under such conditions will necessitate the vessel being moved by the Ports of Indiana at the vessels risk and expense. After completion of loading or unloading, all vessels shall be required to vacate the berth promptly. At the discretion of the Ports of Indiana, two (2) hours grace may be allowed after completion of loading or unloading before sailing, and all vessels finishing loading or

discharging after midnight shall be allowed to remain at berth until six o'clock that morning. Should any vessel fail to vacate the berth in accordance with the above conditions, the Ports of Indiana is authorized to remove the vessel at the vessel's own risk and expense.

The Ports of Indiana reserves the right to order idle vessels from a working berth in order to make such berth available to other vessels prepared to work. Vessels berthed for repair shall be considered as idle vessels for the purpose of this paragraph. In the event it becomes necessary that any vessel be moved or the position changed in order to facilitate navigation or commerce, or for the protection of other vessels or property, the Ports of Indiana is authorized to order and enforce the removal of such vessel at the vessel's own expense to such place as the Director may direct. In the event of the failure or refusal of the person in charge of such vessel to change the position thereof as directed, the Director is authorized to board such vessel, with such assistance as may be necessary, and to change the position thereof at the expense, and risk of such vessel.

ITEM 160 – SUBRULE 13

RESPONSIBILITY FOR DELAYS

The Ports of Indiana shall not be responsible for delays to vessels docked at or seeking berth at the public wharves, regardless of cause. Vessels, their owners and agents, shall hold the Ports of Indiana harmless and indemnify the Ports of Indiana for any and all losses or claims resulting from any such delays. **Force Majeure:** Whenever this Tariff requires any act (other than the payment of a liquidated sum of money) to be performed by a certain time or within a certain period of time, the time for the performance of such act shall be extended by the period of any delays in such performance caused by war, strikes, lockouts, civil commotion, unpreventable material shortages, casualties, acts of God or other conditions or events beyond the control of the party required to perform such act.

ITEM 165 – SUBRULE 14

DAMAGE TO PROPERTY

Damage to the Ports of Indiana's wharves, sheds, other structures, or equipment by vessel or otherwise, must be reported immediately in writing to the Director, giving details of such damage, the date and time the damage occurred, together with the name of the vessel or other equipment and/or person causing said damage, and the names and addresses of any person or persons who witnessed the accident. The cost of repairs shall be assumed by the party causing the damage. All repairs shall be made promptly to the satisfaction of the Port Director. Any floating craft sunk adjacent to Ports of Indiana wharves or in the anchorage basin must be removed immediately or the Ports of Indiana will, at its option, seize such craft and remove it, holding owners and the vessel responsible for all costs attendant thereto.

ITEM 170 – SUBRULE 15

COLLISION

Any collision between two vessels in the harbor must be reported immediately, in writing, to the Director. Any craft sunk as a result must be removed immediately or the Ports of Indiana will, at its sole discretion, remove the craft and hold the owners thereof responsible for all costs attendant thereto.

ITEM 175 – SUBRULE 16

DAMAGE TO VESSEL OR EQUIPMENT

The Ports of Indiana will assume no responsibility for damage to user’s vessel or equipment incurred for any reason whatsoever while within the confines of the Port. The Ports of Indiana accepts no responsibility for any damage to user’s vessel or equipment which might occur while lowering or raising stevedore equipment into or out of vessels, nor for normal wear and tear of such vessels or equipment.

ITEM 180 – SUBRULE 17

DAMAGE TO CARGO

(A) The Ports of Indiana is not liable and will not assume any responsibility for any loss or damage to cargo or other property while on the wharves, docks or other facilities under the administration of the Ports of Indiana, or for any damage or injuries to others by reason thereof.

(B) Each shipper or receiver of cargo, or those acting for them, must protect such cargo from loss or damage from any cause whatsoever, including, but not limited to, loss or damage from pilferage, rodents, insects, shrinkage, wastage, decay, seepage, heat; cold, evaporation, fire, leakage or discharge from sprinkler system, rain, flood, or the elements, defects or leaks in or around buildings or other structures, war, riots, strikes, civil commotion, or acts of third persons.

ITEM 185 – SUBRULE 18

NOTICE OF CLAIM / FILING OF SUIT

Claims by users, receivers, or shippers of cargo, or any person injured as a result of alleged negligence on the part of the Ports of Indiana must be presented in writing to the Ports of Indiana no later than 30 days after documented loss, damage or injury has occurred. The complaining party and the Ports of Indiana shall follow the procedures established for the handling of tort claims against the State of Indiana as set forth in Chapter 16.5 of Article 4 of Title 34 of the Indiana Code.

