



ORIGINAL TITLE PAGE

PORT OF CLEVELAND

TARIFF NO. 1-B

FMC-T 1-B

ISSUED BY:

**Authority of the Board of Directors of the
Cleveland-Cuyahoga County Port Authority**

1100 West 9th Street – Suite 300

Cleveland, Ohio 44113

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SECTION ONE – GENERAL RULES AND REGULATIONS

TERMINAL OPERATORS TARIFF

ITEM 100

The Cleveland-Cuyahoga County Port Authority, hereinafter the “Port Authority,” or the “CCCPA” is a body corporate and politic created pursuant to Chapter 4582 of the Ohio Revised Code and the exercise by such Port Authority of the powers conferred upon it, including those provided in this Tariff, are deemed to be essential governmental functions of the State of Ohio.

Rates, Rules and Regulations applying at Port Authority facilities in the Port of Cleveland are those published in this Tariff of the Port Authority, issued under the authority of its Board of Directors.

The Port Authority reserves the right to amend this Tariff, or any item or part thereof, provided, however, that, before any such amendments are adopted, ten (10) days advance notice of consideration by the Board of adoption of the Resolution authorizing such amendments will be given to parties requesting in writing such notice. Insofar as possible, changes will be made effective on a calendar year basis.

CONSENT TO TERMS OF TARIFF

ITEM 105

The use of the waterways and facilities under the jurisdiction of the Port Authority constitute a consent to the terms and conditions of this Tariff, and evidence agreement on the part of all vessels, their owners or agents, and other users of the waterways and facilities, to pay all charges specified, and to be governed by all Rules and Regulations contained therein.

COLLECTION OF CHARGES

ITEM 110

All charges published in this Tariff will be invoiced and collected by the Terminal Operator as per the Addendum to Port of Cleveland Tariff No. 1-B FMC-T 1-B.

DAMAGE TO PORT AUTHORITY PROPERTY, ETC.
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ITEM 115

Users of the facilities of the Port Authority and any equipment owned or leased by the Port Authority shall be held responsible for all damage which they cause to Port Authority property, equipment, and facilities as per the Addendum to Port of Cleveland Tariff No. 1-B FMC-T 1.B.

Users of the facilities of the Port Authority and/or any equipment owned or leased by the Port Authority shall be held responsible for all damage they cause to the property, equipment, and facilities of other parties lawfully on the premises of the Port Authority.

SECTION ONE – GENERAL RULES AND REGULATIONS (CONT'D)

DAMAGE TO VESSELS, CARGO, ETC.

ITEM 120

The Port Authority assumes no responsibility for any damage to vessels or equipment incurred for any reason whatsoever within the confines of Cleveland Harbor, or loss or damage to cargo or other property while on the wharves, docks or other facilities under the administration of the Port Authority, or for damage or injuries to others by reason thereof. The Port Authority accepts no responsibility for any damage to vessels caused by surging or pounding at its wharves, docks or other facilities, or any loss or damage to cargo being loaded or unloaded, nor for injury to or loss of cargo on its wharves, docks or other facilities under its administration as a result of high water and weather conditions.

SMOKING AND OPEN FIRES

ITEM 125

Smoking or open fires in the transit sheds, or on the wharves in the vicinity of explosive or flammable cargo, or on or in the vicinity of vessels containing such cargo, is strictly prohibited. All United States Coast Guard Regulations regarding open fires and smoking must be observed at all times.

PARKING

ITEM 130

The parking of all motor vehicles on CCCPA property, except for motor vehicles owned or leased by CCCPA and other government agencies, is restricted to certain designated areas. Failure to adhere to parking in designated areas may result in the removal of the motor vehicle and parking privileges on a permanent basis.

LOITERING

ITEM 135

It shall be unlawful for any person to loiter upon the docks and in the dock area.

TERMINAL NOT A PUBLIC THOROUGHFARE

ITEM 140

The Terminal property is not a public thoroughfare and complies with Department of Homeland Security regulations. All facilities operated by the Port Authority are deemed “secure” or “restricted” areas and all persons entering property are subject to United States Transportation Security Administration (“TSA”) regulations.

UNAUTHORIZED USE OF SPACE

ITEM 145

Use of open areas for other than cargo or cargo handling and stevedore equipment, and use of office space and gear rooms is subject to specific permission of the Port Authority. Unauthorized use of such space shall be charged for at one hundred fifty percent (150%) of the rates set forth in Item 635. Such unauthorized occupants being subject to immediate ejection and such unauthorized materials being subject to removal to storage areas at the owner's expense.

