

JAPAN P&I NEWS

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米国一油排出による過怠金について

New Orleans の法律事務所 Murphy, Rogers & Sloss, Gambel & Tompkins の Charles L. Whited, Jr 弁護士より、油分を含んだビルジを意図的に排出したことによる過怠金事案に関する情報を受領しましたのでご参考に供します。

アラスカ沖で油分を含んだビルジ 4,500 ガロンを意図的に排出したことにより Clean Water Act 及び Act to Prevent Pollution from Ships に違反したとしてドイツの船社に対して総額 800,000 ドルの過怠金を課す判決が下されました。また、当該船社に対して包括的環境コンプライアンスプランの実施命令と 3 年間の観察処分が下され、同社は観察処分期間中高度な監視下に置かれることになりました。さらに、本件違反を実行した Chief Engineer に対しては 5 か月間の自宅監禁及び 5 年間の観察処分が下されました。

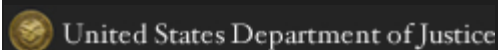
当該船社はオペレーターとして油水分離機の操作及び正確な油記録簿の管理に責任を有し、Chief Engineer は油水分離機の操作と油記録簿の管理を含む本船機関室の油濁コントロール設備に責任を有する立場にありましたが、2014 年 8 月にアラスカ沖の米国排他的経済水域内で油分を含むビルジを意図的に排出しました。Act to Prevent Pollution from Ships では正確な油記録簿の維持を義務付けていますが、当該船社並びに Chief Engineer は違法なポンプシステムを使用して油排出の事実を隠し、USCG による調査をごまかしたとされています。本件事案の詳細については添付米国司法省ウェブサイト掲載ニュースをご参照下さい。

米国では意図的な油排出に対して高額な過怠金が課されることがありますので、組合員の皆様におかれましてはこのような過怠金を課されることのないよう関連規則の遵守徹底にご注意下さい。なお、当組合保険契約規定に基づき、本件のような意図的な排出による過怠金はてん補の対象とならないこと申し添えます。

以上

日本船主責任相互保険組合

添付：米国司法省ウェブサイト掲載ニュース



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FOR IMMEDIATE RELEASE

Tuesday, May 26, 2015

Shipping Company Sentenced To Pay \$800K For Dumping Oil

Anchorage, Alaska – AML Ship Management GMBH, a German company, was sentenced in federal court today to pay a total of \$800,000 in fines and community service payments for violating the Clean Water Act and the Act to Prevent Pollution from Ships by intentionally discharging 4,500 gallons of oily bilge water into the ocean off the coast of Alaska and then presenting false records to the U.S. Coast Guard.

AML was also ordered to implement a comprehensive Environmental Compliance Plan and was placed on probation for three years. During the term of probation, AML will be subject to a heightened level of scrutiny, including warrantless searches of its vessels and places of business based upon a reasonable suspicion that it is violating the law. Of the total payment, AML will pay \$675,000 in criminal fines and \$125,000 in community restitution. The community restitution payment will go to the Alaska SeaLife Center to be used for projects and research that have a nexus to the Clean Water Act oil pollution crime committed.

Chief Engineer Nicolas Sassin was sentenced in Oregon last Friday to serve five months of home confinement followed by five years of probation for his role in these offenses. The Court in Oregon found the Chief Engineer Sassin used a special skill due to his engineering abilities to commit his Clean Water Act crime.

Defendant AML is the operator of the Motor Vessel City of Tokyo. The M/V City of Tokyo is a vehicle carrier vessel that operates under the flag of the Republic of Liberia. It was built in 1987, weighs approximately 42,247 gross tons, and is 603 feet long. Defendant Nicolas Sassin worked as the Chief Engineer of the M/V City of Tokyo between May 28, 2014 and September 6, 2014, when the vessel arrived in Oregon and was contacted by the United States Coast Guard.

On August 22, 2014, the M/V City of Tokyo departed South Korea and thereafter travelled through the Exclusive Economic Zone (EEZ) of the United States off the coast of Alaska arriving in Canada on September 2, 2014. The vessel departed Canada on September 3, 2014. The M/V City of Tokyo arrived in Tacoma, Washington on September 4, 2014, and remained there until departing for Portland, Oregon. The M/V City of Tokyo arrived in Portland, Oregon on September 5, 2014.

As the operator of the M/V City of Tokyo, AML was responsible for operating the Oil Water Separator (OWS) and maintaining an accurate Oil Record Book (ORB). As the Chief Engineer, Nicolas Sassin was responsible for the pollution control equipment in the M/V City of Tokyo's engine room, including running the OWS and for maintaining the Oil Record Book (ORB).

On or about August 29, 2014, AML knowingly discharged oily bilge water into the United States' Exclusive Economic Zone off the coast of Alaska which may have affected natural resources belonging to, appertaining to, and under the exclusive management authority of the United States and in a quantity that may be harmful.

AML admitted that while the M/V City of Tokyo was approximately 165 nautical miles south of the Aleutian Islands, specifically Sanak Island, Alaska, the Chief Engineer used an illegal pump system to knowingly discharge approximately 4,500 gallons of oily bilge water directly overboard. The illegal pump system consisted of a fabricated flanged fitting that connected the overboard discharge valve and pipe to a pneumatic Wilden pump. The pump's suction was connected to a hose that was fed down the sounding tube for the bilge holding tank. The illegal pump system allowed the vessel's crew to discharge oily bilge water from the bilge holding tank directly overboard without processing it through the required pollution prevention equipment (OWS and oil content meter). The overboard discharge created a sheen in the water off the stern of the vessel, and this was witnessed by crewmembers aboard the M/V City of Tokyo. The illegal pump system was dismantled prior to the vessel's arrival in Portland.

AML knowingly failed to maintain an accurate ORB as required by the Act to Prevent Pollution from Ships (APPS).

Chief Engineer Sassin and AML also failed to record this discharge of oil into the sea by way of the illegal pump system and overboard discharge valve in the M/V City of Tokyo's ORB, and knowingly presented and/or had available for inspection by the United States Coast Guard a false and fictitious ORB when the M/V City of Tokyo arrived in Portland, Oregon on September 5, 2014.

AML and Chief Engineer Sassin were charged in separate cases filed in both the District of Alaska and the District of Oregon. The Oregon charges against AML were transferred to Alaska, and the Alaska charges against Mr. Sassin were transferred to Oregon. No charges were dismissed.

"The year is 2015, and unfortunately oil pollution from ships continues to be a worldwide problem," noted First Assistant United States Attorney Kevin Feldis. "AML and Mr. Sassin failed to uphold their obligations to protect our environment when they knowingly discharged oily water into the ocean within the Exclusive Economic Zone off the Coast of Alaska. The criminal fine, Environmental Compliance Plan, community service payment and probationary conditions ordered by the Court are all appropriate sanctions and remedies, and will hopefully serve to prevent future crimes."

The M/V City of Tokyo was initially inspected and detained in Portland, Oregon by the United States Coast Guard marine inspectors. These cases were investigated by the U.S. Coast Guard Investigative Service and prosecuted jointly by the United States Attorney's Office for the District of Alaska, the United States Attorney's Office for the District of Oregon, and the Department of Justice's Environmental Crimes Section.

Environmental Crimes

USAO - District of Alaska

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