ITEM 190 – SUBRULE 19

INSURANCE

Cargo in storage is not insured by the Ports of Indiana and is stored at the owner’s risk. Owners may provide insurance at their option and expense.

ITEM 195 – SUBRULE 20

FIRE ABOARD SHIP

In the event of fire occurring on board any vessel in the Port of Indiana-Burns Harbor, such vessel shall, if equipped with a horn or whistle, sound five (5) prolonged blasts of the whistle or siren as an alarm indicating fire on board or at the dock to which such vessel is moored. Such signal may be repeated at intervals to attract attention, but is not a substitute for, and shall be used in addition to, other means of reporting a fire. Reporting of a fire is the responsibility of vessel personnel. “Prolonged blast” means a blast of four to five seconds duration and which signal shall not be used for any purpose other than to indicate a fire.

ITEM 200 – SUBRULE 21

RESTRICTED ACCESS TO PORT PROPERTY

No admittance will be permitted to sheds, warehouses, platforms, docks, or other structures except to those having business to transact with the Port or its tenants and lessees.

ITEM 205 – SUBRULE 22

MANIFEST TO BE FURNISHED

The masters or agents of vessels discharging or loading cargo or passengers at public wharves must furnish promptly to the Port Director copies of their inbound or outbound manifests showing consignors and consignees, weights or measurements of the various items and the basis on which freight charges are assessed on the cargo, and a copy of any passenger list. The Ports of Indiana reserves the right to audit all such manifests and to use such audits as a basis for charges.

ITEM 210 – SUBRULE 23

OUTBOUND CARGOES

All necessary or requested services performed by the Ports of Indiana in accordance with Tariff items shall be for the account of the vessel and billed to the vessel owner(s) or agent(s) unless otherwise authorized.

ITEM 215 – SUBRULE 24

EXPLOSIVES & HAZARDOUS CARGOES

Any explosives or hazardous cargo or commodity shall be handled over or received on the wharf only after explicit written approval by the Ports of Indiana. The handling and storage of any such commodities or material is subject to, and must be conducted in accordance with, applicable Federal, State and City laws, rules and regulations.

ITEM 215A – SUBRULE 24A

CARGO HANDLING RULES

The handling and/or storage of sulfur, phosphate, salt, or fertilizer or any corrosive material is prohibited on the wharves in front of any general cargo transit shed. Any such bulk commodities must be confined to the established open dock areas specifically referred to in the respective tenant's lease or as directed by the Director.

ITEM 220 – SUBRULE 25

BULK LIQUIDS

The handling of all types of bulk liquid cargoes, except vegetable and animal oils, from either tank barge or tank vessel into or from tank cars, trucks or barges, is prohibited over all general cargo docks unless authorized in advance in writing by the Director.

ITEM 225 – SUBRULE 26

PERISHABLE AND OFFENSIVE CARGOES

Perishable and/or offensive cargoes shall be handled over or received on the wharf only at the discretion of the Director.

ITEM 230 – SUBRULE 27

MARKING ON CARGOES

Any material placed in storage must be legibly and permanently marked.

ITEM 235 – SUBRULE 28

INSPECTION OF CARGO

The Ports of Indiana is authorized to board and inspect any vessel at the wharf to ascertain the kind and quantity of cargoes thereon, and to determine compliance with all provisions of this tariff.

ITEM 240 – SUBRULE 29

FREIGHT CHARGES

The Ports of Indiana assumes no responsibility for rail, water or truck freight charges on shipments moving via its facilities. Freight charges cannot be prepaid by the Ports of Indiana for customer's account.

ITEM 245 – SUBRULE 30

GOVERNMENT FEES

All fees and charges levied by Federal, State, County, and City governments, and their respective officers, in connection with the storage and handling of goods under this Tariff, and all revenue stamps required on documents and bills of lading, shall be additional to the rates named herein.

ITEM 250 – SUBRULE 31

DISCHARGE OF WASTES & DEBRIS

(A) Harbor Waters: The discharge of bilge water, wash water, fuel oil, sanitary waste, rubbish, dunnage, debris or other waste into Lake Michigan or of the harbor of Port of Indiana-Burns Harbor is prohibited. Any vessel needing to dispose of ballast, bilge water, wash water, debris, or sanitary waste shall discharge the same only into approved facilities.