SECTION ONE – GENERAL RULES AND REGULATIONS (CONT'D)

CLEANLINESS OF PREMISES

ITEM 150

The Port Authority is responsible only for cleanliness of public roadways, parking areas and similar public areas.

Users of wharves, warehouses and other facilities of the Port Authority shall be held responsible for the cleaning of the property or facility of the Port Authority which they have been allowed to use, or which is assigned or leased to them.

If such users do not maintain the property used by them in a reasonably clean condition, the Port Authority, after notice, may have said property cleaned and charge the user with the cost thereof.

HOLIDAYS

ITEM 155

For the purposes of this Tariff, "holidays" are those days set out in the International Longshoreman's Association ("ILA")-Terminal Operator Agreement and include the following named days:

NEW YEAR'S DAY	LABOR DAY
MARTIN LUTHER KING DAY	COLUMBUS DAY
EASTER	VETERANS DAY
MEMORIAL DAY	THANKSGIVING DAY
INDEPENDENCE DAY	CHRISTMAS DAY

When any of these holidays falls on Sunday, the next Monday shall be designated the legal holiday.

INDEMNIFICATION

ITEM 160

Users, including but not limited to tenants, operators, lessees, licensees, employees and their agents of Port Authority facilities agree to indemnify and hold harmless the Port Authority from and against all losses, claims, demands and suits for damages, including death and personal injury, and including court costs and attorney's fees, incident to or resulting from their operations on the property of the Port Authority. No provision contained in this Tariff shall limit or relieve the Port Authority or employees from liability for their own willful misconduct, nor require any person, vessel, or lessee to indemnify or hold harmless the Port Authority or employees from liability for their own willful misconduct.

SECTION ONE – GENERAL RULES AND REGULATIONS (CONT'D)

ENFORCEMENT

ITEM 165

The President & CEO or his designee shall be responsible for the enforcement of the rules, regulations or charges set forth in this Tariff for and on behalf of the Cleveland-Cuyahoga County Port Authority. If the President determines that there is a violation of the rates, rules or regulations set forth in said Tariff, he shall notify the alleged offending common carrier, vessel, vessel owner, shipper, receiver, tenant, agent or any other port facilities user in writing, describing the violation and setting forth the particular portion of the Tariff alleged to be violated. Upon receipt of a notice of violation, the alleged offender shall cease all violative activities.

If the alleged offender does not cease all violative activities set forth in said written notice within ten (10) days of the receipt thereof, the President shall have the right to impose any one or more of the following remedies: revoke or suspend the right to use port facilities; cancel or revoke personal identification badges for any one or more of the persons associated with the alleged offender; suspend or revoke the vehicular parking privileges of any one or more persons associated with the alleged offender; revoke or terminate the right of the alleged offender to rent space within CCCPA pursuant to the provisions of this tariff; or any other remedy consistent with the foregoing. If the party reviewing nature of violation believes such notice is in error or otherwise believes there is a legitimate defense, the alleged offender may appeal same by filing a written petition with the Port Authority to be mailed at 1100 W. 9th Street, Suite 300, Cleveland, Ohio 44113, within twenty (20) days of receipt of the notice of violation. The filing of the petition does not authorize the noticed activities to continue or recommence and does not stay the effect of the notice of violation. The Port Authority shall act upon the petition within thirty (30) days of receipt of such filing at a hearing before the President, Maritime Director and the Operations and Facilities Manager at the Port Authority with notice to all affected parties.

If the violative activity, in the reasonable discretion of the President, is creating a condition that threatens human life or substantial property damage, or is otherwise eminently threatening the public health, safety and welfare, then the President may dispense with providing the notice of violation described above and may immediately proceed to direct the offending party or parties to cease and desist their violative activities and may take whatever affirmative action is appropriate under the particular circumstances to protect private persons and property from damage and protect the public health, safety and welfare, including calling safety forces having jurisdiction over the matter. If the offending party or parties fail to cease and desist their violative activities, the President may immediately institute the appropriate proceedings for the enforcement of this Tariff item or other appropriate relief before the administrative agency or court of competent jurisdiction. Any costs reasonably incurred by the Port Authority in affirmatively enforcing its rates, rules and regulations under the immediately preceding paragraph shall be the responsibility of the party or parties found to be responsible for the violative activity.

