

**ORB & OWS Corporate Criminal Cases: Chart of Monetary Penalties**

Year	Case	Criminal Fine	Other	Total	Charges	Summary of Facts
1998	Royal Caribbean Cruise Lines (S.D. Fla., D. Puerto Rico)	\$9,000,000		\$9,000,000	7 counts (Puerto Rico) – one count 18 USC 371 (fleetwide conspiracy to bypass OWS on at least 5 ships); 4 counts 18 USC 1001 (presenting false ORB to CG); 2 counts 18 USC 1512 (Witness Tampering & Obstruction)  One count (SD Fla) 18 USC 1001 (presenting false ORB to CG)	U.S. owner and operator of cruise ships pled guilty after investigation begun in US based on report from CG aircraft that one ship had discharged oil in Bahamas. Ships were subsequently boarded in US and CG found numerous ships using bypass hoses (installed by RCCL) and falsifying ORB entries to cover up bypassing of OWS. In addition, an engineer on one ship was ordered to lie to a federal grand jury and on another, a senior officer ordered the crew to dismantle the bypass pipe, which was cut up and disposed ashore.
1998	Holland America (HAL Beheer) (D. Alaska)	\$1,000,000	\$1,000,000 added to provide funds to National Park Foundation	\$2,000,000	2 counts APPS 33 U.S.C. 1908 (Failing to keep accurate ORB & bypassing OWS)	U.S. operator of cruise ship <i>M/V Rotterdam</i> made cruises in Alaskan and Canadian waters, including Inside Passage, and discharged bilge water without use of OWS during summer 1994. Case began when Engineer refused order to directly discharge overboard and reported to USCG. OWS on ship was often not operational and, despite crew being aware of this, no repairs were ordered.
1999	Royal Caribbean Cruise Lines (II) (S.D. Fla., S.D.N.Y., D.Alaska, D.V.I., D. Puerto Rico, C.D. Calif.)	\$18,000,000	\$6,000,000 of fine suspended to fund env'tl projects in various coastal areas	\$18,000,000	10 counts 18 USC 1001 (False statements presented to USCG)  One count RCRA (Knowing storage of haz. waste ashore without permit)  10 counts Clean Water Act (knowing discharges of oil, dry cleaning chemicals & photo chemicals in U.S. waters)	U.S. operator of fleet of cruise ships pled guilty to various violations related to operation of approx. 10 cruise ships in six ports from 1994 to 1998. Violations included bypassing of OWS leading to oil discharges in U.S. waters, false entries in vessel ORBs to cover up bypassing, discharges of dry cleaning and photo shop chemicals in U.S. waters, and storing hazardous chemicals ashore without RCRA permit.

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2000	Matson Navigation Co. (C.D. Cal., N.D. Cal., W.D. Wash.)	\$2,000,000 (C.D. Cal.); \$500,000 (N.D. Cal); \$500,000 (W.D.Wash.)	\$1,500,000 of fine designated to go to various nat'l parks in California & Washington	\$3,000,000	C.D.Cal. - 4 counts 18 U.S.C. 1001 (presenting false ORB to USCG)  N.D.Cal. - one count 18 U.S.C. 1001 (presenting false ORB to USCG)  W.D.Wash. - one count 18 U.S.C. 1001 (presenting false ORB to USCG)	U.S. operator of U.S. flag vessel <i>M/V Lihue</i> , a cargo ship that sailed between Hawaii and U.S. West Coast, pled guilty to making false entries in ORB and presenting to USCG. OWS on ship was not operating during period 1996-1998. Various crewmembers made entries in ORB that stated oily bilge water had been processed through OWS.
2002	D/S Progress (D.Md)	\$250,000		\$250,000	One count 18 USC 371 (Conspiracy to violate Ports and Waterways Safety Act)  One count APPS 33 U.S.C. 1908 (failing to record discharge in ORB)  One count 18 U.S.C. 1001 (False statements to USCG).	Shore-based manager for Danish operator of <i>M/T Freja Jutlandic</i> , a Norwegian flag tank ship, told crewmembers not to report hole in hull to Coast Guard as required by PWSA. Also, crew tricked and bypassed OWS and discharged from cargo tanks in violation of APPS, and failed to record discharges in ORB. Crew, afraid for life, reported hazardous condition to USCG. Company is now bankrupt.
2002	Carnival Cruise Lines (S.D. Fla.)	\$18,000,000	\$9,000,000 of fine suspended & designated to various envt'l groups to fund projects	\$18,000,000	6 counts 18 USC 1001 (False statements to USCG)	U.S. owner and operator of cruise ships pled guilty to presenting false ORBs to Coast Guard on 6 cruise ships between 1996 and 2001. Carnival ships discharged oily bilge waste overboard without OWS, falsified ORBs to cover up these discharges, and then knowingly presented false ORBs to Coast Guard numerous times.

