



TARIFF

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BY:

PORT OF WILMINGTON, DELAWARE

Diamond State Port Corporation

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The Port of Personal Service

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RULES AND REGULATIONS

I. GENERAL

A. RULES

RULE: 34.01 (S)

ISSUED: September 18th, 1998 LAST UPDATE: September 18th, 1998 EFFECTIVE: September 18th, 1998

USE OF THE TARIFF

The use of the facilities and/or services offered in this tariff under the jurisdiction of the Port shall constitute consent to the terms and conditions of this Tariff, and evidences an agreement on the part of all vessels, their owners and/or agents, and other users of such facilities to pay all charges specified in this tariff and be governed by all rules and regulations contained herein.

Rule: 34.02 (S)

ISSUED: September 18th, 1998 LAST UPDATE: December 1st, 2007 EFFECTIVE: December 1st, 2007

DEFINITIONS OF TERMINAL SERVICES

The following definitions will apply to port terminal facilities which are defined as one or more structures comprising a terminal unit, and include, but are not limited to wharves, warehouses, covered and/or open storage spaces, cold storage warehouses, grain elevators and/or bulk cargo loading and/or unloading structures, landings, and receiving stations, used for the transmission, care and convenience of cargo and the interchange of same between land and water carriers or between two water carriers.

DEFINITIONS OF TERMINAL SERVICES

ACCUMULATED VOLUME (FOR LUMBER) – The total FBM Gross per customer received during the current calendar year (January through December) will determine assessment of applicable backhauling and trucking rates, provided all Terminal charges against such accumulated volume are paid at the rates specified in each category; the rate in each category applies only to volume accumulated in that specific category; additional volume will not alter the rates previously assessed within lower volume categories.

BACKHAULING - the movement of cargo from shipside to designated storage area.

CHECKING - means the service of counting and checking cargo against the appropriate documents for the account of the cargo or the vessel, or other person requesting the same.

CONSIGNEE - refers to the consignee of a lot as shown on the vessel bill of lading and/or manifest.

DOCKAGE - means the charge assessed against a vessel for berthing at a wharf, pier, bulkhead structure, or bank or for the mooring to a vessel so berthed.

FREE TIME - means the specified period during which cargo may occupy space assigned to it on terminal property free of wharf demurrage or terminal storage charges immediately prior to the loading or subsequent to the discharge of such cargo on or off the vessel.

HANDLING - means the service of physically moving cargo between point of rest and any place on the terminal facility, other than the end of the ship's tackle. It includes moving freight into or out of storage.

HEAVY LIFT - means the service of providing heavy lift cranes and equipment for lifting cargo.

LOADING AND UNLOADING - means the service of loading or unloading cargo between any place on the terminal and railroad cars, trucks, lighters or barges or any other means of conveyance to or from the terminal facility.

LOT - refers to a parcel of lumber consigned to one consignee as shown on the vessel manifests and/or bill of lading and distinguished by a stow number and/or separate distinguishing mark.

MARKING - Identification of ship lots at time of discharge and other related services for the account of the vessel.

MEASUREMENT TON - this shall mean 40 cubic feet.

OPEN FLATBED TRUCK (OFTB) - refers to a truck with no sides or tailgate, as well as to one from which the sides and tailgate have been removed by the truck driver prior to loading and/or unloading operations.

POINT OF REST - means that area on the terminal facility which is assigned for the receipt of inbound cargo from the ship and from which inbound cargo may be delivered to the consignee, and that area which is for vessel loading.

PORT OF WILMINGTON - Where the term "Port" or "Port of Wilmington" is used in this tariff, it shall be held to mean the Port of Wilmington, Delaware, an operation of the Diamond State Port Corporation. The office of the Executive Director shall be the sole interpreter of this tariff.

PRE-UNITIZED AND PALLETIZED CARGO - refers to packages mounted on a prepared Platform (and, in the case of pre-unitized cargo, strapped together) in such a way to form a single unit. To be acceptable, the platforms must be made out of wood, plastic, paper or metal, and shall rest on, and be fastened to, runners of steel or wood, with openings wide enough to permit free access of forklift blades and so spaced as to provide a balanced load when lifted.

REFRIGERATED CARGO (REFRIGERATED AND TEMPERATURE SENSITIVE CARGO) - refers to cargo which must be maintained at temperatures of 60 degrees Fahrenheit or lower.

SKIDDED CARGO - refers to boxes, cases and/or cartons to which runners of steel or wood have been positioned in such a way as to permit free access of forklift blades and to provide a balanced load when lifted.

SKIDDED PACKAGING FOR LUMBER - packaged lumber with adequate chocking/stickers permanently secured to unit.

SORTING - Sorting is the service of separating lumber of less than lot or package quantity by specie, piece and/or by size.

STORAGE - is the arrangement for placing a product into a designated area, either open or covered, for the purposes of leaving the product for an extended period of time.

TALLYING - is the service of counting and recording lumber by packages or by pieces.

TERMINAL - it shall mean the Marine Terminal facility, operated by the Port of Wilmington, an operation of the Diamond State Port Corporation.

TERMINAL STORAGE - means the service of providing warehouse or other terminal facilities for the storage of inbound or outbound cargo after the expiration of free time, including wharf storage, shipside storage, closed or covered storage, bonded storage and refrigerated storage, after storage arrangements have been made.

TON - this shall mean 2,000 pounds.

USAGE - means the use of the terminal facility by any rail carrier, lighter operator, trucker, shipper, or consignee, its agents, servants, and/or employees, when it performs its own car, lighter or truck unloading, or the use of said facilities for any other gainful purpose for which a charge is not otherwise specified.

VESSEL - this shall mean floating craft or equipment of every description.

WHARF DEMURRAGE - means a charge assessed against cargo remaining in or on terminal facilities after the expiration of free time unless arrangements are made for storage.

WHARFAGE - is a charge against a vessel, its owners or operators, on all cargo including containerized cargo, received for such vessel or for loading or discharging cargo to or from a vessel while docked at the wharf. It includes all cargo passing or conveyed over, onto or under wharves, or between vessels (to or from barge lighter or water), when berthed at a wharf or when moored in slip adjacent to wharf. Wharfage is solely the charge for the use of the wharf and does not include charges for any other service. Cargo manifests or summaries are the basis of the wharfage charge and must be furnished to the Port of Wilmington within ten (10) business days of sailing.

Rule: 34.03 (S)

ISSUED: September 18th, 1998 LAST UPDATE: September 18th, 1998 EFFECTIVE: September 18th, 1998

ARRANGEMENTS FOR HANDLING BUSINESS

When Shippers, Consignees, Rail, Motor or Water Carriers forward business to the Port of Wilmington, arrangements must be made in advance for the handling or storage of freight, otherwise, it is the option of the Port as to whether or not such business shall be accepted.

Rule: 34.04 (S)

ISSUED: September 18th, 1998 LAST UPDATE: December 1st, 2002 EFFECTIVE: December 1st, 2002

ASSIGNMENT OF BERTH

Those vessels through their owners or agents desiring a berth at the Port of Wilmington shall apply for berthing arrangements as soon as possible prior to the arrival at the Terminal. The agent shall be required to supply the Port with copies of the manifest at the earliest practicable date. Berthing will be assigned according to availability.

The assignment of berthing is the responsibility of the Terminal.