SECTION ONE – GENERAL RULES AND REGULATIONS (CONT'D)

ALCOHOL/CONTROLLED SUBSTANCES

ITEM 170

The CCCPA prohibits all alcohol and/or controlled substances from CCCPA property, unless permission is granted by a doctor for use due to a medical condition, or permission is granted by the Port Authority for alcohol in conjunction with a special event, pursuant to the requirements of the Ohio Department of Liquor Control and other applicable laws. The CCCPA reserves the right to search vehicles and individuals upon entry to CCCPA property and restrict entry or remove any individual found in violation of this provision.

WEAPONS

ITEM 175

The CCCPA prohibits all firearms and/or weapons from CCCPA property, with the exception of those items carried by law enforcement agencies. The CCCPA reserves the right to search vehicles and individuals upon entry or exit to/from CCCPA property and restrict entry or remove any individual found in violation of this provision.

SPEED LIMIT - VEHICLES

ITEM 180

All vehicles accessing CCCPA property are expected to obey all posted speed limits. Failure to adhere to posted speed limits may result in the restriction of driving privileges on CCCPA property or the removal of the vehicle and driving privileges on CCCPA property on a permanent basis.

TWIC & TWIC ESCORT POLICY

ITEM 185

In accordance with U.S. Coast Guard (“USCG”) regulation 33 CFR 101.514, all persons requiring unescorted access to secure areas of facilities regulated by the USCG must possess a valid Transportation Worker Identification Credential (“TWIC”) before such access is granted. Persons requesting access to the Port of Cleveland facilities who do not have a TWIC must make advance arrangements for escorting by a person holding a valid TWIC who has been approved for access to Port facilities and who has been granted escorting privileges.

Escorts by Port Authority personnel may be provided when trained personnel are available, and at the sole discretion of the Port Authority, at a rate of \$65.00 per hour, with a minimum charge of \$65.00 per individual escort, unless waived by the Port Authority.

Credit card or Commercial check will be accepted as a form of payment (the Port Authority will not invoice/bill for this service).

SECTION ONE – GENERAL RULES AND REGULATIONS (CONT'D)

SAFETY

ITEM 190

Each tenant and their employees, contractors, suppliers, agents, visitors and guests are required to comply with all applicable safety requirements pertaining to their work or craft as specified by their company, the Occupational Safety & Health Administration (“OSHA”), the United States Coast Guard (“USCG”) and any other relevant regulating agencies. CCCPA reserves the right to remove anyone found to be in violation of pertinent safety policies.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

ITEM 195

The Port Authority operates under an Ohio EPA General National Pollutant Discharge Elimination System (“NPDES”) Permit for Storm Water Associated with Industrial Activities. This permit requires the Port to have a Storm Water Pollution Prevention Plan (“SWPPP”) on file, actively implemented, and proper controls installed. All Port Authority tenants and personnel employed at the Port are responsible for complying with the contents of this Plan. A copy of this Plan will be provided to all tenants for their review.

MARITIME FACILITIES HEALTH, SAFETY & ENVIRONMENTAL PLAN ITEM 196

The Port of Cleveland is committed to partnering with organizations that value the health and safety of our employees and business partners. We are committed to partnering with organizations that value these principles. This Plan will serve as the baseline health, safety, and environmental policy for all operations and activities and the Port’s maritime facilities. The Plan is available upon request.

SECTION TWO – RULES AND REGULATIONS-VESSELS

DEFINITIONS

ITEM 200

Vessels: The term "vessel" as used in this Tariff shall be held to mean floating craft of every description and shall include in its meaning the term "owners, operators and agents" thereof.

Leased Berths: Are berths on which a specific Terminal Operator has a prior claim for use, said use being exclusive.

Casual Berths: Are any berths not leased or assigned to a specific Terminal Operator.

APPLICATION FOR BERTHS

ITEM 205

Vessels shall arrange for casual berth as far in advance of arrival as possible through their Terminal Operator. Berth requests will be received by the Port Authority only from Terminal Operators and will be approved when the Terminal Operator agrees that the space assigned is adequate for handling the vessel's cargo.

The Port Authority reserves the right to refuse a berth to any vessel carrying explosives or hazardous cargo, or for loading or discharging of such cargo. In addition, all vessels must be seaworthy and must be maintained in that condition.

THE ASSIGNMENT OF BERTHS

ITEM 210

Berthing space will be assigned by the Port Authority, as available, provided, however:

- 1) Except as provided in Paragraph (2) hereof, berth applications by Terminal Operators for their assigned berths will be approved.
- 2) Berth applications by one Terminal Operator for the assigned berth of another Terminal Operator will be subject to concurrence of the latter, but such concurrence shall not be withheld unless the applicant's use of such berth by the Terminal Operator having been assigned such berth.
- 3) Berth applications by Terminal Operators for casual berths will be approved subject to order of vessel arrivals.
- 4) Upon multiple requests for Dock 28 for cruise vessels, priority will be based on the need for U.S. Custom's clearance.