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2002	Norwegian Cruise Line, Ltd. (S.D. Fla.)	\$1,000,000	\$500,000 added to fund environmental service projects	\$1,500,000	One count APPS 33 USC 1908 (Falsely reporting oily waste discharges in ORB)	Norwegian owner and operator of SS <i>Norway</i> and fleet of other cruise ships pled guilty to systematically lying to Coast Guard over period of years regarding dumping of oil contaminated waste, tricking OWS and making false entries in Oil Record Book on at least two cruise ships. (NCL cooperated by turning over internal investigation, fired 7 shore-side personnel, and assisted in ongoing investigation of culpable individual employees).
2002	Boyang Maritime (BM), Boyang Ltd (BL), Trans-Port Intl. (TPI) & Oswego Limited (OL) (D.Ak)	\$5,000,000	\$1M of fine designated to National Fish and Wildlife Foundation. Also, \$500,000 added to put in escrow to develop & implement ECP for fleet.	\$5,500,000	BM, BL, TPI & OL - 18 USC 371 (Conspiracy)  BM & OL – 2 counts APPS 33 USC 1908 (Failure to Maintain ORB)  BM – 2 counts 18 USC 1001 (False Statements), 2 counts 18 USC 1505 (Obstruction of USCG Proceeding) & 3 counts 18 USC 1512 (Witness Tampering)	Korean companies (TPI a U.S. sub) that operated, managed and controlled fleet of cargo freighters pled guilty to illegally discharging via bypass hoses oily bilge water and oily waste between 1995 and 2002 from 4 vessels. Ships were boarded by USCG and crew presented false ORBs. Crew also hid and/or destroyed bypass hoses before entering U.S. ports. After discovery of bypass hose by Coast Guard, ships officers, and later company officers, told crew not to tell the truth about illegal activities, seeking to influence crew member testimony to grand jury.
2002	Springs Navigation S.A. (owner); Unix Line PTE. LTD. (operator) (W.D.Wash.)	\$750,000 (Unix fined \$550,000; Springs fined \$200,000)	\$300,000 of fine directed to projects in WA to preserve and enhance marine environment	\$750,000	Unix – One misdemeanor count (Clean Water Act negligent discharge); One felony 18 U.S.C. 1001 (False statement to USCG)  Springs - One misdemeanor count (Clean Water Act negligent discharge)	Panamanian owner and Singaporean operator of fleet of 24 vessels pled guilty after <i>M/T Kaede</i> , a Panamanian flag chemical tanker, spilled oil in Commencement Bay, WA. USCG investigation of oil spill led to discovery of bypass hose and false Oil Record Book on ship. Discharged oil was oil that had collected in piping system as result of earlier illegal bypassing.

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2003	Ta Tong Marine Co., Ltd (W.D. Wash.)	\$750,000		\$750,000	One count APPS 33 USC 1908 (Failing to maintain accurate ORB)  One count 18 USC 1001 (Presenting false ORB to USCG)	Taiwanese operator of fleet of cargo ships pled guilty after inspectors from USCG and Washington State found discrepancies in ORB on <i>M/V Grand Glory</i> , a Panamanian flag freighter, that led to discovery of bypass hose used to bypass OWS. Investigation found approximately 17 tons of sludge had been directly discharged into ocean using bypass. ORB entries were falsified to cover up illegal discharges and were presented to USCG.
2003	Grid Odessa, Ltd. (D.Or.)	\$275,000		\$275,000	One count APPS 33 U.S.C. 1908 (Failing to maintain accurate ORB)	Ukrainian operator of <i>M/V Grumant</i> , a St. Vincent & Grenadine flag cargo carrier, pled guilty after USCG inspectors found sludge incinerator was inoperable and OWS was clogged with heavy oil. Crew was not able to even locate correct valves to operate incinerator. Co. was in poor financial condition.
2004	MMS Co., Ltd. (N.D. Calif., C.D. Calif., D.Or.)	\$500,000 (N.D. Calif.); \$500,000 (C.D. Calif.); \$1,000,000 (D.Or.)	\$1,000,000 of fine directed to fund env'tl projects in SF, LA & Portland, Ore.	\$2,000,000	One count APPS 33 USC 1908 (Failing to maintain accurate ORB)  One count 18 USC 1519 (Obstruction of USCG proceeding by falsifying ORB)	Japanese operator of <i>M/V Spring Drake</i> , a Panamanian flag bulker, pled guilty when USCG inspectors found evidence that bypass pipe was being used and that ORB was falsified to cover up bypassing for a period of approx. one year. The ship regularly called at U.S. West Coast ports. Bypassing was done with knowledge of ship's Chief Engineer.
2004	Sabine Transportation Co. (N.D.Ia.)	\$2,000,000		\$2,000,000	8 counts APPS 33 USC 1908 (discharge of oily mixture i.e. diesel-contaminated grain, discharge of oily bilge waste, discharge of oily ballast, discharge of plastic waste, failure to notify of discharge and two false ORB).	U.S. operator of fleet of U.S. flag oil tankers and bulk cargo ships pled guilty after crewmembers reported discharges of oil-contaminated grain from one ship without reporting, and discharges of oily ballast and plastics from another ship to USCG. Sabine pled to deliberately dumping waste oil, sludge, and oily mixtures from four of its vessels without using OWS & ODME and discharges concealed in false ORBs.