(B) Port Property: The tenant, stevedore and/or agent responsible shall remove any rubbish, dunnage, debris, or other waste material thrown or discharged on the land premises of the Port. Removal of such waste material and debris shall be made at least weekly. In the event the tenant and/or stevedore fails to remove and clean the premises, written notice shall be given to the party violating this rule, advising of the violation and of a deadline by which time the violation is to be corrected. Noncompliance will result in Port personnel having the material removed and a charge will be assessed for such removal. See Item No. 420, Miscellaneous Charges.

ITEM 255 – SUBRULE 32

RAT GUARDS

All vessels (excluding barges) are required to place rat guards or other effective appliance on all hawsers and lines attached to the dock to prevent rats from moving between vessel and dock. Gangways or other connections between the vessel and dock when not in use must be similarly protected. Any vessel not complying with this rule will allow Port personnel to go aboard to install (and remove on departure) rat guards on lines in violation. The vessel will be assessed a charge for this service. See Item No. 420, Miscellaneous Charges.

ITEM 260 – SUBRULE 33

FIREARMS & AMMUNITION

No persons are permitted to carry firearms and/or ammunition on the Ports of Indiana property other than authorized the Ports of Indiana, Federal, State, or City officials. Discharging firearms anywhere within the confines of the Port of Indiana-Burns Harbor boundaries either over or on the water or land, is prohibited. Any person violating such rule is subject to appropriate action by the proper law enforcement authority.

ITEM 265 – SUBRULE 34

TRAFFIC REGULATION

Land: The Director is authorized to regulate traffic on the Ports of Indiana property. No person shall drive or operate, or cause to be driven or operated, any vehicle onto or upon any wharf when, in the judgment of the Director, such vehicle will interfere with the efficient operation of the wharf or any other Port facility.

Water: The Director is authorized to regulate all waterborne traffic within the Port of Indiana-Burns Harbor. Any marine craft, regardless of size, shall restrict its speed so as not to exceed five (5) miles per hour in the Port of Indiana-Burns Harbor. Pleasure craft are not permitted within the Port of Indiana-Burns Harbor without the advance written consent of the Port Director.

Railroad: Loading and/or unloading of railroad car(s) on the Main Port Track is permitted only with the express consent of the Port Director. In the event the placement of railroad car(s) obstructs switching of other cars at any time, responsible parties will arrange, at their exclusive expense, for the immediate removal of such car(s) from the Main Port Track. No one shall obstruct, or permit the obstruction of, Port Railroad Right-of-Way by any article, equipment or material of any type. The Port Railroad Right-of-Way consists of an area eight (8) feet wide on each side measured from the center of all tracks and contiguous with the entire length of any and all tracks. Any matter found by the Director to cause an obstruction shall be removed at the expense of the owner of such matter and/or the responsible party.

ITEM 270 – SUBRULE 35

WASHING DOWN

General washing down of vessels berthed at any wharf may not be done without prior written approval, which may be obtained upon written application to the Port Director, provided that such washing down does not result in contamination of the waterway or create other objectionable effects on the wharf.

ITEM 275 – SUBRULE 36

UNAUTHORIZED USE OF SPACE

No one shall make unauthorized use of any area within the Port. Unauthorized use of any space shall be charged for at Ports of Indiana discretion. Unauthorized occupants are subject to immediate ejection, and unauthorized materials on site are subject to removal to storage areas at the owner's expense. Stevedores' tools, appliances and equipment, vehicles, or any other materiel or object which is not part of the cargo, are not permitted to remain on the wharves or other public areas. Such material will be removed and stored at owner's expense. See Item 420, Miscellaneous Charges.

ITEM 280 – SUBRULE 37

FIRE EQUIPMENT

Persons shall not remove or obstruct or interfere with the free and easy access to, or in any manner disturb, any fire extinguisher, fire hose, fire hydrant, or any other fire fighting appliance or apparatus installed in or upon any wharf or other public area.

ITEM 285 – SUBRULE 38

SMOKING

Persons shall not smoke on or upon the wharves or in the warehouses, sheds or other structures of the Port set apart for the loading and unloading of vessels, or for the storage or warehousing of their cargoes or other merchandise; nor shall persons smoke upon any truck, dray, float, automobile, or vehicle of any kind when using the aforesaid structures. Persons shall not smoke or use matches or cigar/cigarette lighters in the hold of any vessel or upon the decks thereof while loading or unloading cargo.

ITEM 290 – SUBRULE 39

PORT SECURITY

The Port of Indiana-Burns Harbor is an approved 33 CFR 105 Facility. The Port Security Police are responsible for enforcement of Port security regulations. The Port Security Police, under supervision of the Ports of Indiana or its designee, is empowered to take such actions against violators and offenders as are permitted by law and the Ports of Indiana regulations.