SECTION TWO – RULES AND REGULATIONS-VESSELS (CONT'D)

BERTH ALLOCATIONS

ITEM 215

In order to allocate the use of berthing space in line with need, and to provide continuity of operations and advance planning, the Port Authority will make a determination, in conjunction with the Terminal Operators, at the beginning of each shipping season of berths to be used by specific Terminal Operators.

The Port Authority reserves the right at the beginning of each shipping season to designate any berths as casual as it in its sole judgment determines.

TERMINAL OPERATORS

ITEM 220

The Port Authority shall qualify and approve persons or business entities desiring to act as Terminal Operators at the Port of Cleveland. Such persons or business entities shall establish credit to the reasonable satisfaction of the Port Authority.

In order to qualify as a Terminal Operator on Pier 20 through Pier 30, a person or business entity shall be an independent contractor and shall be able and equipped to handle the various types of cargoes offered at the Port of Cleveland.

Each Terminal Operator shall be required to observe and perform all applicable provisions of Port of Cleveland Tariff No. 1-B FMC-T 1-B, including the Addendum thereto. The Tariff and Addendum together set forth the terms and conditions to be performed by the Terminal Operator and the Port Authority.

The Terminal Operators at the Port of Cleveland are:

Logistec USA
775 Erieside Avenue
Cleveland, Ohio 44114

Heidelberg Materials
1101 Erieside Ave. Extended
Cleveland, OH 44114

Logistec USA
5400 Whiskey Island
Cleveland, OH 44102

SECTION TWO – RULES AND REGULATIONS-VESSELS (CONT'D)

CARGO STATEMENTS

ITEM 225

All vessels shall furnish the Port Authority, through the Terminal Operator, with a copy of each Discharge Manifest and Loading Manifest/Cargo List within forty-eight (48) hours of vessel completion of loading.

Such reports, as noted above, shall be in the form that the Port Authority deems necessary for the compilation of commercial statistics and for the reserving of warehouse or wharf space, or for other purposes.

REMOVAL OF VESSELS

ITEM 230

Every vessel, boat, barge or other watercraft must at all times have on board a person in charge with authority to take such action in any actual emergency as may be necessary in order to facilitate common navigation or commerce, or for the protection of other vessels or property. The Port Authority is authorized to order and enforce the removal or change the location of any vessel, boat, barge, or other water craft at the vessel's expense, to such place as the Port Authority may direct, for the purpose of facilitating navigation or commerce, or for the protection of other vessels or property, and it shall be unlawful for the Master, owner or agent of such vessel to fail, neglect, or refuse to obey any such orders of said Port Authority.

SPEED LIMIT

ITEM 235

The City of Cleveland has adopted a Water Traffic Code applicable to the Port of Cleveland, establishing speed limits and other navigational requirements and providing penalties for violations thereof, codified as Title 33 of the City Ordinances.

POLLUTION

ITEM 240

1. Water Pollution: It is strictly prohibited to deposit, place, or discharge into the waters under the jurisdiction of the Port Authority any matter which is capable of polluting, defiling or clogging those waters, or which would be in violation of Local, State and/or Federal law.
2. Air Pollution: It is strictly prohibited to allow uncontrolled emissions into the atmosphere from a vessel, building, cargo transfer operation, stockpile or any other appurtenance within boundaries controlled by the Port Authority which would violate Local, State and/or Federal law. The City of Cleveland has passed a “no idling” ordinance which all Terminal Operators shall enforce.

SECTION TWO – RULES AND REGULATIONS-VESSELS (CONT'D)

FIRE SIGNAL

ITEM 245

In the event of fire occurring on board any vessel at Port Authority facilities such vessel shall sound five (5) prolonged blasts of the whistle or siren as an alarm indicating fire on board or at the dock to which the vessel is moored. Such signal shall be repeated at intervals to attract attention, and is not a substitute for, but shall be used in addition to other means of reporting a fire. The words "prolonged blast" used in this rule shall mean a blast of from four (4) seconds to six (6) seconds duration.

COLLISION

ITEM 250

In the event of a collision between two (2) vessels, or between a vessel and any wharf, dock or pier, written report of such collision shall within twenty-four (24) hours be furnished the Port Authority by the Master, owner or agent of said vessel; provided that in the case of a minor collision where a vessel is under way and proceeding to the open sea, there being no need of repair, said report may be mailed by the Master of said vessel from the next Port which it enters; and provided further that in all cases of collision, report of the Master, owner or agent shall not relieve the pilot of the duty of rendering his report within the specified time.