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2004	OMI Corporation (D.N.J.)	\$4,200,000		\$4,200,000	One count APPS 33 USC 1908 (Failing to maintain accurate ORB)	U.S. operator of <i>M/T Guadalupe</i> pled guilty after engineer walked off ship & informed local police he had been ordered to bypass OWS. From May to September 2001, Chief Engineer authorized crew to bypass OWS and not use incinerator to burn sludge, which was discharged to sea. False entries were made in ORB to cover up illegal discharges. Ship's Master participated in cover up of violations.
2004	Hoegh Fleet Services (W.D. Wash., N.D. Calif., C.D. Calif.)	\$3,500,000	\$1,600,00 of fine directed to fund env't'l projects in Wash. State)	\$3,500,000	One count 18 USC 1519 (Obstruction of CG inspection by falsifying ORB)  2 counts 18 USC 1001 (Presenting false ORB to USCG)  2 counts APPS 33 USC 1908 (Failing to maintain accurate ORB)	Norwegian operator of <i>M/V Hoegh Minerva</i> , a Panamanian flag car carrier, pled guilty for case involving use of bypass pipe between June – September 2003, and then hid use of pipe by removing it and painting flanges. Also, crew made false entries or omitted to make entries in ship's ORB and made false statements to USCG officers. In addition, crew member instructed other crew to make false statements to USCG about bypass pipe.
2004	Fairmont Shipping Ltd. (D.Or.)	\$450,000		\$450,000	One count APPS 33 USC 1908 (Failing to maintain accurate ORB)	Canadian owner of <i>M/V Emerald Bulker</i> , a Philippine flag bulk carrier, pled guilty after crew members informed USCG that ship was regularly bypassing OWS and provided photos of hose in place. A USCG boarding found bypass hose and flanges & valves freshly painted to conceal bypassing. The Chief Eng. Had instructed engine room crew to bypass at night and to hide bypass hose when nearing port.

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2004	Marmaras Navigation LTD (W.D.Wash.)	\$250,000	(\$100,000 of fine directed to fund envt'l project in WA. Additional \$50,000 put in escrow for development and monitoring of ECP.	\$300,000	One count APPS 33 U.S.C. 1908 (Failure to maintain accurate ORB)	Greek operator of 28 vessels that call in U.S. pled guilty based on port state inspection by USCG of <i>M/V Agia Eirini</i> , a Cypriot flagged freight ship, during which they discovered bypass hose and chipped paint on O/B discharge valve. Also, vessel incinerator incapable of burning sludge produced on daily basis by vessel. ORB entries stated incinerator ran approx. 20 hrs/day and USCG inspectors found incinerator could not operate that long or handle sludge produced. ORB entries were falsified to cover up bypassing and presented to USCG.
2005	Fujitrans Corp. (D. Ore; C.D. Calif.)	\$1,050,000 (D. Ore.); \$335,000 (C.D. Calif.)	\$495,000 (D. Ore.) & \$165,000 (C.D. Calif.) of fine directed to Nat'l Fish & Wildlife Found. for projects in Calif. & Ore.	\$2,000,000	One count APPS 33 USC 1908 (Failing to maintain accurate ORB) (C.D. Calif.)  3 counts APPS 33 USC 1908 (Failing to maintain accurate ORB) (D. Ore.)	Japanese operator of 27 ships pled guilty after former crewmember on <i>M/V Cygnus</i> , a Panamanian flag car carrier, sent e-mail to USCG stating ship was bypassing OWS. USCG search found bypass hose and O/B discharge pipe was contaminated with oil. Also found both OWS oil content sensor and sludge incinerator inoperable. ORB falsified to cover up discharges. OWS bypassed between September 2000 and April 2002, during which time ship made many U.S. port calls.
2005	Pacific and Atlantic Corp. (D. Ore.)	\$500,000	\$250,000 of fine directed to Columbia River Estuary Coastal Fund	\$500,000	One count APPS 33 USC 1908 (Failing to maintain accurate ORB)	Greek operator of 10 ships pled guilty after USCG conducted routine port state inspection of <i>M/V John G. Lemos</i> , a Cypriot-flagged bulk cargo carrier, which led to discovery of piping modifications that allowed bypassing of OWS from ship. Crewmembers stated that Chief Engineer had ordered the crew to bypass the OWS and falsify the ORB.

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2005	Turismo Nautico Del Mar De Cortes (D. Puerto Rico)	\$100,000	Vessel restricted from operating in US waters for 3 yrs	\$100,000	Unknown	Owner of <i>M/V Topaz</i> , a Mexican flag freight ship, pled guilty after USCG inspectors found the OWS was not working and determined that piping had been modified to bypass the OWS and discharge directly overboard.
2005	DST Shipping, Inc. (C.D. Calif.)	\$1,000,000	\$300,000 of fine directed to Channel Is. Nat'l Park	\$1,000,000	One count APPS 33 USC 1908 (Failing to maintain accurate ORB)  One count 18 USC 1519 (Obstruction of USCG proceeding)	Greek operator of <i>M/V Katerina</i> , a Maltese flag cargo ship, pled guilty after crewmembers told dock workers that they had been directed to discharge trash, sewage and oil directly O/B. Dock workers contacted USCG, who boarded ship and found OWS was bypassed and oil recently discharged O/B. Company acknowledged ship had bypassed on numerous occasions over 6-month period and discharged oily bilge and sludge directly O/B and had directed crew to conceal bypass pipe from USCG.
2005	Evergreen International, S.A. (D. Wash., D. Ore., N.D. Calif, C.D. Calif., S.D. Calif.)	\$25,000,000	\$10,000,000 directed to environmental projects in various jurisdictions	\$25,000,000	24 counts APPS 33 U.S.C. 1908 (Failing to maintain accurate ORB; bypassing OWS)  One count negligent OPA (33 U.S.C. 1321)	Co. pled guilty to counts related to bypassing of OWS and falsification of ORB on seven of its ships over a three-and-one-half year period, and to one misdemeanor count of negligent discharge of oil into the Columbia River. After discharge of approx. 500 gallons of oil from one of its vessels, Washington State marine officers discovered bypass pipe on another Evergreen ship. Series of inspections by Coast Guard of other Evergreen vessels in several U.S. ports discovered evidence of bypassing on five other vessels. Investigation also determined that ORBs on ships were falsified to cover up bypassing, and on some ships engine room officers instructed crew members to deny any knowledge of illegal activities if questioned by Coast Guard.