ITEM 295 – SUBRULE 40

STEVEDORING

The handling of all general cargoes other than a lessee's proprietary cargoes being moved for lessee's own account, must be arranged through the Ports of Indiana's exclusive general cargo terminal operator and stevedore. Handling of all other types of cargo must be arranged through an authorized stevedore or provided for by lessees themselves in the case of proprietary cargoes being handled for the lessee's own account. In the event the latter is desired, authority to act in a stevedoring capacity is required. Stevedores may only be authorized by action of the Ports of Indiana following application for stevedoring authority.

ITEM 300 – SUBRULE 41

STORAGE AREAS

The use of any truck concourse or any other areas not specifically covered in the Ports of Indiana tenant leases or operating agreements for the storage of vehicles or goods is prohibited unless prior arrangements are made with and approved by the Port Director for such use.

ITEM 305 – SUBRULE 42

PRIOR DELIVERY OF RAILROAD CARS

If railroad cars are required, vessel owners or other parties responsible for cargo are requested to arrange for their delivery prior to the vessels arrival to facilitate proper spotting of railroad cars and to determine the order of loading.

ITEM 310 – SUBRULE 43

ORDERING RAILROAD CARS

Orders to the railroad for placing, switching, and removing railroad cars will be copied to the Ports of Indiana by tenants, authorized stevedores, or authorized port users. Only duly authorized persons may order railroad cars to the Port. No responsibility for any errors or delays will be assumed by the Ports of Indiana.

ITEM 315 – SUBRULE 44

DELAYS/DEMURRAGE

The Ports of Indiana does not assume responsibility for delays of any land, demurrage on railroad cars, or detention of vessels arising from any cause whatsoever.

ITEM 320 – SUBRULE 45

TERMINAL OPERATORS' TARIFFS

Rules, regulations, and charges of the Port's Terminal Operators shall be published separately in tariff form. Tariffs of Terminal Operators shall be available for inspection at the respective Terminal Operator's offices during normal working hours, and electronically at www.portsofindiana.com.

ITEM 325 – SUBRULE 46

AMENDMENT OF PORT TARIFF

The Ports of Indiana reserves the right to amend its Tariffs as it deems necessary. Amendments shall be published in accordance with the Ocean Shipping Reform Act of 1998, or any other Federal Maritime Commission policy as may be amended from time to time.

ITEM 330 – SUBRULE 47

PAYMENTS DUE TO PORTS OF INDIANA

Payments due to the Ports of Indiana from Terminal Operators, tenants, and other parties shall be paid as specified in this Tariff, specific leases, or such other documents as may apply in each case. Nonpayment of any sums within sixty (60) days from the due date, whether written notice of default is given or not, will result, at the Ports of Indiana's option, in the cancellation of any and all Port use privileges previously granted the delinquent party.

SECTION THREE – RATES AND CHARGES

ITEM 335 – SUBRULE 48

GENERAL INFORMATON

This Section covers rates and charges for the privilege of entering the Port, the use of all berths not under exclusive lease to or owned by others and which are open for use by the general public, and other services offered by the Ports of Indiana. The charges and rates published herein are subject to change in accordance with Item 325, Subrule 46. Charges and rates will be quoted on application to the Ports of Indiana for extraordinary services not listed in this Tariff.

ITEM 340 – SUBRULE 49

DOCKAGE CHARGES

Dockage commences when a vessel is made fast to the wharf and continues until the lines have been cast off and the vessel vacates the berth. The rates quoted shall apply to each 24-hour period or fraction thereof while the vessel is berthed at the wharf, including Saturdays, Sundays, and holidays. Dockage charges at all docks are assessed at the following rates:

1. Vessels (except barges): \$.06 per gross registered ton per day.
2. Barges in inland waterway and/or lake service during cargo operation: **a.)** 200 feet in length and under, \$8.00 per day; **b.)** Over 200 feet in length, \$12.00 per day.
3. Fleeting and idle barges, \$20.00 per day, irrespective of length.
4. Lake and inland tugs/tow boats docked in Work Boat Harbor or public dock, \$10/day.