Rule: 34.05 (S)

ISSUED: September 18th, 1998 LAST UPDATE: December 1st, 2002 EFFECTIVE: December 1st, 2002

MOVEMENT OF VESSELS

Vessels are to move or vacate the Terminal facilities at the direction of the Port. Whenever necessary for the operation of the port, the office of the Director of Port Operations may order a vessel to move at the vessel's expense. Any vessel which is not moved promptly upon notice to do so may be shifted, and any expense involved, including labor costs, idle costs for labor and equipment, damage to the vessel or other vessels or to the dock, during such removal shall be charged to such vessel. Vessels berthing at the terminal shall, at all times, have on board sufficient personnel to move said vessel for the protection of the ship and the port.

Rule: 34.05A (S)

ISSUED: September 18th, 1998 LAST UPDATE: September 18th, 1998 EFFECTIVE: September 18th, 1998

VESSELS REQUIRED TO USE TUGS

All Vessels docking or undocking at Port Wilmington berths will be required to use tug assistance. Under special circumstances, the Port's Harbor Master, at his discretion may, but is not required to, waive this requirement on a per case basis. A request to waive this requirement for tug assistance must be received by the Director of Port Operations or Harbor Master personally or by the telephone 302-472-7695, and by written request delivered by person or by FAX at (302) 472-7742, at least twelve hours before the vessel arrives at the Port of Wilmington. If the vessel is expected to arrive on a Saturday, Sunday or on a Monday morning, any request to waive tug assistance must be delivered by 12:00 noon on the preceding Friday. The written request must set forth the special circumstances upon which the request is based. In the absence of express waiver by the Harbor Master, tugs must be used. Failure to comply with this item could result in denial of a berth.

Rule: 34.06 (S)

ISSUED: September 18th, 1998 LAST UPDATE: September 18th, 1998 EFFECTIVE: September 18th, 1998

DETENTION RULES

Whenever one or more vessels are waiting to load/unload, or whenever berths are declared by the Port to be threatened with congestion, or whenever any berthed vessel is for any reason unable to load/unload, the Port in its sole discretion, may require berthed vessels to work continuously, including overtime, or vacate the berth. Any vessel then in berth, which refused for any reason is unable to work continuously, including overtime, shall at its sole cost and expense promptly vacate the berth on the order of the Port. Any cost or penalty arising from the failure to move will be the responsibility of the vessel, its owners, agents or operators.

Rule: 34.07 (S)

ISSUED: September 18th, 1998 LAST UPDATE: September 18th, 1998 EFFECTIVE: September 18th, 1998

DISCHARGING/LOADING LOOSE MATERIALS

In the discharging or loading of loose materials, precautions, such as a canvas chute, or other contrivance or arrangement satisfactory to the Port must be used to prevent any part of such material from falling into the water.

Rule: 34.08 (S)

ISSUED: September 18th, 1998 LAST UPDATE: September 18th, 1998 EFFECTIVE: September 18th, 1998

EXPLOSIVES/HAZARDOUS CARGO

Vessels laden with explosives or other hazardous or highly inflammable cargo will not be allowed to berth within the berthing limits of any pier, dock, wharf, bulkhead, or other Terminal structure. Only after vessels have applied for and received all local, State, and Federal permits shall they be allowed to dock at the Terminal.

NOTE: Explosives of classes A, B, and C shall NOT be stored or remain overnight on the Terminal.

Rule: 34.09 (S)

ISSUED: September 18th, 1998 LAST UPDATE: December 1st, 2002 EFFECTIVE: December 1st, 2002

REMOVAL OF REFUSE MATERIAL

Rubbish, refuse, or other material must be removed from pier, bulkhead, or other area within the confines of the Terminal or other property controlled by the Port by the person placing it there, upon demand by the

Port, otherwise it will be removed at the expense of the party responsible and the charges will be billed at the prevailing cost plus labor and equipment rates.

Rule: 34.10 (S)

ISSUED: September 18th, 1998 LAST UPDATE: December 1st, 2002 EFFECTIVE: December 1st, 2002

MOVEMENT/REMOVAL OF OBJECTIONABLE FREIGHT

The Port reserves the right to move freight or other material, which in its judgment is liable to damage other goods, to another location within the Terminal, or to private facilities at the risk and expense of the owner.

Rule: 34.11 (S)

ISSUED: September 18th, 1998 LAST UPDATE: September 18th, 1998 EFFECTIVE: September 18th, 1998

IMPROPER PACKAGING

The Port reserves the right to reject any or all freight not suitably packed to withstand the ordinary handling necessary in its transportation and/or storage, or to be repacked at the expense of the shipper.

Rule: 34.12 (S)

ISSUED: September 18th, 1998 LAST UPDATE: September 18th, 1998 EFFECTIVE September 18th, 1998

COOPERAGE

All necessary cooperage, bailing and/or bagging shall be done at the owner's expense, except where such service is required as the result of demonstrated negligence on the part of the Port.

Rule: 34.13 (S)

ISSUED: September 18th, 1998 LAST UPDATE: September 18th, 1998 EFFECTIVE: September 18th, 1998

STEVEDORING

All stevedoring (loading or discharging of vessels) will be subject to the rules and regulations of the Port and must be performed in such a manner satisfactory to the Port, but the Port assumes no responsibility for such work.

Rule: 34.14 (S)

ISSUED: September 18th, 1998 LAST UPDATE: December 1st, 2002 EFFECTIVE: December 1st, 2002

LIMITATION OF LIABILITY

- A. The Port and/or the Diamond State Port Corporation shall be liable only for loss or damage proximately caused by their failure to exercise due and proper care in performing services and affording the facilities or other activities provided for herein. In no case shall the Port and/or Corporation be liable for sums in excess of \$500 per package or unpacked freight unit or customary freight unit unless the shipper, the consignee, consignor, or their representative, prior to the commencement of such services or use of such facilities, declares a higher value and pays to the port in addition to the other charges for such charges herein set forth, a premium computed on one percent (1%) of the declared value of each package, unpacked freight unit or customary freight unit for damages resulting from its failure to exercise due and proper care in performing the services or affording the facilities provided for herein.

- B. During the time that equipment and/or labor is leased from the Port, the lessee of such equipment and/or labor shall supervise, direct, and control the activities of the operator of such equipment, and the operator of such equipment shall follow the instructions and signals of the lessee. The lessee shall provide qualified signalmen, and shall be responsible for those actions of the operator performed in compliance with such instructions and signals. The lessee shall be responsible for the negligence of the lessee. All parties who lease any such equipment and or use an operator and/or other laborer shall indemnify the Port and the Port Corporation against, and shall save them harmless from, any and all liability for loss, damage, expense, and cost resulting from the use of such equipment while so leased and/or from any act of omission, including negligence, on the part of such operator and/or other employees so furnished by the Port, except for such liability and/or act of omission which is proximately caused by the negligence or wrongful act of the Port or the Port Corporation. The lessee of such equipment shall immediately report any unsafe condition or unsatisfactory performance of an equipment operator to the Port in writing giving sufficient details thereof so that the Port can investigate and take appropriate action. Failure to do so shall constitute an assumption of the risk by the lessee.

- C. Neither the Port Corporation nor the Port shall be liable for loss or damage to persons (including death) or property (including loss of use), except for the Corporation or Ports own negligence, caused by, but not limited to, weather, theft, acts of third persons, inherent vice, vandalism, acts of God, labor disputes, breakdown of equipment, hostilities, fire, rodents, moths or other insects, or concealed damage, whether or not receipts that have been issued therefore so state.