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2005	A.P. Moller-Maersk, A/S (N.D. Calif.)	\$500,000		\$500,000	One Count 18 U.S.C. 1001 (Presenting false ORB to USCG)	Co. pled guilty to knowingly presenting false ORB for <i>M/V Jane Maersk</i> . During Coast Guard inspection to avoid questions regarding incinerator's operation, crew presented ORB with entries overstating hours of operation of vessel's incinerator. Investigation discovered similar conduct on another Maersk vessel. Company cooperated in investigation.
2006	MSC Ship Mgmt. (Hong Kong) Ltd. (D. Mass.)	\$10,000,000	\$500,000 (to Nat'l Fish & Wildlife Fund for training seafarers)	\$10,500,000	18 USC 371 (Conspiracy); 18 USC 1001 (False Statements); Three counts 18 USC 1505 (Obstruction); Three counts 18 USC 1519 (Destruction of Evidence); Three counts 33 USC 1908 (APPS)	Co. pled guilty, admitting specially fitted steel pipe was used to bypass <i>M/V MSC Elena's</i> OWS and oily bilge water and sludge from vessel's engine room was discharged directly to sea. Additionally, MSC admitted after bypass pipe was discovered during Coast Guard inspection, senior company officials in Hong Kong directed crewmembers to lie to Coast Guard, and senior engineers on vessel ordered documents, such as OWS alarm printout and tank sounding logs, be destroyed and concealed. Finally, vessel's Oil Record Book contained false entries to cover up illegal discharges.
2006	Wallenius Ship Management Pte, Ltd. (D.N.J.)	\$5,000,000	\$1,500,000 (to Nat'l Fish & Wildlife Fund for envt'l projects)	\$6,500,000	18 USC 371 (Conspiracy); Three counts 18 USC. 1001 (False Statements); Three counts 33 USC 1908 (APPS)	Co. pled guilty to using pipe since 2002 to bypass OWS on <i>M/V Atlantic Breeze</i> . Crewmembers sent fax to international seafarers' union alleging they were ordered to engage in intentional acts of pollution, including discharges of oil and garbage. Coast Guard boarded and found multi-piece bypass system hidden in various locations on vessel. Additionally, Wallenius admitted ORB was falsified to cover up discharges of oily bilge water and sludge from engine room, and that Garbage Log was falsified to cover up discharges of plastic refuse.



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2006	MK Shipmanagement Company, Ltd. (D.N.J.)	\$200,000	\$150,000 (to Nat'l Fish & Wildlife Fund for envt'l projects)	\$350,000	33 USC 1908 (APPS)	Japanese company that operates <i>M/V Magellan Phoenix</i> , pled guilty to intentionally failing to maintain an Oil Record Book in violation of Act to Prevent Pollution from Ships. Coast Guard boarded vessel and found evidence that engine room crew was regularly bypassing OWS and discharging oily bilge water and sludge directly to sea.
2006	Corpus Christi Day Cruise, Ltd. (S.D. Tex.)	\$300,000 (Half of fine to go to Community Service project)		\$300,000	18 USC 1505 (Obstruction)	Operator of <i>M/V Texas Treasure</i> , Bahamian-flag cruise ship, pled guilty to obstructing Coast Guard investigation into whether vessel discharged oily bilge water and waste oil by deliberately bypassing OWS. Coast Guard discovered significant oil in overboard discharge pipe during routine inspection, and several inconsistencies in waste oil tank sounding logs. Chief Engineer stated vessel maintained tank sounding logs for 30 days when records existed for much longer period on his computer, and intentionally destroyed these records while Coast Guard on board to examine computer.
2006	Sun Ace Shipping Co. (D.N.J.)	\$400,000	\$100,000 (to National Fish and Wildlife Fund)	\$500,000	33 USC 1908 (APPS)	Operator and manager of bulk carrier <i>M/V Sun New</i> pled guilty to knowingly failing to maintain an accurate ORB. Coast Guard inspectors boarded vessel and discovered crew had used bypass hose to discharge bilge water on at least two occasions during transit from South Korea to US.

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2006	Pacific-Gulf Marine Inc. (D.Md.)	\$1,000,000	\$500,000 (to Nat'l Fish & Wildlife Fund for maritime academy programs to train U.S. mariners re: envt'l compliance; and for envt'l projects)	\$1,500,000	Four counts 33 USC 1908 (APPS)	Ship manager of fleet of vessels pled guilty to illegally discharging oily bilge water and oil waste on four of its vessels through bypass pipe. Coast Guard found oily streaks on hull of one vessel during routine boarding, which led back to OWS overboard discharge valve. Oil was found in overboard discharge pipe. Later boardings of other PGM-managed vessels found similar evidence of illegal bypassing of OWS system, and falsification of records. Gov't cited PGM cooperation during investigation as having been taken into account for determining fine.
2006	Danaos Shipping Co., Ltd. (C.D. Calif.)	\$250,000	\$250,000 (to community service projects)	\$500,000	33 USC 1319 (Clean Water Act); 18 USC 1505 (Obstruction)	Ship manager for Greek-flagged cargo vessel <i>APL Guatemala</i> pled guilty to a negligent discharge of oil into the Long Beach harbor and to obstructing a Coast Guard investigation. The vessel had an oil leak from its sea chest, which was reported to the Coast Guard and investigated. However, the next day, fresh oil began leaking and no report to the Coast Guard was made. Instead, the vessel's crew used detergent to dissipate the oil. Also, divers hired to inspect the ship were directed to remove the oil from the sea chest, but was directed by company officials to falsely state on the report that they only inspected valves, and did not investigate the spill.