ITEM 345 – SUBRULE 50

VESSELS EXEMPT FROM DOCKAGE

Dockage will not be charged against: (1) Government-owned vessels of any nation, when such vessels are not engaged in commerce, and vessels under contract to the U.S. Government or any agency thereof when such vessels are carrying any non-commercial cargo necessary to the construction, improvement, or repair of the Port or any adjacent navigable waterway or aid to navigation, provided such charge is expressly waived by the Director. (2) Vessels against which a rental in lieu of dockage is levied by special agreement with the Ports of Indiana.

ITEM 350 – SUBRULE 51

WHARFAGE RATES

Wharfage rates at all public wharves are based on cents per ton of 2,000 pounds or 40 cubic feet measurements as freighted.

<u>Commodity</u>	<u>Rate</u>
Steel Products	\$ 0.36
Heavy-lift/project cargo	\$ 1.10
Slag	\$ 0.25
Fertilizer, liquid or dry incl. potash	\$ 0.27
Coke	\$ 0.27
Limestone	\$ 0.27
Salt	\$ 0.25
Cotton Seed	\$.035
Blooms and Billets	\$ 0.31
Other liquid bulk, N.O.S.	\$ 0.40
Other dry bulk, N.O.S.	\$ 0.40
General cargo to and from barges (other than Steel Products, Heavy Lift and Project Cargo) and/or vessels and cargoes, N.O.S.	\$ 0.35

Cargo discharged upon public wharves from vessels and transshipped on other vessels shall be subject to the payment of a first wharfage charge plus one-half of a second wharfage charge, provided said cargo does not leave the public wharves or no change in the state or nature of the cargo has taken place. The same wharfage charges as herein specified are assessed for shipside delivery to and from barges and/or vessels, either overside when tied to wharf areas or to other vessels, or while at anchor in the mooring basin.

ITEM 355 – SUBRULE 52

RESPONSIBILITY

Wharfage is due from the owners of the commodities against which it is assessed. The collection of same is guaranteed by the vessel owners or agents, and the use of the wharf by a vessel, its owners or agents, is deemed acceptance and acknowledgment of this guarantee. Collection of such charges is to be made by the Terminal Operator servicing the vessel and remittance made to the Ports of Indiana. Unless otherwise provided in the Terminal Operators operating/lease agreement with the Ports of Indiana, within five (5) days following the departure of a vessel with outbound cargo, the Terminal Operator servicing said vessel shall render to the Ports of Indiana payment in full and a statement, properly certified, showing the total manifest weight and description of all cargo discharged by and/or delivered to said vessel, together with such other information as may be prescribed in forms furnished therefore by the Ports of Indiana for the purposes of computing and assessing the tariff charges and maintaining Port records. Wharfage charges shall be due and payable by the owner of the commodities upon presentation of invoices by the Terminal Operator.

ITEM 360 – SUBRULE 53

CARGOES

The following cargoes are exempt from payment of wharfage: (1) Ship's stores, repair materials and supplies when intended for the vessel's own use, consumption, or repairs for specific cargoes being handled. (2) Cargo consisting exclusively of the property or supplies of the Ports of Indiana. (3) Cargo not of a commercial nature, owned by the government of any nation, and any noncommercial cargo owned by a person under contract to the United States or any agency thereof, which is necessary to the construction, improvement, or repair of the Port or of any adjacent navigable waterway or aid to navigation; provided such charge is expressly waived by the Director.

ITEM 365 – SUBRULE 54

WHARF DEMURRAGE RATE

Following the expiration of free time, cargoes remaining on the public wharves, with the permission of the Port Director, are subject to the following rate schedule: \$75 per day or any fraction thereof per acre or any fraction thereof for the first thirty (30) days. During each subsequent thirty (30) day period, the rate will increase by \$25 per day per acre or any fraction thereof. If storage on the public wharf exceeds thirty (30) days, special arrangements may be made at the Port Director's discretion.

ITEM 370 – SUBRULE 55

RESPONSIBILITY FOR PAYMENT OF WHARF DEMURRAGE

The consignee or his Freight Forwarder, Customs Broker, or Agent is responsible for making necessary arrangements to insure that truck lines or local cartage companies make pick-up or delivery of cargo within the allowable free time period. Failure to clear the entire quantity of cargo on any bill of lading prior to termination of the applicable free time period will not relieve consignee or its agent from assessment of wharf demurrage charges on the balance of cargo. The consignee of import cargo and the shipper of export cargo will be liable for the payment of all wharf demurrage charges which may accrue. All charges which have accrued shall be assessed

and collected by the Terminal Operator before the goods are released, and payment in full will be made to the Ports of Indiana in the manner provided in Item No. 355.