- D. In addition to any other statutory requirement, all claims for injury to persons (including death) and/or property (including loss of use) shall be made in writing to the Port within 60 days of the date of the alleged injury or from the receipt or delivery of the cargo from the Port. Provided, however, that any claim of ship damage shall be reported in writing to the Port immediately in order to allow the Port to conduct a survey of the alleged damage while the ship is still at the Port, if practicable. Any suit against the Port or the Corporation or their employees of any type whatsoever must be instituted within one year from the date of the alleged injury or from the receipt or delivery of the cargo.
- E. The Carrier will extend to the Port all rights of limitation inuring to it under the Carriage of Goods by Sea Act, the Harter Act or any other Himalaya clause in its bill of lading.

Rule: 34.15 (S)

ISSUED: September 18th, 1998 LAST UPDATE: September 18th, 1998 EFFECTIVE: September 18th, 1998

NON-LIABILITY

Except in cases of the Port's own negligence, neither the Port, its agents, nor the Port Corporation shall be liable for loss or damage to any merchandise in or upon, or moving, or being moved over, in, through, or under any wharf or other structure or property owned, controlled or operated by the Port.

Rule: 34.16 (S)

ISSUED: September 18th, 1998 LAST UPDATE: September 18th, 1998 EFFECTIVE: September 18th, 1998

RESPONSIBILITY FOR DAMAGE

Any damage done to the wharf, sheds or other structures, or equipment at the Terminal by a vessel or otherwise must be immediately reported to the Executive Director of the Diamond State Port Corporation, together with the name of the vessel or said person causing such damage. The expense of the repair of such damage shall be paid by said vessel or person.

Rule: 34.17 (S)

ISSUED: September 18th, 1998 LAST UPDATE: September 18th, 1998 EFFECTIVE: September 18th, 1998

VENDORS

No merchant or vendor, other than the authorized ship chandlers shall be permitted access to the Port for the purpose of selling merchandise aboard vessels or to seamen at the Port. All persons violating this rule shall be considered trespassers and will be prosecuted to the fullest extent of the law.

Rule: 34.18 (S)

ISSUED: September 18th, 1998 LAST UPDATE: September 18th, 1998 EFFECTIVE: September 18th, 1998

SEVERABILITY

The services under this Tariff are intended to be performed in accordance with and only to the extent permitted by all applicable laws, ordinances, rules, and regulations. If any provision of this tariff or the application thereof to any person or circumstance shall for any reason or to any extent be invalid or unenforceable, the remainder of this Tariff and the applicability of such provision to other persons or circumstances shall not be affected thereby, but rather shall be enforced to the greatest extent permitted by law.

Rule: 34.19 (S)

ISSUED: September 18th, 1998 LAST UPDATE: December 1st, 2002 EFFECTIVE: December 1st, 2002

BUSINESS HOURS

The business hours of the Port are between 8:00 AM and 12:00PM and between 1:00PM and 5:00PM, exclusive of Saturdays, Sundays and holidays. Services performed during other than business hours shall be subject to special agreement with the Port.

Rule: 34.20 (S)

ISSUED: September 18th, 1998 LAST UPDATE: September 18th, 1998 EFFECTIVE: September 18th, 1998

HOLIDAYS

The Port shall celebrate the following holidays on their day of recognition:

- A. New Year's Day
- B. Martin Luther King Day

- C. Good Friday
 - D. Memorial Day
 - E. Independence Day
 - F. Labor Day
 - G. Thanksgiving Day
 - H. Christmas Day
-

Rule: 34.21 (S)

ISSUED: September 18th, 1998 LAST UPDATE: September 18th, 1998 EFFECTIVE: September 18th, 1998

WORK STOPPAGE

Except in cases of the Port's own negligence, the Port is not responsible for stoppage of work or delays occasioned by strikes or any other cause beyond the control of the Port.

Rule: 34.22 (S)

ISSUED: September 18th, 1998 LAST UPDATE: September 18th, 1998 EFFECTIVE: September 18th, 1998

BILLING OF CHARGES

All billing will be for the account of the shipper and/or Consignee as shown on the ocean Bill of Lading, unless otherwise provided. Regardless of acceptance of orders for billing charges, shipper and/or aforementioned consignee will be held liable for all unpaid Port charges.

Rule: 34.23 (S)

ISSUED: September 18th, 1998 LAST UPDATE: September 18th, 1998 EFFECTIVE: September 18th, 1998

PAYMENT OF CHARGES

- A. All charges in this Tariff shall be due and payable upon the presentation of an invoice.
- B. Any party or business entity doing business under this Tariff may apply for credit. Credit, which is extended at the discretion of the Terminal, requires payment within thirty days of the date of the invoice.
- C. Failure to pay credit accounts within thirty days may result in the cancellation of credit privileges and the reestablishment of cash terms.

- D. In addition to other rights recognized by law, the right is reserved by the Terminal to withhold delivery of any goods until such time as these charges are paid in full.
- E. The Terminal reserves the rights to deny anyone the use of a berth until all past due accounts are paid.
- F. Agents or representatives will be held fully responsible for all charges attributable to their actions on behalf of their principals in arranging services, facilities, equipment, or other chargeable items, in accord with the rates therefore published in this Tariff.
- G. Overtime Charges - Rates for unloading and/or loading, handling, and other labor are based on current rates for straight time. When such services are required during overtime periods, prior arrangements must be made, and applicable overtime charges will be assessed to those responsible for authorizing overtime.
- H. All charges in this tariff shall be paid as due and when these charges are not paid by the due date, there shall be paid interest in addition to all such charges for each subsequent period of 30 days or portion thereof equal to 1.5 percent of such charges until the date of payment in full.

Rule: 34.24 (C)

ISSUED: September 18th, 1998 LAST UPDATE: February 17th, 2011 EFFECTIVE: February 17th, 2011

HANDLING LINES

Handling lines for the docking and undocking of vessels during regular business work hours will be provided at a rate of \$615/IN and \$615/OUT. For handling lines during overtime hours, Saturdays, Sundays and holidays, the following charges will apply:

- A. From 1700 hours to 0800 hours on weekdays and all day Saturday, Sunday and holidays:
\$861/IN, \$861/OUT
- B. Vessel Shifting - When, at the owner's request or at the request of the terminal, a vessel must shift berth within four (4) hours of commencement or completion of work, the charge for handling lines for that shift (untie and tie-up) will be \$615.

Rule: 34.25 (S)

ISSUED: September 18th, 1998 LAST UPDATE: December 1st, 2007 EFFECTIVE: December 1st, 2007

MEAL ALLOWANCE

If Terminal employees are required to work through meal time, costs will be assessed according to current labor agreements.

Rule: 34.26 (C)

ISSUED: September 18th, 1998 LAST UPDATE: February 17th, 2011 EFFECTIVE: February 17th, 2011

FRESH WATER SUPPLY

Fresh Water will be supplied to vessels during business working hours at \$307.50 per connection plus \$2.86 per net ton (239.65 gallons per net ton). Whenever water is furnished during other than regular working hours and requires terminal labor, extra charges will be assessed according to current labor agreements.

NOTE: Water hoses must be furnished by vessels

Rule: 34.27 (C)

ISSUED: September 18th, 1998 LAST UPDATE: February 17th, 2011 EFFECTIVE: February 17th, 2011

TRUCK WEIGHING

Truck weighing: \$7.62 per weigh during regular business hours. The cost involved in weighing on overtime will be assessed according to the prevailing Terminal Labor rates, and will be in addition to the basic charge per weigh. However, currently capability to weigh trucks has been temporarily suspended.

Rule: 34.28 (S)

ISSUED: September 18th, 1998 LAST UPDATE: December 1st, 2007 EFFECTIVE: December 1st, 2007

HARBOR SECURITY

When Harbor Security Officers are furnished by the Terminal, cost plus charges will be assessed according to the prevailing Terminal Labor rates.