**Reference: Chart of Individual Sentences for Vessel-Related Environmental Criminal Cases**

Year	Case	Individual(s)	Sentence	Summary
1995	Yvon St. Juste (S.D. Fl.)	St. Juste – Clean Water Act	St. Juste (Owner’s agent) – 18 mos probation, \$10,000 fine	Owner’s agent found guilty of ordering vessel engineer to discharge oily water mixture from vessel slop tank into Miami River in violation of CWA.
1996	Walter Wesley Williams (M.D. La.)	Williams – Clean Water Act	Williams (Port Captain) – No sentencing information.	Port Captain pled guilty to discharging waste oil and bilge slops from inland towing vessels into Mississippi River without a permit in violation of the Clean Water Act
1996	Kanawha River Towing (S.D. Ohio)	Ronald Mayes – Clean Water Act	Mayes (Port Captain) - \$1000 fine, two years probation.	Port Captain for inland river towing company admitted to authorizing discharges of oil, sewage and other wastes into Ohio River from vessels without a permit in violation of the Clean Water Act.
1997	Ocean Chemical Carriers (M.D. Fl.)	Peter Thorpe – Act to Prevent Pollution from Ships	Thorpe (Vessel Master) – 6 mos home confinement, 3 yrs probation and \$20,000 fine	Master of M/V Francis Hammer pled guilty to illegally discharging 60,000 gallons of oily waste from the ship and failing to report the discharge, both in violation of the APPS.
1997	M/G Transport Services (S.D. Ohio)	J. Harschel Thomasee – Conspiracy, Clean Water Act  Roger Williamson – Clean Water Act  Fred E. Morehead – Clean Water Act  Robert Montgomery – Clean Water Act	Thomasee (VP) – 3 yrs probation, 180 days home confinement, \$23,500 fine  Williamson (Port Engr.) – No sentence information  Morehead (Vessel Capt) – 4 mos home confinement, 30 mos probation, \$4000 fine  Montgomery (Vessel Capt) – 4 mos home confinement, 30 mos probation, \$2000 fine	Company pleaded guilty to discharging oil and garbage into Ohio River from its towing vessels in violation of Clean Water Act for failing to get a permit for various discharges into U.S. navigable waters. Various individual defendants either pled guilty or were convicted at trial.
1998	Varlack Ventures (D. Virgin Islands)	Hubert Fredericks – Clean Water Act	Fredericks (Vessel Captain) – 8 mos incarceration, 3 yrs supervised release, \$1000 fine, 150 hours community service	Captain of U.S.-flag ferry vessel in U.S. Virgin Islands discharged oil and failed to report discharges in violation of Clean Water Act.

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1998	Holland America (HAL Beheer) (D. Alaska)	N. Hoogendoorn – Clean Water Act D. Smeenk – Clean Water Act H. DeJong – Clean Water Act W. Spierens – Clean Water Act, APPS	Hoogendoorn (Director of Tech Ops) - 2 yrs probation, \$10,000 fine Smeenk (Second Engr) - 2 yrs probation, \$10,000 fine DeJong (Second Engr) – 2 yrs probation, \$10,000 fine Spierens – Failed to appear	Defendants pled guilty to negligently discharging oily bilge water from cruise ship <i>SS Rotterdam</i> without processing it through OWS in violation of the Clean Water Act. The investigation showed that the OWS frequently did not work, and that the crew of the cruise ship would discharge oily water using a bypass, and failed to record the discharges in the Oil Record Book. Defendant Hoogendoorn knew of the problems with the OWS, but failed to fix them.
1999	Royal Caribbean Cruise Lines (6 districts)	Oystein Larsen – Conspiracy and false statements Michael Psomadakis – Obstruction of Justice	Larsen (Chief Engr.) – 2 yrs. unsupervised probation Psomadakis (Chief Engr.) – Failed to Appear	Chief Engineers on RCCL cruise ships involved discharges of oil into waters of Alaska in violation of Clean Water Act, presenting false ORB to Coast Guard, improper storage of wastes from vessels in violation of Resource Conservation and Recovery Act, and discharges of pollutants in vessel gray water in violation of Clean Water Act (multiple jurisdictions).
1999	Anax Int'l Agencies (N.D. Cal.)	Dimitrios Georgantas – Clean Water Act Lampros Karaganis - CWA	Georgantas (Master) – 3 yrs probation and barred from working for that time on any ship in U.S. Karaganis (Chief Engineer) - 18 mos. pretrial diversion during which cannot work in U.S. ports	Master and Chief Engineer of <i>M/T Command</i> pleaded guilty to discharging 3000 gallons of bunker fuel from a tank leak into San Francisco Bay and failing to report discharge in violation of Clean Water Act. The spill resulted in injury and death to hundreds of migratory birds and sea animals.