SECTION THREE – RULES AND REGULATIONS-CARGO

HAZARDOUS COMMODITIES

ITEM 300

Explosives and hazardous or highly inflammable commodities or materials may be handled over, under, or received on, the wharves or other facilities of the Port Authority by special arrangement with and at the option of the Port Authority; and the receiving, handling, or storage of such commodities shall be subject to Federal, State, City and Port Authority laws, ordinances, Resolutions, Rules and Regulations.

RESPONSIBILITY FOR LOSS OR DAMAGE

ITEM 305

The Port Authority shall not be responsible for injury to or loss of any vessel or any freight being loaded or unloaded at its wharves, nor for any delay to same, not for injury to or loss of freight on its wharves or in its sheds.

RESPONSIBILITY FOR PIER PICK-UP AND DELIVERY

ITEM 310

Unless other prior written arrangements have been made with the Terminal Operator, the consignees or shippers, or their freight forwarders, customs brokers or agents, are responsible for making necessary arrangements to ensure that the motor carrier and railroad companies make pick-up or delivery of cargo within the allowable Free Time period.

HAZARDOUS COMMODITIES

ITEM 315

The Port Authority performs no stevedoring, checking or transfer of cargo, and does not accept custody of merchandise. These services and responsibilities are provided through approved Terminal Operators, the names of which will be provided by the Port Authority on request.

TERMINAL OPERATORS' TARIFF

ITEM 320

Rules and Regulations of the Port of Cleveland Marine Terminal Operators are published separately. Copies of this Tariff will be made available on request to the Terminal Operators listed below.

Logistec USA
775 Erieside Avenue
Cleveland, OH 44114

Heidelberg Materials
1101 Erieside Ave. Extended
Cleveland, OH 44114

Logistec USA
5400 Whiskey Island
Cleveland, OH 44102

SECTION FOUR – VESSEL CHARGES

DOCKAGE	ITEM 400
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Dockage is a charge assessed against a vessel for berthing or making fast to a wharf or pier. This charge shall be assessed against the vessel, its owners, operators, or agents. No other services are covered by this charge.

Lloyd's Register of Shipping measurements shall be used in determining vessel's gross registered tonnage. In the event more than one GRT is listed (as in shelter deck vessels), the highest GRT will be used.

Dockage on self-propelled vessels will be charged for on the basis of Nine Cents (\$.09) per Gross Registered Ton of the vessel for each twenty-four (24) hour period commencing upon vessel arrival, or fraction thereof.

The period of time for which Dockage shall be assessed against a vessel shall commence when such vessel shall commence when such vessel is made fast to the wharf, bulkhead or to another vessel so berthed and shall continue until such vessel has completely vacated such berth.

Dockage on passenger ships and ferries, loading and unloading passengers and their baggage only, will be Six cents (\$.06) per Gross Registered Ton of the vessel per twenty-four (24) hour period, or fraction thereof.

Dockage for government and other non-commercial vessels may be waived and off- season lay-up rates negotiated by the Chief Commercial Officer or Director of Operations & Facilities.

WHARFAGE	ITEM 405
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Wharfage is a charge assessed against a vessel or its cargo for the privilege of loading or unloading cargo to or from the terminal or wharf. The same wharfage rates would also apply to cargo transferred over the docks via land transportation, such as rail car or truck, in cases that maritime transportation is not utilized.

All Wharfage charges shall be paid by the party paying the loading/unloading charges, unless it is specifically and clearly stated in writing that others are obligated for, and have agreed to pay, this charge. No other services are covered by this charge.

SECTION FOUR – VESSEL CHARGES (CONT'D)

WHARFAGE (CONT'D)

ITEM 405

Wharfage shall be charged at the following rates per Metric (2,204.6 Pounds) Ton of cargo or fraction thereof:

General Cargo, N.O.S.	\$.80
Containers	\$.80
Dry Bulk Cargo	\$.35
Liquid Bulk Cargo	\$.35
Newsprint Paper	\$.35
Aluminum Ingots, Slabs	\$.80
Zinc Ingots, Slabs	\$.80
Steel Products:	
Coiled Sheets, Sheets	
Coiled Wire Rod, Plate	
Billets, Slabs, Bars	
Rebar, Angles, Beams	
Channels, Pipe	
Galvanized Sheet or Coils	\$.80

WHARFAGE RATES – CRUISE PASSENGERS

ITEM 410

Vessels offering passenger cruises, no minimum number of sailings, embark, disembark, in transit, per passenger, will be charged at a rate of \$15.00.