Rule: 34.29 (S)

ISSUED: September 18th, 1998 LAST UPDATE: December 1st, 2002 EFFECTIVE: December 1st, 2002

RIGHT TO STORE AFTER FREE TIME

Cargo not removed from piers within the free time period may at any time thereafter, at the option of the Port of Wilmington, be placed in storage at the risk and expense of the goods, subject to any charge which may have accrued prior to the removal, and further subject to any expenses which may accrue as a result of said removal.

Rule: 34.30 (S)

ISSUED: September 18th, 1998 LAST UPDATE: December 1st, 2002 EFFECTIVE: December 1st, 2002

RIGHT TO SELL GOODS (UNPAID CHARGES)

Any goods in storage, on which the owner is unable or refuses to pay storage charges and other Terminal Charges, may be sold by the Port/Diamond State Port Corporation for the satisfaction of said charges and added cost and expense of keeping and selling such goods, provided proper legal notice of sale has been given. Any proceeds of the sale remaining after satisfaction of all charges due shall be turned over to the owner of the goods. In the event of obtaining no bids at the sale, the Terminal, after proper notice to the owner, may make such disposition of the goods as may appear practical. In the case of goods which are of a perishable nature or which by reason of their nature are liable to injure other property, the Port may sell same at private/public sale without advertising, provided the owner has been given proper notification to pay charges and remove the goods and has failed to comply with the request. Also, the Terminal reserves the right to move freight which is liable to damage other goods to another location within the Terminal or to provide facilities at the risk and expense of the owner.

Rule: 34.31 (S)

ISSUED: September 18th, 1998 LAST UPDATE: September 18th, 1998 EFFECTIVE: September 18th, 1998

INSURANCE

The rates and/or charges quoted herein do not include insurance of any type nor will such be issued under the present policies of The Port of Wilmington.

Rule: 34.32 (C)

ISSUED: September 18th, 1998 LAST UPDATE: February 17th, 2011 EFFECTIVE: February 17th, 2011

HAZARDOUS CARGO TERMINAL RECEIVING CHARGE

There will be a hazardous cargo Terminal Receiving Charge of \$318 per container for handling explosives of Class A, B, or C and other hazardous or highly inflammable cargo.

Rule: 34.33 (S)

ISSUED: September 18th, 1998 LAST UPDATE: September 18th, 1998 EFFECTIVE: September 18th, 1998

SMOKING ON PREMISES

No person shall smoke or light any matches or use, or carry any open flame or lighted lantern in the Sheds, Open Storage Areas, or other Posted Areas.

Rule: 34.34 (C)

ISSUED: September 18th, 1998 LAST UPDATE: February 17th, 2011 EFFECTIVE: February 17th, 2011

CUSTOMS INSPECTION

Terminal Labor will be supplied to assist U.S. Customs and Border Protection (CBP), U.S.D.A., and other government agencies in inspection of containerized cargo.

1. Pre-Palletized Cargo: \$286 per Container
2. Non-Palletized Cargo: \$318 per Container
3. Exceptions:

Containers of non-palletized cargo requiring full stripping will be assessed charges on extra labor basis.

Containers ordered for inspection of Contraband.

Enforcement Team of U.S. Customs will be assessed charges on cost plus labor basis, per U.S. Customs requirements.

Rule: 34.35 (C)

ISSUED: September 18th, 1998 LAST UPDATE: February 17th, 2011 EFFECTIVE: February 17th, 2011

USE OF TERMINAL FACILITIES FOR INSPECTIONS AND FUMIGATIONS

Use of terminal warehouse facilities for inspections of containerized cargo by government agencies - \$95 per container.

Use of terminal warehouse facilities for fumigation of containerized cargo as required by USDA-APHIS/PPQ – \$127 per container.

Use of terminal labor and equipment to assist in fumigation will be charged at the prevailing cost plus rates.

Rule: 34.36 (C)

ISSUED: September 18th, 1998 LAST UPDATE: February 17th, 2011 EFFECTIVE: February 17th, 2011

TERMINAL LEASE AND LEASE RENEWAL FEE

A documentation fee of \$637 will be charged to existing port tenants for renewal of terminal leases and to new tenants for drafting of new leases.

Rule: 34.37 (C)

ISSUED: September 18th, 1998 LAST UPDATE: February 17th, 2011 EFFECTIVE: February 17th, 2011

DOCKAGE

Dockage Terms

1. Dockage -

The charge assessed against self-propelled and non self-propelled vessels and barges for berthing at the wharf, pier, bulkhead structure or bank for the purpose of loading or discharging or handling cargo.

2. Calendar Day -

For the purpose of rates set forth below, a calendar day begins and ends at 12:00 midnight and the Maritime Exchange website shall be used to determine length and registered tonnage. Dockage shall be assessed against the vessel, its owners or operators on the basis of the highest net registered tonnage of the vessel.

3. Self-Propelled Vessels and Barges -

a. Working Status

Working status shall apply to all vessels during the time that any cargo operations are being performed, including loading, discharging, shoring, lashing, fitting, cleaning, or where labor has been hired for such work. Working status shall commence at 12:01 a.m. on the day on which any cargo operations are performed on the vessel and shall continue until 12:00 midnight on the day on which cargo operations are completed.

Exceptions: When a vessel docks, completes all cargo operations, and vacates the berth in a 24 hour period, the vessel will only be subject to one (1) calendar day's dockage at the working status rate.

b. Idle Status -

Idle status (which is only available to vessels which berth at a pier for the purpose of any cargo operation as set forth in A. above) shall be assessed in calendar day increments for those days when a vessel is at dock prior to the commencement or subsequent to the completion of loading or unloading cargo.

c. Lay-Up Status -

Lay-up status shall apply to all vessels and barges which berth at a pier for any purpose not covered by A. or B. above.

4. Availability of Berths -

All vessels on idle or lay-up status shall be require to vacate their berths upon notice by the Terminal. Any vessel which is not moved promptly upon notice to so move may be shifted and any expense involved, damage to the vessel, or to the pier during such removal, shall be charged to the vessel.

Dockage Charges

1. Self-Propelled Vessels

a. Working Status -

Dockage charges of \$.35 per net registered ton per calendar day or fraction thereof, with a minimum charge of \$637 per calendar day or fraction thereof.

b. Idle Status

Dockage charges of \$.27 per net registered ton per calendar day or fraction thereof, with a minimum charge of \$508 per calendar day or fraction thereof.

- i. When a vessel docks after 6:00 p.m. for work the following day, there shall be no charge for that day.

c. Lay-Up Status - Subject to prearrangement with the Terminal.

2. Non-Self Propelled Vessels

a. Lash Barges - \$38 per calendar day or fraction thereof

b. Barges up to and including 200 feet - \$219 per calendar day or fraction thereof

c. Barges 201 feet or greater - \$388 per calendar day or fraction thereof

3. Automobile Carrier (Vehicle Vessels) -

Dockage charges for Automobile Carriers will be computed on LOA (length overall) of vessel(s) as published on the Maritime Exchange website per the following schedule.

Charges are stated per linear foot of the vessel(s), and apply per calendar day or fraction thereof, from the time the vessel is made fast to the pier until such vessel has vacated the berth.

Charge per Linear Foot

LOA of Vessel	Calendar day or part thereof
0 to 400'	\$2.84
401' to 500'	\$3.45
501' to 600'	\$4.73
601' to 700'	\$5.99
701' to 800'	\$7.24

4. Passenger Vessels

Dockage charges of \$.35 per net registered ton per calendar day or fraction thereof, with a minimum charge of \$637 shall be assessed against all passenger vessels berthed at a pier.