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1999	Elmhirst Pte. Ltd, Polembros Shipping Ltd. (N.D. Cal.)	Kirakos Daioglou – Ports & Waterways Safety Act (33 U.S.C. 1232)  Hristoforos Sotiriadis – Operation of vessel in negligent manner (46 U.S.C. 2302), aiding & abetting	Daioglou (Master) – 3 yrs probation, \$25,000 fine, banned from operating vessel in U.S. for 1 yr.  Sotiriadis (Master) – 3 yrs probation, \$5000 fine, banned from operating vessel in U.S. for 1 yr.	Masters of the T/V Neptune Dorado pled guilty to failing to report hazardous conditions on the ship, including inoperable fire pumps, oil leaks into the engine room, faulty ventilation systems and, most significantly, the fact that a significant quantity of oil cargo had leaked into the ship's ballast tanks, creating a serious risk of explosion. Reporting of hazardous conditions is required under the Ports and Waterways Safety Act in the United States.
2000	James Bise and Ronald Barber (S.D. Tex.)	Bise – Act to Prevent Pollution from Ships (APPS)  Barber – APPS	Bise (Master) - One yr. Probation and 300 hrs community service  Barber (Chief Eng.)– One yr. Probation and 300 hrs community service	Master and Chief Engineer pled guilty to discharging muck from fuel tank cleaning operations on the high seas in violation of the Act to Prevent Pollution from Ships, which implements MARPOL.
2001	Rolf Arnvard (S.D. Tex.)	Arnvard – False Statements (18 U.S.C. 1001)	Arnvard (Vessel Capt.) – One day confinement (concurrent with day of appearance) and \$5,000 fine	Capt. pled guilty to making false statements by ordering the discharge of oily bilge water into ocean and telling the Chief Engineer not to log in vessel's ORB.
2001	McKinney Towing (M.D. La.)	Glenn McKinney – Clean Water Act, Oil Pollution Act	McKinney (Co. President) – 6 mos. home confinement, \$2,000 fine	President of company that operated towing vessels that discharged oily bilge water on regular basis into Mississippi River over 5 year period pleaded guilty to violations of Clean Water Act and Oil Pollution Act.
2001	Sabine Transport. Co. (E.D. La.)	Richard Dobbyn – Refuse Act	Dobbyn (Bosun) – 2 years probation	Bosun on U.S. flag tank ship <i>SS Trinity</i> pled guilty to violation of Refuse Act, a strict liability crime, for discharging rust scale and oily refuse from cargo tank cleaning operation into Mississippi River.

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2002	Boyang Shipping (D. Alaska)	D.H. Kim – False statement, witness tampering, obstructing justice.  In Ho Kim - False statement, witness tampering  Je Yong Lee– False statement, witness tampering	Doo Hyun Kim (Master) – 6 mos. confinement  In Ho Kim (Chief Eng) – 6 mos. confinement  Je Yong Lee (Chief Eng) – 8 mos. confinement	Master and Chief Engineer of <i>M/V Khana</i> and Chief Engineer of <i>M/V Soho</i> , foreign flag cargo vessels, involved in falsifying Oil Record Books to hide illegal discharges from oily bilges at sea. Also involved in obstructing justice and witness tampering by telling crew to lie to CG.
2002	Fujitrans Corp. (D.Or.)	Pyeong Gab Jung – False Statement (18 U.S.C. 1001)  Duk Jo Jeong – False Statement (18 U.S.C. 1001)	Jung (Chief Engineer) – 3 mos. confinement, deportation  Jeong (1 <sup>st</sup> Asst. Engineer) – 2 yrs probation, deportation	Chief Engineer and 1 <sup>st</sup> Asst. Engineer of car carrier <i>M/V Cygnus</i> (Panamanian flag) pled guilty to bypassing OWS and entering false statements in Oil Record Book after bypass hose was discovered during routine Coast Guard boarding.
2002	Chun Do Oh (W.D.Wa.)	Chun Do Oh – False Statement (18 U.S.C. 1001)	Oh (Chief Engineer) – 12 mos. + 1 day confinement	Chief Engineer of <i>M/V Rubin Stella</i> pled guilty to knowingly making false entries in ship's Oil Record Book over approx. 1 year period after directing other crew members to discharge oil and oily waste overboard, bypassing the OWS
2003	Fairport Shipping (D. Alaska)	Unknown Chief Engineer – False Statement, Obstructing Justice	Chief Engineer – 4 months confinement	Chief Engineer of <i>M/V Asahi</i> (Panamanian flag) pled guilty to making false statements and obstruction of justice for making false ORB entries
2003	Fairmont Shipping, Ltd. (D.Or.)	Felix Sicapero – Act to Prevent Pollution from Ships	Sicapero (Chief Engineer) – time served, probation  Virgillo Perillo (Chief Engineer) - fugitive	Filipino Chief Engineer on the <i>M/V Emerald Bulker</i> pled guilty to knowingly failing to maintain an accurate ORB after bypassing vessel's OWS in violation of the Act to Prevent Pollution from Ships, which implements MARPOL. The Chief Engineer who Sicapero relieved, Perillo, was also charged, but is a fugitive.

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**Reference: Chart of Individual Sentences for Vessel-Related Environmental Criminal Cases**