SECTION FIVE – CARGO CHARGES

DEFINITIONS

ITEM 500

Free Time: The specific period of time allowed for the accumulation or removal of cargo before Wharf Demurrage charges or Terminal Storage charges become applicable, however, no Free Time will be allowed on diverted cargo, on cargo which is handled at the Port and does not move across the piers from or to a vessel and on cargo which is placed in storage in Warehouse "A", the long-term storage facility.

Wharf Demurrage: This is a charge assessed against cargo remaining on the pier after expiration of the Free Time period for which no advance storage arrangements have been made.

Terminal Storage: The service of providing warehouse or other terminal space for the storing of either inbound or outbound cargo when advance storage arrangements have been made.

FREE TIME

ITEM 505

OUTBOUND CARGO

Outbound Cargo Held in Transit Shed or Under Cover:

Twenty (20) calendar days will be allowed prior to actual arrival of vessel, including Saturdays, Sundays and Holidays. Time will be computed from the first 7:00 A.M. after receipt of cargo.

Outbound Cargo Held Outside:

Forty-five (45) calendar days will be allowed prior to actual arrival of vessel, including Saturdays, Sundays and Holidays. Time will be computed from the first 7:00 A.M. after receipt of cargo.

INBOUND CARGO

Inbound Cargo Held in Transit Shed or Under Cover:

Ten (10) calendar days will be allowed on inbound cargo starting from the first 7:00 A.M. after completion of discharge of vessel, including Saturdays, Sundays and Holidays.

Inbound Cargo Held Outside:

Ten (10) calendar days will be allowed on inbound cargo starting from the first 7:00 A.M. after completion of discharge of vessel, including Saturdays, Sundays and Holidays.

SECTION FIVE – CARGO CHARGES (CONT'D)

FREE TIME (CONT'D)	ITEM 505
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INBOUND CARGO (CONT'D)

Inbound Cargo Held Outside:

Thirty (30) calendar days will be allowed on inbound cargo, single Bill of Lading, exceeding One Thousand Five Hundred (1,500) Net Tons and will be computed starting from the first 7:00 A.M. after completion of discharge of vessel, including Saturdays, Sundays and Holidays.

In the event the party entitled to possession thereof should make application for delivery of the cargo, or portion thereof, during the Free Time period and the Terminal Operator should be unable for any reason to make available to the party entitled to possession thereof such cargo or portion thereof, the Free Time shall be extended for a period equal to the duration of the Terminal Operator's inability to make the cargo available.

Cargo not moved from the pier within the Free Time period may at any time thereafter, and at the option of the Terminal Operator, be placed in public storage and the risk and expense thereof will be for the account of the goods; and all such charges shall constitute a lien against the goods.

RESPONSIBILITY FOR DEMURRAGE CHARGES	ITEM 510
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The Terminal Operator may order cars and/or trucks for loading or unloading as a matter of convenience but shall not be liable for any delay or failure of truck, rail or waterborne carriers to perform.

Failure to clear entire quantity of cargo on any Bill of Lading prior to termination of Free Time period will not relieve consignee or his agent from assessment of Wharf Demurrage charges on balance of cargo on dock.

The owner of inbound cargo and the owner of outbound cargo will be liable for the payment of all Wharf Demurrage which may accrue, except when steamship carrier fails to lift outbound cargo as scheduled, it shall be liable for Wharf Demurrage charges.

Any adjustments or prorations of Wharf Demurrage charges are a matter to be settled between the consignee/shipper, his freight forwarder, customs broker or agent.

SECTION FIVE – CARGO CHARGES (CONT'D)

WHARF DEMURRAGE

ITEM 515

INBOUND AND OUTBOUND CARGO

\$1.50/metric ton per month or fraction thereof after the expiration of free time, the rate to be pro-rated the month the cargo is placed in storage and due the first of each subsequent month. Fees shall be based on cargo in storage on the 11th day after vessel departure and the first of each subsequent month.

Wheeled vehicles shall be charged at the rate of Five Dollars per vehicle per day whether stored inside or outside.

Wharf Demurrage for cargo stored outside shall be the same as for inside storage.

NOTE: For purposes of computing Wharf Demurrage, the above periods shall include Saturdays, Sundays, and Holidays.

RESERVED

ITEM 520

RESERVED.

TERMINAL STORAGE

ITEM 525

Arrangements for Terminal Storage shall be made in advance with the Terminal Operator and shall always be subject to availability of space. The use of transit sheds for storage must never interfere with the required availability of the transit sheds for "in transit" cargo movement or the efficient use of the docks.