5. Tugs, work boats, etc. not engaged in Port. Subject to prearrangement with the Terminal.
6. Exemptions to Dockage Charge
 - a. Barges and/or lighters that are transferring cargo directly to or from vessels at shipside.
 - b. Tugs assisting in docking or undocking vessels.
 - c. Vessels operated by Federal, State, and Municipal governments not receiving or discharging cargo.
 - d. Historical replica vessels or naval vessels visiting the Port in conjunction with a special event or Port festival, not engaged in waterborne commerce.

Rule: 34.38 (C)

ISSUED: September 18th, 1998 LAST UPDATE: February 17th, 2011 EFFECTIVE: February 17th, 2011

WHARFAGE CHARGES

Wharfage as defined in Rule number 34.02, will be assessed as follows:

1. General Cargo, refrigerated cargo and containers (loaded and empty), weight of container and contents - \$2.58/net ton
2. Steel, aluminum and other metals- \$2.58/net ton
3. Dry Bulk - \$1.28/net ton
4. Bulk Gypsum Rock - \$ 1.10/net ton
5. Lumber - \$2.58/net ton
6. Import/Export Automobiles (0-4,000 lbs) - \$4.89/per auto
7. Light trucks and tractors (4,001-8000 lbs) - \$8.15/per vehicle
8. Heavy trucks and tractors (8,001 lbs & over) - \$20.84/per vehicle

Note:

- a. The Terminal will determine the proper classification of a vehicle as to whether the vehicle will be auto, light truck, or heavy truck.
 - b. Wharfage Rates on volume shipments will be subject to special arrangements made with the Terminal in advance.
9. Passengers - \$12.30/passenger manifested. Charges apply to passengers embarked on a cruise ship or passenger vessel.
 10. Liquid Bulk - \$1.28/net ton
 11. All items not elsewhere specified in this Rule 34.38 - \$2.58/net ton
 12. Livestock - \$3.33 per unit
 13. General Cargo - \$1.95/measurement ton (40 cubic feet) for cargo measuring in excess of 80 cubic feet per net ton of 2,000 lbs.

Rule: 34.39 (C)

ISSUED: September 18th, 1998 LAST UPDATE: February 17th, 2011 EFFECTIVE: February 17th, 2011

FREE TIME/WHARF DEMURRAGE IMPORT

The following conditions will apply when applying Free Time and Wharf Demurrage for Import Cargo:

1. Commencement of Free Time -
Free Time will commence at 8:00 AM, on the first day following the completion of a vessel's discharge; however if the first day is on a Saturday, Sunday, or legal holiday, the free time will commence at 8:00 AM on the first business day thereafter.
2. Expiration of Free Time –
Free Time will expire at 5:00 PM on the fifth calendar day.
3. Free Time Exceptions
The following free time will be quoted:

General Cargo	5 calendar days
---------------	-----------------

Steel 30 calendar days

EXCEPTIONS	FREE TIME
Refrigerated Cargo by contract	5 calendar days unless otherwise stipulated
Wood Pulp	15 calendar days
Lumber and Bundles of Plywood	10 calendar days
Automobiles	NONE
Dry Cargoes in Bulk	NONE
Liquid Cargoes in Bulk	NONE
Containers	NONE
Explosives	NONE
Newsprint, Kraft Liner Board and Paper	10 Days
RoRo Cargoes & Commercial Vehicles	5 calendar days
Gypsum Board	30 calendar days
Aluminum, zinc and non-ferrous metals	5 calendar days

Generally, automobiles and containers will be restricted to leased areas and have no free time. However, circumstance could arise which may permit special arrangements.

4. Inability of Port to make Cargo Available During Free Time

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

5. Responsibility of Payment of Demurrage and Other Charges

Except as otherwise provided above, demurrage and other charges specified herein shall be for the account of the cargo and shall be due and payable as they accrue. The Terminal has the right to require payment in full of any and all such charges before cargo leaves the Terminal Facility. Cargo will not be released until full payment is received or the responsible party guarantees payment of all demurrage charges.

6. Partial Shipments

When only a part of a shipment covered by a bill of lading becomes subject to demurrage charges, and it is not possible to ascertain exact weight of such part shipment, the determination of weight

of cargo subject demurrage charges shall be arrived at by dividing the total number of packages stated in said bill of lading into the total weight as freighted, and applying the mean average so determined to the number of packages remaining on the pier and subject to demurrage charges.

7. Assessment of Wharf Demurrage Charges During Terminal Tie-Ups

In the event that a consignee or owner of cargo should be prevented from removing his cargo, or any portion thereof, from the pier by reason of the pier facility or facilities being immobilized, in all or part, by weather conditions, strikes, or work stoppages of longshoremen or personnel employed by the Port, cargo affected thereby shall be granted additional Free Time, free of demurrage, to cover the delay, if cargo is on free time when such conditions arise. If cargo is on demurrage, see Charges section 10 of this rule (NOTE).

8. Transfer of Ownership of Import Cargo

The transfer of ownership of cargo after said cargo has been received at the Terminal facility shall not entitle such cargo to additional free time.

9. Storage

Storage rates will be supplied, upon request, on package or weight basis for specific commodities subject to availability of space.

10. ALL of the following charges are subject to a minimum of \$30.57

a.

<u>Covered Areas</u>	<u>Rate</u>
First 5 calendar days or fraction thereof	\$.21 CWT/Gross
Second period of 5 calendar days or fraction thereof	\$.37 CWT/Gross
Third and each succeeding 5 calendar day period or fraction thereof	\$.58 CWT/Gross

b.

<u>Open Areas</u>	<u>Rate</u>
First 5 calendar days or fraction thereof	\$.20 CWT/Gross
Second period of 5 Calendar days or fraction thereof	\$.22 CWT/Gross
Third and each succeeding 5 calendar day period or fraction thereof	\$.23 CWT/Gross

EXCEPTIONS:

- i. Refrigerated Cargo

First 5 calendar days or fraction thereof	\$.58 CWT/Gross
Second period of 5 calendar days or fraction thereof	\$.65 CWT/Gross
Third and each succeeding calendar day period or fraction thereof	\$.94 CWT/Gross

- ii. Automobiles

Passenger-Type Autos	\$ 6.37/auto/day
Trucks, Tractors, and other wheeled vehicles	\$15.24/unit/day

NOTE: Rates for cargo on demurrage during Terminal Tie Ups

1. Charges for each calendar day or portion thereof that cargo remains on the pier shall be assessed at rate of \$.03 per 100 LBS, with the exception of automobiles or other wheeled vehicles which shall be assessed at the rate of \$2.54 per day.

2. Wharf demurrage charges for the total number of days the cargo remains on the pier prior to the commencement of the tie up and after the expiration of the tie up shall be assessed according to the scale of rates provided with the same force and effect as if said days had been consecutive and as if there had been no tie ups.

Rule: 34.40 (C)

ISSUED: September 18th, 1998 LAST UPDATE: February 17th, 2011 EFFECTIVE: February 17th, 2011

FREE TIME/WHARF DEMURRAGE EXPORT

The following conditions will apply when applying Free Time and Wharf Demurrage for Export Cargo:

1. Commencement of Free Time

Free Time will commence at 8:00 AM, on the first day following receipt of the export cargo by the Terminal.

2. Expiration of Free Time

Free Time will expire at 5:00PM on the tenth calendar day, including the day of commencement.