Year	Case	Individual(s)	Sentence	Summary
2003	Billbong II ANS (D.S.C.)	Danilo Cardozo – Migratory Bird Treaty Act, Clean Water Act, tampering with witnesses, false statements  John Buendia - same	Cardozo (Master) – fugitive  Buendia (Chief Engineer) - fugitive	Master and Chief Engineer of <i>M/V Star Evviva</i> charged with negligent discharge of approximately 24,000 gallons of fuel oil when during an automated fuel transfer, oil spilled onto deck and into sea about 30 – 50 miles off U.S. coast. The spill killed approximately 100 birds in violation of MBTA, a strict liability crime. The charges state that they also ordered 2 <sup>nd</sup> Engineer to lie to the Coast Guard.
2004	MMS Co. Ltd (D.Or.)	Shashank Pendse – Act to Prevent Pollution from Ships	Pendse (Chief Engineer) – 30 days confinement	Indian Chief Engineer of <i>M/V Spring Drake</i> pled guilty to knowingly failing to accurately record discharges in ship's ORB after bypassing the ship's OWS.
2004	Hoegh Fleet Services A/S (W.D. Wash.)	Vincent Genovana – Act to Prevent Pollution from Ships, obstruction of CG investigation	Genovana (2 <sup>nd</sup> Engineer) – 30 days confinement, 2 yrs. supervised release, deportation to Philippines with prohibition against reentry to U.S. without permission of INS.	Filipino Engineer of the <i>M/V Hoegh Minerva</i> pled guilty to falsifying the ORB in violation of the Act to Prevent Pollution from Ships, which implements MARPOL, and to obstructing a Coast Guard investigation by removing bypass pipe and painting of fittings prior to the vessel's entry into a U.S. port.
2004	HAL Beheers (S.D. Fla.)	Richard Softye – False Statement (18 U.S.C. 1001)	Softye (Vice President of Compliance) – 3 yrs. probation, \$10,000 fine, 450 hours community service	Vice President of Compliance for Holland America Line pled guilty to delivering false reports regarding court-mandated environmental compliance program that Holland America had entered into as condition of probation from its conviction for making false entries in ORB for the <i>M/V Rotterdam</i> , asserting that an audit program was in place when no such program existed.
2004	Kostakis (E.D.N.Y.)	Christos Kostakis – False Statement (18 U.S.C. 1001)	Kostakis (Chief Engineer) – time served in pre-trial detention (appealed by Government)	Chief Engineer of <i>M/T Alkyon</i> pled guilty to making false statements over period of 9 mos. in Oil Record Book to cover up bypassing of OWS. In addition, he made false statements to Coast Guard hid bypass equipment from investigators. On government appeal of sentence, case was sent to trial court for re-sentencing.

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**Reference: Chart of Individual Sentences for Vessel-Related Environmental Criminal Cases**

Year	Case	Individual(s)	Sentence	Summary
2004	A.P. Moeller Maersk (N.D. Cal.)	Johnnie Nielsen – Obstruction of Justice	Nielsen (2 <sup>nd</sup> Engineer) – 4 months community confinement	Second engineer on <i>M/V Jane Maersk</i> pled guilty to removing sounding log from engine control room, tearing out relevant pages, and telling Third Engineer to lie to Coast Guard that vessel did not have sounding log. Investigation began when Coast Guard found oil in the overboard discharge pipe from OWS.
2004	OMI Corp. (D.N.J.)	Ashok Kumar – False Statements  Elangovan Mani – False Statements	Kumar (Master) – Sentence unknown  Mani (Chief Engineer) – Sentence unknown	Master and Chief Engineer on <i>M/T Guadalupe</i> pled guilty to making false entries in the ship's Oil Record Book and presenting the book to Coast Guard boarding officers to cover up bypassing of OWS and incinerator. They also admitted to hiding bypass hoses and flanges before coming into port, and to asking other engineers to lie to Coast Guard.
2005	D.S.T. Shipping, Inc. (C.D. Calif.)	Edgardo A. Guinto – Obstruction of Justice, False Statements	Guinto (Chief Engineer) – 8 mos. confinement	Chief Engineer of <i>M/V Katerina</i> pled guilty to obstruction of justice for concealing OWS bypass pipes from Coast Guard during boarding and for instructing crewmembers to lie to Coast Guard. He also made false entries in ORB to cover up illegal bypassing of OWS.
2005	Arcolas (D. Maine)	Felipe B. Arcolas – Act to Prevent Pollution from Ships  Alfredo D. Lozada – Act to Prevent Pollution from Ships	Arcolas (Chief Engineer) - \$3000 fine, 2 years probation (First mo. of confinement in temporary residence in Portland, Me.)  Lozada (Chief Engineer) - \$3000 fine, 2 years probation (First mo. of confinement in temporary residence in Portland, Me.)	Chief Engineers on <i>M/V Kent Navigator</i> were removed from ship after Coast Guard port state inspectors received anonymous tip that ship was illegally discharging waste oil and bilges at sea. Coast Guard inspected ship when it arrived in port and found oily residue in O/B discharge valve and that OWS was inoperable. The two pled guilty to violation of APPS, for ordering bypassing of OWS and falsification of ORB. The two had been living in temporary residence in Portland for over 6 months while awaiting sentencing.

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**Reference: Chart of Individual Sentences for Vessel-Related Environmental Criminal Cases**