The use of said shed for storage shall be subject to the Executive Director's rules and direction in all matters relating to use of facilities, storage, method, damage to building or cargo, liability for stored cargo, and such other matters as he deems essential for the efficient operation of the Port. The Port Authority shall not be responsible for loss resulting from fire, theft, damage, or from any other source to cargo or to any person, firm, or corporation using said facilities.

Terminal Storage rates are established by the Port Authority and are based on a thirty (30) day period or fraction thereof, unless specifically stated otherwise.

SECTION FIVE – CARGO CHARGES (CONT'D)

TERMINAL STORAGE (CONT'D)

ITEM 525

Outside Terminal Storage of all steel products shall be assessed at the rate of Seventy-Five Cents (\$.75) per Metric (2,204.6 Pounds) Ton per thirty (30) day period or fraction thereof.

Inside Terminal Storage of all steel products shall be assessed at the rate of One Dollar and Fifty Cents (\$1.50) per Metric (2,204.6 Pounds) Ton per thirty (30) day period or fraction thereof.

Outside Terminal Storage of all bulk products shall be assessed at the rate of Fifty Cents (\$.50) per Metric (2,204.6 Pounds) Ton per thirty (30) day period or fraction thereof.

Terminal Storage rates on all other commodities are available upon request. The aforementioned storage charges are further subject to storage charges imposed by the Port Authority's Terminal Operator.

SECTION FIVE – CARGO CHARGES (CONT'D)

COLLECTION OF DEMURRAGE AND STORAGE CHARGES

ITEM 530

All Terminal Storage charges, and Wharf Demurrage charges shall be assessed and collected by the Terminal Operator before the goods are released as per the Addendum to Port of Cleveland Tariff No. 1-B FMC-T 1-B.

RAIL CAR/TRUCK LOADING AND UNLOADING

ITEM 535

The Port Authority performs no stevedoring, checking or transfer of cargo, and does not accept custody of merchandise. These services and responsibility are provided through approved Terminal Operators, the names of which are listed in Item 320 and Item 540.

Charges for rail car/truck loading and unloading are set forth in the separate Tariff of the Terminal Operators.

TERMINAL OPERATORS TARIFF

ITEM 540

Rates of the Port of Cleveland Marine Terminal Operators are published separately. Copies of this Tariff will be made available on request to the Terminal Operators listed below.

Logistec USA
775 Erieside Avenue
Cleveland, OH 44114

Logistec USA
5400 Whiskey Island
Cleveland, OH 44102

Heidelberg Materials
1101 Erieside Ave. Extended
Cleveland, OH 44102

SECTION SIX – MISCELLANEOUS CHARGES

ELECTRIC POWER	ITEM 600
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Electric power will be supplied by the Terminal Operator. In cases of winter lay-ups or for other special purposes, such electrical power supply shall be billed by the Port Authority as a pass-through charge to the end user(s). All electric power connections are subject to approval by the Port Authority.

LIGHTS	ITEM 605
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All transit sheds are provided with lighting. All wharves are provided with floodlights.

FRESH WATER	ITEM 610
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Fresh water will be supplied by the Terminal Operator. All freshwater connections are subject to approval by the Port Authority.

The cost of the fresh water will be charged by the Port Authority to the Terminal Operator at the rate of Two Dollars (\$2.00) per Metric (2,204.6 Pounds) Ton.

NOTE: No connection shall be made to fire hydrants, fire hoses or hose lines for freshwater service.

CRANE CHARGES	ITEM 615
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MOBILE HARBOR CRANE CHARGES

The Port of Cleveland owns two (2) Liebherr LHM 280 mobile harbor cranes and related equipment. This equipment will be made available to terminal operators for use within their cargo handling operations at a cost of \$195.00/hour per crane, with a minimum of 4 hours of operations per day per crane. This rate does not include fuel or other additives, which the terminal operators must provide at their own expense. Port operations personnel will track and monitor the use of this equipment and users will be invoiced monthly. Damage to this equipment while under the operation of users is covered in Item 115 of the Tariff. Terminal Operator is responsible for ensuring that all crane operators are certified prior to operating the cranes, and that all necessary pre-operation maintenance checks are performed prior to operation of the cranes.

SECTION SIX – MISCELLANEOUS CHARGES (CONT'D)

HEAVY LIFT CRANE REGULATIONS**ITEM 620**

RESERVED.