3. Free Time Exceptions

All free time for general cargo will be quoted as 10 calendar days; project cargo at 45 calendar days with the following exceptions:

EXCEPTIONS	FREE TIME
Refrigerated Cargo	5 calendar days
Steel	10 calendar days
Automobiles	NONE
Containers	NONE
Trucks, Tractors, and other wheeled vehicles	10 calendar days

Generally, autos and containers will be restricted to leased areas and have no free time. However, circumstance could arise which may permit special arrangements.

4. Inability of Port to make Cargo Available During Free Time

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

5. Responsibility of Payment of Demurrage and Other Charges

Demurrage and all other charges specified herein shall be for the account of the cargo and shall be due and payable as they accrue. The Terminal has the right to require payment in full of any and all such charges before cargo leaves the Terminal Facility. Cargo will not be released until full payment is received or the responsible party guarantees payment of all demurrage charges.

6. Partial Shipments

When only a part of a shipment covered by a bill of lading becomes subject to demurrage charges, and it is not possible to ascertain exact weight of such part shipment, the determination of weight of cargo subject demurrage charges shall be arrived at by dividing the total number of packages stated in said bill of lading into the total weight as freighted, and applying the mean average so determined to the number of packages remaining on the pier and subject to demurrage charges.

7. Assessment of Wharf Demurrage Charges During Terminal Tie-Ups

In the event that a consignee or owner of cargo should be prevented from removing his cargo, or any portion thereof, from the pier by reason of the pier facility or facilities being immobilized, in all or part, by weather conditions, strikes, or work stoppages of longshoremen or personnel employed by the Port, cargo affected thereby shall be granted additional free time, free of demurrage, to cover the delay, if cargo is on free time when such conditions arise. If cargo is on demurrage, see Charges section 10 of this rule (NOTE).

8. Transfer of Ownership of Import Cargo

The transfer of ownership of cargo on import commodity after said cargo has been received at the Terminal facility shall not entitle such cargo to additional free time.

9. Storage

Storage rates will be supplied upon request on package or weight basis for specific commodities subject to availability of space, and such rates will be filed with the Federal Maritime Commission.

10. Wharfage Demurrage Rates (EXPORT CARGO)

ALL of the following charges are subject to a minimum of \$30.57

a.

<u>Covered Areas</u>	<u>Rate</u>
First 5 calendar days or fraction thereof	\$.21 CWT/Gross
Second period of 5 calendar days or fraction thereof	\$.37 CWT/Gross
Third and each succeeding day period or fraction thereof	\$.58 CWT/Gross

b.

<u>Open Areas</u>	<u>Rate</u>
First 5 calendar days or fraction thereof	\$.20 CWT/Gross
Second period of 5 calendar days or fraction thereof	\$.22 CWT/Gross
Third and each succeeding day period or fraction thereof	\$.23 CWT/Gross

EXCEPTIONS:

1. <u>Refrigerated Cargo</u>	<u>Rate</u>
First 5 calendar days or fraction thereof	\$.58 CWT/Gross
Second period of 5 calendar days or fraction thereof	\$.65 CWT/Gross
Third and each succeeding day period or fraction thereof	\$.94 CWT/Gross
2. <u>Automobiles</u>	<u>Rate</u>
Passenger-Type Autos	\$6.23/auto/day
Trucks, Tractors, and other wheeled vehicles	\$13.21/unit/day

NOTE: Rates for cargo on demurrage during Terminal Tie Ups

1. Charges for each calendar day or portion thereof that cargo remains on the pier shall be assessed at rate of \$.03 per 100 LBS, with the exception of automobiles or other wheeled vehicles which shall be assessed at the rate of \$2.54 per day.
2. Wharf demurrage charges for the total number of days the cargo remains on the pier prior to the commencement of the tie up and after the expiration of the tie up shall be assessed according to the scale of rates provided with the same force and effect as if said days had been consecutive and as if there had been no tie ups.

Rule: 34.41 (C)

ISSUED: September 18th, 1998 LAST UPDATE: February 17th, 2011 EFFECTIVE: February 17th, 2011

TRUCK UNLOADING AND LOADING

Explanation of technical terms

1. Truck Loading
Truck loading shall mean the service of moving cargo from the place of rest on the pier which is readily accessible to the truck, elevating the cargo onto the truck and stowing the cargo in the truck, but shall not include special stowage, sorting, or grading of, or otherwise selecting the cargo for the convenience of the trucker or the companies.

2. Terminal Notification

For truck loading/unloading services, the Port must be notified by 3:00 PM, the day before a work order is to be performed; otherwise the necessary labor may not be available for service necessary.

3. Direct Transfer

Direct transfer shall mean the movement of the cargo specifically enumerated therein from an open truck or a tank truck to a ship or vice versa.

4. Heavy Lifts

The handling of heavy lifts in excess of 10,000 pounds for any single unit shall be subject to the completion of the necessary arrangements with the port, and shall be limited to the capacity of the equipment at the particular location. The Tariff sets forth herein rates for other heavy lifts that are applicable to single units weighing 10,000 lbs or less.

5. Overtime Charges

Rates for loading/unloading, handling and other labor are based on current rates for straight time. When such services are required during overtime periods, prior arrangement must be made, and applicable overtime charges will be assessed to those responsible for authorizing overtime.

6. Collection for Service Rendered

Unless the shipper or consignee shall have a definite arrangement with the Terminal for the payment of loading/unloading charges, the trucker shall assume full responsibility for the payment of the charges of such services.

Unless the shipper or consignee and/or trucker shall have made definite arrangements for credit, all charges are to be paid in cash by the driver who shall be given a receipt.

Truck Unloading and Loading Rates

1. Minimum Charge

The Minimum charges for truck loading and unloading shall be \$49.58 per truck.

2. The following rates shall apply for cargo measuring up to and including 200 cu feet per net ton of 2,000 lbs

- | | |
|---------------------------|----------------|
| i. Full loading/unloading | \$1.40/100 lbs |
| ii. Tailgate | \$.94/100 lbs |

14. Loading/unloading with drum clamps: \$.62/100 lbs

15. Rolls of linerboard/newsprint/paper: \$ 7.00/ton

EXCEPTION: Reloading rolls of linerboard, newsprint or other paper to ocean carriers owned or operated by steamship liner services using the Port of Wilmington: \$ 2.54/ton

16. Vehicles

a. Self Propelled vehicles, wheeled units and mobile equipment moving under their own motor power not requiring the use of pier driver or equipment, for receipt or delivery: \$ 7.62/ton

b. Self propelled vehicles, wheeled units, and mobile equipment moving under their own motor power requiring the use of pier driver or equipment, for receipt or delivery: \$13.98/ton

Maximum charge for (a) or (b) \$318 per unit.

c. Self propelled vehicles, wheeled units, and mobile equipment requiring lifting or handling assistance of port cranes or heavy lift equipment: \$15.77/ton

d. Units over 60,000 lbs requiring heavy lift with port cranes: \$26.69/ton

17. Boats

To or from open trucks, rate includes boat, trailer and/or cradle when handled with same lift.

Does not include assembly or disassembly of cradle. \$5.40/Measurement Ton

18. Special Stowage of Trucks - When a truck is loaded or unloaded in a manner which requires special stowage, handling, sorting, grading, or otherwise selecting cargo for the convenience of the trucker, shipper, or consignee, the Port will charge on current cost plus 25% rate, unless special arrangements have been made.

19. Loading and/or unloading rate on the following commodities and/or shipments will be subject to special arrangements:

a. Perishable Frozen Cargo

b. Bulk Ore

- c. Bulk Liquids
- d. Volume Shipments, for which special arrangements have been made with the terminal in advance.