Year	Case	Individual(s)	Sentence	Summary
2005	Stickle (S.D. Fla.)	Rick D. Stickle – Act to Prevent Pollution from Ships, Conspiracy, False Statements (18 U.S.C. 1001)	Stickle (Chairman) – 33 months confinement, \$60,000 fine  Michael D. Reeve (President) – pled guilty, sentence unknown  Michael Krider (Port Captain) – pled guilty, sentence unknown  George McKay (Master) – pled guilty, sentence unknown  Phillip Hitchens (Chief Mate) – pled guilty, sentence unknown	Chairman of Sabine Transportation Co., U.S. flag ship operator, was convicted of discharging at sea 440 metric tons of grain cargo that had been contaminated with diesel fuel from the U.S.-flag vessel <i>SS Juneau</i> . The false statements related to statements made to Coast Guard regarding plans to dispose of grain and post-discharge statements to Department of Agriculture, the cargo owner, regarding the means of disposal. The conspiracy charge related to a shore-based conspiracy to violate APPS by discharging and covering up the discharge.
2005	Singh (D.Alaska)	Kailash Bhushan Singh – False Statements (18 U.S.C. 1001)	Singh (Master) - 3-year suspended sentence; allowed to return home to India	Master of bulker <i>M/V Selendang Ayu</i> , which broke apart off the Island of Unalaska in 2004 when an engine malfunctioned and six crewmembers died, pled guilty to making false statements to Coast Guard during marine casualty investigation regarding his actions leading up to the casualty. He also asked crewmembers to corroborate his false statements. Comparatively light sentence was based on his admission of false statements soon after they were made and his 335 hours of community service with American Red Cross during his detention pending trial.
2005	Karlog Shipping Company Ltd. (S.D.N.Y.)	Panagiotis Kokkinos – False Statements, Obstructing Justice  Athanasios Chalkias – False Statements, Obstructing Justice	Kokkinos (Chief Engineer) – 30 days confinement, 3 years probation  Chalkias (Fitter) – 30 days confinement, 3 years probation	Chief Engineer and Fitter on Greek flag cargo ship <i>M/V Friendship</i> pled guilty to making false statements to Coast Guard and obstructing justice by ordering other crewmembers to make false statements to Coast Guard. During routine port state inspection, Coast Guard discovered evidence of bypassing of OWS through use of bypass hose that was hidden by crew. ORB was also falsified to cover up bypassing.

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**Reference: Chart of Individual Sentences for Vessel-Related Environmental Criminal Cases**

Year	Case	Individual(s)	Sentence	Summary
2005	Fair Voyager Maritime S.A (S.D.N.Y.)	Efstratio Maltiniotis – Conspiracy to violate APPS  Johnny Soloma – Perjury  Joseph Labrador – Perjury  Ricardo Noya - Perjury	Maltiniotis (Chief Engineer) – 6 mos. confinement  Soloma (2 <sup>nd</sup> Engineer) – Released  Labrador (3 <sup>rd</sup> Engineer) – Released  Noya (4 <sup>th</sup> Engineer) - Released	Chief Engineer and three other engineers on <i>M/T Fair Voyager</i> were detained in New York for over one year when Coast Guard inspectors found hidden bypass pipe during routine inspection. During ensuing investigation, Chief Engineer met with engine room crew and directed them to lie to Coast Guard and to grand jury. Although three junior engineers were convicted of lying to grand jury, they were released by judge at sentencing, who cited their unblemished record and their cooperation with government investigators.
2006	MSC Ship Mngmt. Ltd (D. Mass.)	Mani Singh – False Statements, Obstructing Justice  Aman Mahana – False Statements, Obstructing Justice	Singh (Chief Engineer) – 2 mos. confinement, \$3000 fine, and \$500 special assessment  Mahana (2 <sup>nd</sup> Engineer) – Pled Guilty, Sentence Unknown	Chief Engineer and 2 <sup>nd</sup> Engineer on <i>M/V MSC Elena</i> , a container ship, pled guilty to making false statements to Coast Guard and obstructing justice by directing subordinates to lie after Coast Guard discovered pipe used to bypass OWS during routine inspection. They also falsified entries in ship's Oil Record Book to cover up illegal discharges.
2006	Abrogar (D.N.J.)	Noel Abrogar – Act to Prevent Pollution from Ships, Obstructing Justice	Abrogar (Chief Engineer) – Confinement for one year and one day, 3 yrs probation	Chief Engineer on <i>M/V Magellan Phoenix</i> was found guilty of falsifying records to conceal illegal overboard discharges of oil sludge and oily bilge water when OWS was routinely bypassed.  Note: In <i>US v. Abrogar</i> , 3d Circuit recently held on appeal that discharges that occurred outside of US jurisdiction could not be used as basis for 6-level increase under Sentencing Guidelines under provision that provided for such increase if activity resulted in repeated discharges. Case has been remanded for re-sentencing.

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**Reference: Chart of Individual Sentences for Vessel-Related Environmental Criminal Cases**

Year	Case	Individual(s)	Sentence	Summary
2006	Easter (D. Conn.)	Mark Easter – Clean Water Act	Easter (Ops Manager) – 30 days confinement, one year supervised release, \$10,000 fine)	Operations Manager of Fishers Island Ferry pled guilty to illegally discharging raw sewage and untreated sludge into inland waters by ordering that two ferries he operated keep their overboard discharge valves for sewage holding tank open when ferries were at dock and while operating. He also made false statements to Coast Guard during investigation.
2006	Corpus Christi Day Cruise, Ltd. (S.D. Tex.)	Gojko Petovic – 18 USC 1001 (False Statements)	Petovic (Chief Engineer) - \$5000 fine, 3 yrs. supervised probation	Chief Engineer of <i>M/V Texas Treasure</i> , day cruise vessel, lied to Coast Guard during its investigation of illegal bypassing by stating vessel maintained tank sounding logs for 30 days when records existed for much longer period on his computer, and intentionally destroyed these records while Coast Guard on board to examine computer.
2006	Rey (C.D. Calif.)	Ernesto Rey – 33 USC 1908 (APPS)	Rey (Chief Engineer) – 6 mos. confinement, \$500 fine	Chief Engineer of <i>M/T Cabo Hellas</i> tampered with oil content monitor by using valve to shut off flow of effluent sample to oil content monitor during discharges of bilge water. Crewmember reported incident to company, who disclosed to US DOJ. During Coast Guard boarding after report, Rey gathered engine room crew and told them to tell Coast Guard valve was open. Rey pled guilty to failing to maintain accurate ORB, but at sentencing, judge focused on obstruction issue.

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