LIFT PLAN REQUIRED**ITEM 625**

Where there is determined a need for heavy lift storage, the Port Authority requires that a lift plan be submitted and filed with the Port Authority no later than during business hours of the day preceding such lift and storage of the cargo.

Notice shall be given by the terminal operator via email to the Port Authority's Director of Operations and Facilities, and/or the Chief Commercial Officer. The Port Authority shall have exclusive authority to accept or reject such lift plan for any cause.

WATCHMEN**ITEM 630**

The Port Authority shall furnish outer perimeter and main gate security only for the Port of Cleveland.

BUNKERING AND SHIP STORES**ITEM 635**

Truck/barge deliveries may be made at all docks upon prior application to the Terminal Operator who shall designate when and where deliveries may be made. No deliveries will be allowed, which will be in conflict with any insurance, fire or Port Authority security regulations.

SECTION SIX – MISCELLANEOUS CHARGES (CONT'D)

SPACE RENTALS

ITEM 640

To the extent space is available the Port Authority will make available the following at the charges set forth in its Lease Agreement with the Terminal Operator, a copy of which is available upon request:

Office Space in Transit Sheds

Office Space for Checkers

Gear Rooms in Transit Sheds

Open Areas on Piers

Open Areas in Backup Land

REFUSE REMOVAL

ITEM 645

MARPOL

Annex I

Under Annex I of the International Convention for the Prevention of Pollution from Ships (MARPOL), a vessel desiring to discharge oily wastes shall arrange the discharge with a company approved by the Captain of the Port, United States Coast Guard. All inquiries regarding approved companies should be directed to the Captain of the Port, United States Coast Guard. Discharge operations shall be reported to the Director of Operations and Facilities of the Port Authority and the Terminal Operator in charge prior to the actual discharge.

Annex V

Annex V of the International Convention for the Prevention of Pollution from Ships (MARPOL), 73/78 and the United States Coast Guard's Implementing Regulations (33 C.F.R. §§ 151, 158) require that reception facilities be available for those vessels which have indicated, in advance, the need to dispose of ship generated garbage.

In order to accommodate the needs of shipping and commerce through the Port of Cleveland, the Port Authority has filed an Application for a Certificate of Adequacy with the Captain of the Port, United States Coast Guard, for garbage reception facilities. The Terminal Operator shall provide, upon request, the reception facilities which meet the requirements contained in the appropriate regulations. The Terminal Operator shall require a twenty-four (24) hour notice

SECTION SIX – MISCELLANEOUS CHARGES (CONT'D)

REFUSE REMOVAL (CONT'D)

ITEM 645

of vessel's intent to discharge garbage at any public terminal facility within the Port of Cleveland so as not to cause any undue delay to vessels.

Reception facilities for food, plant, meat and other potentially infectious waste shall be provided by the Terminal Operator, when requested by the vessel, in accordance with the above and with the requirements set forth in 7 C.F.R. § 330 and 9 C.F.R. § 94. These regulated food wastes must be handled at a facility approved by the Animal and Plant Health Inspection Service ("APHIS"). A listing of approved transporters and treatment facilities is available from the Director of Operations and Facilities of the Port Authority.

The Terminal Operator shall provide the necessary reception facilities, when requested to do so, for other than APHIS regulated garbage from any commercial, full service solid waste firm. Inquiries regarding facilities available for disposal of materials covered by Annex V may be directed to the Director of Operations and Facilities of the Port Authority.

FACILITY SECURITY CHARGES

ITEM 650

A Facility Security Charge shall be assessed in an amount up to \$61.00/hour, for two guards, or up to \$30.50/hour, for one guard, as applicable under the Port Facility Security Plan, as may be amended from time to time, for every hour that a vessel is alongside the berth, plus one hour prior to the arrival of the vessel and one hour after departure.

RENTAL/USE OF SPACE

ITEM 655

The CCCPA will charge a usage fee for any non-maritime related use of CCCPA property. All requests must be made to the Director of Operations and Facilities or the Chief Commercial Officer, at least one week in advance. All visitors must adhere to CCCPA rules and regulations. The CCCPA reserves the right to deny access to any group or individual.

USE OF PORT OWNED OR LEASED EQUIPMENT

ITEM 660

The Port Authority may own or lease equipment that can be used by a third party. In such cases, the Port Authority has sole discretion to approve the use of said equipment and may authorize charges for its use. The Port Authority also has the sole discretion to approve any and all personnel operating said equipment. The Port Authority also reserves the right, at its sole discretion, to restrict any personnel from using said equipment due to negligence or if the equipment is being used in such a manner that is deemed unsafe or that may cause damage or harm to the equipment or to personnel.