Rule: 34.42 (C)

ISSUED: September 18th, 1998 LAST UPDATE: February 17th, 2011 EFFECTIVE: February 17th, 2011

RAILROAD CARLOADING/CAR UNLOADING

1. Railroad Carloading

Railroad carloading consists of removing cargo from the Terminal facility and placing it in the railroad car. The charge for railroad carloading shall be assessed against the rail carrier or the party ordering the service where the railroad is not responsible for the carloading charge.

2. Railroad Car Unloading

Railroad car unloading consists of removing cargo from the railroad car and placing it on the Terminal facility. The charge for railroad car unloading shall be assessed against the rail carrier or the party ordering the service performed where the railroad is not responsible for the car unloading charge.

3. Overtime and Holiday Work

Rate for loading and unloading, handling, and other labor are based on current costs for straight time, i.e. 8:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m. services, Monday through Friday inclusive. When such services are required during overtime periods and on Saturdays, Sundays and holidays, prior arrangements must be made and the cost differential will be charged to those responsible for authorizing such overtime.

4. Railroad Car Demurrage

Except in cases of the Port's own negligence, the terminal shall not be responsible for the payment of railroad car demurrage.

LOADING/UNLOADING

1. Railroad Car loading

The loading and unloading of import, export, or intercoastal freight to or from rail cars, which is the responsibility of the railroad companies, their contractor, or agent, will be performed in accordance with the provisions of their respective tariffs. Where the car loading/unloading allowance provided

by the rail carrier in accordance with their tariffs is less than the rates set forth, the shipper/consignee will be billed for the amount of difference between the two rates.

2. Rates

The rates set forth below are solely for the service of loading or unloading cargo to or from rail cars at the Terminal and are based on a net of 2,000 lbs:

- A. Loading or unloading of rolls of linerboard/newsprint/paper \$ 7.00/ton
- B. Loading or unloading of Cocoa Beans \$20.66/ton
- C. Loading/unloading of freight (except as specifically enumerated herein) to or from cars on covered piers and/or box cars on open piers, and the loading/unloading of such freight to and/or from open top cars to or from an open pier where the said open top cars are not within reach of ship's tackle for direct transfer from cars to vessel or from vessel to cars:
\$20.66/ton
- D. Loading/Unloading of freight not covered by B. and C. above when pre-palletized or pre skidded, and subject to the following conditions:
 - 1. Pre palletized or Pre skidded cargo is cargo which is pre-palletized or pre-skidded to the satisfaction of the Terminal and which is situated on the Terminal facility or in the cars so that it can be loaded into a car or unloaded from a car by the insertion of the Terminal forklift truck blade under the pallet or shed without any necessity of shifting the cargo prior to such insertion.
 - 2. This rate applies only to freight in a boxcar, refrigerated car, insulated car, where the car is completely pre palletized/pre skidded: \$12.21/ton
- E. Loading or unloading of refrigerated cargo which is not pre-palletized or pre-skidded: \$27.96/ton
- F. Loading or unloading with drum clamps: \$12.21/ton
- G. Loading or unloading bundles or lumber and plywood \$ 8.64/ton

H. Loading or unloading steel to or from railroad flat cars:

1. Steel Slabs \$.14/100lbs
2. Steels sheets, aluminum sheets, tinplate, and wire rod in coils: \$.19/100lbs
3. Blocks, bundles, packs (skidded and strapped) of aluminum, lead, zinc, tin plate, copper and steel sheets: \$.19/100lbs
4. Bundles of billets or Rails: \$.24/100lbs
5. Plate and Structural steel, pipes and bundles of reinforcing rod, tubing, and boiler tubes (excluding heading wire) \$.49/100lbs

I. Loading or unloading steel and non-ferrous metals to/from all other rail cars:

1. Steel Slabs: \$ 5.34/ton
2. Steel Sheets, aluminum sheets, tin plate, and wire rod in coils: \$ 6.60/ton
3. Blocks, bundles, or packs (skidded and strapped) of aluminum, lead, zinc, tin plate, copper, and steel sheets, billets and rails. \$ 6.10/ton
4. Plate and Structural Steel, pipe and bundles of reinforcing rods, tubing, boiler tubes (excluding heading wire). \$11.70/ton

J. Removing and replacing lids from open top rail cars, including gondola and coilcars:

\$146.18/car

K. Loading and unloading of containers at the Terminal

\$44.51/container

3. Assessorial Services

A. Conditioning box cars for outbound loading of general freight:

1. Cleaning cars to put them in proper condition for outbound loading.
2. Supplying all labor and material for the following: -paper lining doors - paper lining floor of car - battening car doors
3. Supplying side door protection for general cargo, including labor and materials.

B. Supplying material for side door protection of cars to be loaded with bulk import clay

- C. Cleaning open top cars and all coopering, bracing, and chocking, except as specifically enumerated above.

The above items will be on a cost plus 25% basis.

- 4. Loading and/or unloading rates on volume shipments will be subject to special arrangements made with the terminal in advance.

Rule: 34.43 (C)

ISSUED: September 18th, 1998 LAST UPDATE: February 17th, 2011 EFFECTIVE: February 17th, 2011

EQUIPMENT RENTAL

- 1. Mechanical equipment will be furnished by the Terminal at convenience at the following rates:

- A. CRANES

C-4 W/Hook	\$401/hr
C-5 W/Hook	\$401/hr
C-4 W/Container Spreader	\$699/hr
C-5 W/Container Spreader	\$699/hr
Crane Overtime (additional)	\$ 94/hr

- B. CLAM SHELL BUCKETS

16 cubic yard Bucket	\$152/hr
21 cubic yard Bucket	\$152/hr
27 cubic yard Bucket	\$152/hr
37 cubic yard Bucket	\$152/hr

NOTE: Crane Rental with equipment attachments special arrangements other than listed with Terminal:

- C. WITH MANUAL CONTAINER SPREADER

20 Foot	\$ 45/hr
40 Foot	\$ 52/hr

D. MISCELLANEOUS

Fork Trucks (4000/9000 lbs capacity)	\$ 69/hr
Fork Trucks (15000 lbs capacity)	\$ 69/hr
Fork Trucks (30000 lbs capacity)	\$ 81/hr
Ford Trucks (45000 lbs capacity)	\$134/hr
Fork Trucks (80000 lbs capacity)	\$242/hr
Taylor Container Handling Equipment	\$242/hr
Bulldozer	\$192/hr
Payloader	\$192/hr
Dump Truck, Sweeper, & Water Truck	\$115/hr

NOTE: Above Rates Include Operator

NOTE: Overtime and Meal Hour rates additional to the above rates will be charged in accordance with the current Diamond State Port Corporation/Port of Wilmington Hourly Terminal Labor Rates schedule.

NOTE: The charges provided for herein do not include insurance of any kind or Lifting Sling.

E. ELECTRICAL OUTLETS/REFRIGERATED CONTAINERS

Where outlets are available, the terminal will provide electrical power to refrigerated containers at a charge of \$32.00 per calendar day or fraction thereof per container. The Port will not be responsible for any repairs to the mechanical equipment of the container and will not be responsible in the event of electrical failure or interruption.

2. Responsibility for Damage: See Item 14 and 15, Section II.
3. Minimum Charge: Two (2) hours on above equipment. Rates will be assessed on 30-minute intervals or fraction thereof on any time after 2-hour minimum.