ITEM 375 – SUBRULE 56

TERM OF CARGO FREE TIME

Free time will commence at 8:00 am. of the first business day (defined as Monday through Friday, excluding Holidays) following the completion of a vessel's discharge in the case of inbound cargo, or arrival at the terminal in the case of outbound cargo, whether or not written or other notice has been sent or given to the shipper or consignee. Free time will expire at 5:00 p.m. on the fifth business day in the case of inbound cargo, or the 10th business day in the case of outbound cargo.

ITEM 380 – SUBRULE 57

EXCLUSION FROM FREE TIME

No free time shall be allowed on the following items or other property of such a special nature as to require earlier removal because of local ordinances or other governmental regulation, or because the wharves are not equipped to care for such property for such period:

1. Oils and/or liquids in bulk in ship's tanks
2. Animals and birds
3. Bullion and treasure
4. Dangerous and/or hazardous cargo
5. Jewelry, precious stones, etc.
6. Refrigerated cargo

ITEM 385 – SUBRULE 58

EXCEPTIONS TO WHARF DEMURRAGE

In the event the stevedore/terminal operator is unable to remove cargo from the public wharves after expiration of free time because of natural disaster, act of God, or events beyond its control, as determined by the Port Director, free time shall be extended until such time as the event is resolved.

ITEM 395 – SUBRULE 60

STANBY MOORING CHARGES

Standby mooring charges within the Port of Indiana-Burns Harbor are assessed at the following rates: Vessels (except barges) waiting for a working berth will be charged \$25.00 for each 24 hours or fraction thereof. No vessel belonging to the United States or any agency thereof, or owned or operated by a person under contract to such government or agency, when carrying any noncommercial cargo which is necessary to the construction, improvement or repair of the Port or any adjacent navigable waterway or aid to navigation, shall be assessed any standby mooring charge, or any other mooring charge (including those imposed by Subrules 61 and 62), provided such charge is expressly waived by the Director.

ITEM 400 – SUBRULE 61

OTHER VESSEL MOORING RATES

Mooring charges per vessel for each day or fractional part thereof, will be assessed as follows:

<u>Vessel</u>	<u>Charge per Day</u>
All tugs and towboats	\$10.00
Other Vessels (incl. barges)	\$20.00

ITEM 405 – SUBRULE 62

WINTER MOORING

Charges for winter mooring of all types of vessels will be assessed on the basis of overall length, per month or fractional part thereof, as follows: Either loaded or light vessels: \$.25 per lineal foot
Minimum Charge \$150.00

ITEM 410 – SUBRULE 63

FRESH WATER

Fresh water will be furnished at no charge other than a hook-up fee to vessels berthed at the Port. Hook-up fee for this service is \$100 per connection.

ITEM 415 – SUBRULE 64

MISCELLANEOUS CHARGES

- 1. Removal of Waste Materials:** Galley Waste: The Ports of Indiana will accept galley waste generated by vessels in port, and will dispose of the same in port-provided APHIS approved reception facilities. Waste must be packed in port-provided and approved containers. Waste not packed in the appropriate containers will not be accepted. Galley wastes are comprised of the following: All material derived in whole or part from fruit, vegetables; meats, or any products which come in contact with such materials on board a ship that has been outside the Continental United States or Canada within the previous two years. Charges for the above-mentioned service are subject to change. The prevailing charge may be obtained from the Port Director.
- 2. Installation of Rat Guards:** Rat Guards will be installed and removed by Port Personnel or by others at the direction of the Director on vessels not complying with the Rules and Regulations (see Item No. 255). The vessel will be charged \$25.00 per line for this service.
- 3. Obstruction of Wharves:** Stevedores' tools and equipment, which remain on the wharves or other public areas after 24 hours notice to remove them shall be stored by the Ports of Indiana. A charge of \$25.00 per day will be made in addition to the cost of storage and removal.

ITEM 420 – SUBRULE 65

SERVICES NOT OTHERWISE PROVIDED FOR

Nothing contained herein shall be construed as requiring the Ports of Indiana or its lessees, operators, and/or contractors to perform without charge any service not specifically provided for herein.

ITEM 425 – SUBRULE 66

TRANSIT SHED USE CHARGE

Not presently applicable.

ITEM 430 – SUBRULE 67

OUTSIDE STORAGE CHARGE

Uncovered storage areas, exclusive of the public wharves, and areas committed by agreements to port tenants and operators, may be available for use by shippers, consignees, terminal operators, or authorized stevedores from time to time. The charge for use of such storage areas will be determined by current market values and in accordance with the policy established by the Ports of Indiana.