Rule: 34.44 (C)

ISSUED: September 18th, 1998 LAST UPDATE: February 17th, 2011 EFFECTIVE: February 17th, 2011

MISCELLANEOUS SERVICES

1. Terminal Receiving Charges

A. Autos and Small Trucks (up to 8,000 lbs.):	\$ 51 per unit
B. Trucks over 8,000 lbs.:	\$159 per unit
C. Trailers, Tractors, Construction Equipment, Agricultural Equipment and all other self-propelled vehicles:	\$254 per unit
D. Boats on Trailers under 29 feet:	\$318 per unit
29 feet and over	\$637 per unit

2. Gate Passes \$.15 per gate pass

3. Special Services

Special Services will be performed by the Port if adequate notice is given, and arrangements are agreed upon. When special services are performed, including dumping, labeling, sorting and tallying, the charge assessed will be the actual cost of the labor/service plus an additional 25%.

Rule: 34.45 (C)

ISSUED: March 15, 2009 LAST UPDATE: February 17th, 2011 EFFECTIVE: February 17th, 2011

SECURITY FEES

The following Security Fees will be assessed against all cargo discharged or loaded at the Port:

<u>Commodity</u>	<u>Security Fee</u>
Break Bulk	\$0.15 per net ton
Vehicles	\$0.30 per unit
Full Containers - only	\$1.00 per container
Liquid Bulk	\$0.04 per net ton
Dry Bulk	\$0.04 per net ton
Livestock	\$0.40 per unit

For ships or barges in Lay-Up or inactive status with no cargo operations, the applicable Security Fee will be 2% of the Dockage Fee charged against that ship or barge.

A Security Fee of \$1.25 per passenger, embarked upon arrival or departure, will be assessed against each cruise ship docking at the Port.

Rule: 34.50 (S)

ISSUED: September 18th, 1998 LAST UPDATE: September 18th, 1998 EFFECTIVE: September 18th, 1998

TARIFF RULES APPLICABLE TO LUMBER ONLY

Tariff Rules 34.50 and above apply to all packaged Lumber received at the Port of Wilmington.

Rule: 34.51 (S)

ISSUED: September 18th, 1998 LAST UPDATE: December 1st, 2007 EFFECTIVE: December 1st, 2007

BASIS OF MEASURE (LUMBER)

All rates and charges applicable to Lumber in this tariff are based on per thousand feet board measure (gross measurement computed on nominal sizes) for the number of pieces and/or packages indicated by the vessel's ocean bill of lading, and other shipping documents.

Rule: 34.52 (S)

ISSUED: September 18th, 1998 LAST UPDATE: September 18th, 1998 EFFECTIVE: September 18th, 1998

RECEIVING OR DELIVERING (LUMBER)

All lumber received, whether billed by piece or package count, footage, or as "lot" said to contain a specified quantity, will be received as a lot and will be delivered as a lot without regard to the number of pieces, packages, or footage unless tallying is requested.

Rule: 34.53 (S)

ISSUED: September 18th, 1998 LAST UPDATE: September 18th, 1998 EFFECTIVE: September 18th, 1998

LOST TIME (LUMBER)

All lost time during the regular working hours and overtime hours caused by the failure of a vessel to discharge at or during the time specified will be charged to the vessel or its agent for the number of men assigned to work the vessel at current labor costs as determined by the Port.

Rule: 34.54 (S)

ISSUED: September 18th, 1998 LAST UPDATE: September 18th, 1998 EFFECTIVE: September 18th, 1998

LOADING AND UNLOADING (LUMBER)

- A. All charges are based on the use of mechanical equipment.
 - B. Except in cases of the Port's own negligence, all loading/unloading services shall conform to instructions of the driver or authorized agent of the owner of the vehicle and at the risk and responsibility of such owner, including the quantity loaded, the placement and securing of the load.
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Rule: 34.55 (S)

ISSUED: September 18th, 1998 LAST UPDATE: September 18th, 1998 EFFECTIVE: September 18th, 1998

STORAGE (LUMBER)

Storage charges will be assessed against all lumber remaining in or on the designated storage area after the expiration of free time, (as per Rules 34.37 and 34.38), unless other arrangements have been made for storage. All lumber will be stored as a Lot, more or less as received.

Rule: 34.56 (S)

ISSUED: September 18th, 1998 LAST UPDATE: December 1st, 2002 EFFECTIVE: December 1st, 2002

LEASES (LUMBER)

Special Lumber Rates for Port Tenants

The rates, terms and conditions contained herein shall apply to all lumber and lumber products handled throughout the property controlled by the Port. Rates, terms and conditions for handling lumber and/or lumber products for lessees of Port property will be furnished upon request.

Rule: 34.57 (S)

ISSUED: September 18th, 1998 LAST UPDATE: December 1st, 2007 EFFECTIVE: December 1st, 2007

SPECIAL SERVICES (LUMBER)

Special Services will be performed by the Port if adequate notice is given, and arrangements are agreed upon. When special services are performed, including sorting and tallying, the charge assessed will be the actual cost of the labor plus an additional 25%.

Rule: 34.58 (S)

ISSUED: September 18th, 1998 LAST UPDATE: September 18th, 1998 EFFECTIVE: September 18th, 1998

USE OF FACILITIES (LUMBER)

The Port does not obligate itself to provide wharfage, storage, equipment, labor or other forms of services specified in this Tariff beyond the reasonable capacities of its facilities.

Rule: 34.59 (S)

ISSUED: September 18th, 1998 LAST UPDATE: September 18th, 1998 EFFECTIVE: September 18th, 1998

ARRANGEMENTS FOR HANDLING BUSINESS (LUMBER)

When Shippers, Consignees, Rail, Motor or Water Carriers forward business to the Port of Wilmington, arrangements must be made in advance for the handling or storage of freight, otherwise, it is the option of the Port as to whether or not such business shall be accepted.

Rule: 34.60 (C)

ISSUED: September 18th, 1998 LAST UPDATE: February 17th, 2011 EFFECTIVE: February 17th, 2011

BACKHAULING AND TRUCK LOADING (LUMBER)

Movement from shipside to place of rest plus freetime and truckloading.

Annual Accumulated Volume FBM Gross	Rate Per 1000 FBM Gross
10,000M FT GBM - Or Under	\$11.76
10,000M FT GBM - 20,000M GBM	\$11.44
20,000M FT GBM - 30,000M GBM	\$11.13
30,000M FT GBM - 40,000M GBM	\$10.80
40,000M FT GBM - And Over	\$10.49

A. Accumulated Volume - See Rule 34.02 (DEFINITIONS)

Rule: 34.61 (C)

ISSUED: September 18th, 1998 LAST UPDATE: February 17th, 2011 EFFECTIVE: February 17th, 2011

WHARFAGE (LUMBER)

Wharfage Charges will be assessed as follows: \$2.58/net ton

Rule: 34.62 (C)

ISSUED: September 18th, 1998 LAST UPDATE: February 17th, 2011 EFFECTIVE: February 17th, 2011

MARKING CHARGES (LUMBER)

The Marking of cargo shall be charged as follows: \$1.21 per MBF/Net

Rule: 34.63 (C)

ISSUED: September 18th, 1998 LAST UPDATE: February 17th, 2011 EFFECTIVE: February 17th, 2011

STORAGE CHARGES (LUMBER)

A. End of Free Time (as per Rules 34.37 and 34.38)

- | | |
|-----------------------------------|------------|
| 1. 1st through 10th of the month | \$1.27/MBF |
| 2. 11th through 20th of the month | \$.89/MBF |
| 3. 21st through end of month | \$.45/MBF |

B. Monthly Storage \$1.27/MBF

Rule: 34.64 (C)

ISSUED: September 18th, 1998 LAST UPDATE: February 17th, 2011 EFFECTIVE: February 17th, 2011

LESS THAN PACKAGE QUANTITIES (LUMBER)

For the delivery of Less Than Package Items the charges will be assessed as follows: \$19.08 per item.