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**JUN 28, 2010**  
  
STEVEN M. LARIMORE  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - MIAMI

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

Case No. **10-60189-CR-COHN/SELTZER**

**33 U.S.C. § 1908(a)  
18 U.S.C. § 2**

**UNITED STATES OF AMERICA**

v.

**COASTAL SHIPPING HOLDING, LLC,**

**Defendant.**

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**INFORMATION**

The United States Attorney charges that:

**GENERAL ALLEGATIONS**

At all times relevant to this Information:

1. The M/V ISLAND EXPRESS I was a 155-foot cargo ship weighing 422 gross tons and home ported in Port Laudania, Florida.
2. Defendant **COASTAL SHIPPING HOLDING, LLC**, was a coastal marine freight company with a principal place of business of 1300 Eller Drive, Fort Lauderdale, Florida 33316. **COASTAL SHIPPING HOLDINGS, LLC** owned the M/V ISLAND EXPRESS I.

**BACKGROUND**

3. The United States is party to an international treaty that regulates the discharge of oil from vessels at sea: the International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978 ("MARPOL"). Congress implemented MARPOL in the United States through the Act to Prevent Pollution from Ships ("APPS"), 33 U.S.C. §§ 1901 *et seq.* APPS makes it a crime for any person to knowingly violate MARPOL, APPS, or

regulations promulgated under APPS. 33 U.S.C. § 1908(a). These regulations apply to all commercial vessels operating in United States waters or at United States ports, including vessels operating under the authority of a country other than the United States.

4. MARPOL and APPS set the legal standards for the discharge of oil-contaminated water overboard by a vessel. "Bilge" is a mixture of oil and water that accumulates during the normal operation of a ship. Bilge, or any type of oil-contaminated water, may be discharged overboard into the ocean only if its oil content is less than 15 parts per million ("ppm"). 33 C.F.R. § 151.10. The principal technology utilized to lower the petroleum content of oil-contaminated water such as bilge is a centrifugal separation machine known as an Oil Water Separator. A ship of 400 gross tonnage and above must have a functioning Oil Water Separator. MARPOL, Annex 1, Regulation 14. It must use its Oil Water Separator to discharge oil-contaminated water into the ocean. 33 C.F.R. § 151.10.

5. Consistent with the requirements contained in MARPOL, the APPS regulations require that a non-oil tanker ship of 400 gross tons and above maintain a record known as an Oil Record Book in which the disposal of oil residue and the discharge overboard or disposal otherwise of bilge that has accumulated in the machinery spaces must be recorded. Discharges from the machinery spaces of a cargo ship must be fully and accurately recorded in the Oil Record Book by the person in charge of the operations. 33 C.F.R. § 151.25(d). The Oil Record Book also must record any emergency, accidental, or other exceptional discharges of oil or mixtures. 33 C.F.R. § 151.25(g). The Oil Record Book must be maintained onboard the vessel for not less than three years, and be readily available for inspection at all reasonable times. 33 C.F.R. § 151.25(k).

6. "Port states" (*i.e.*, nations visited by the ships), such as the United States, inspect vessels to assure compliance with the law within their ports and waters. An inspection of a foreign vessel by a port state is referred to as a "port state control inspection." The United States Coast Guard ("Coast Guard"), an agency of the United States Department of Homeland Security, is charged with enforcing the laws of the United States and is empowered with general authority under 14 U.S.C. § 89(a) to board vessels and conduct inspections and investigations of potential violations and to determine compliance with MARPOL, APPS, and related regulations. Additionally, under 46 U.S.C. § 3303, the Coast Guard has specific authority to perform foreign vessel inspections to determine compliance with United States and international law with regard to vessel safety. The Coast Guard is specifically authorized to inspect foreign vessels, while in port or at terminals, to review their Oil Record Book, and to ensure that the ship complies with MARPOL. 33 C.F.R. § 151.23.

**COUNT 1**  
**Act to Prevent Pollution from Ships**  
**(33 U.S.C. § 1908(a))**

1. Paragraphs 1 through 6 of the General Allegations and Background sections are realleged and incorporated by reference as though fully set forth herein.

2. On or about February 7, 2010, in Broward County, in the Southern District of Florida, the defendant,

**COASTAL SHIPPING HOLDING, LLC,**

did knowingly fail to maintain an accurate Oil Record Book as required by 33 C.F.R. § 151.25, in that, at a port and place in the United States, that is, Port Laudania, Florida, the M/V ISLAND EXPRESS I's Oil Record Book failed to contain entries for the M/V ISLAND EXPRESS I's discharge overboard and disposal otherwise of bilge water that had accumulated in machinery

spaces, in violation of Title 33, United States Code, Section 1908(a); Title 33, Code of Federal Regulations, Section 151.25; MARPOL, Annex I, Regulation 17; and Title 18, United States Code, Section 2.

**COUNT 2**  
**Act to Prevent Pollution from Ships**  
**(33 U.S.C. § 1908(a))**

1. Paragraphs 1 through 6 of the General Allegations and Background sections are realleged and incorporated by reference as though fully set forth herein.

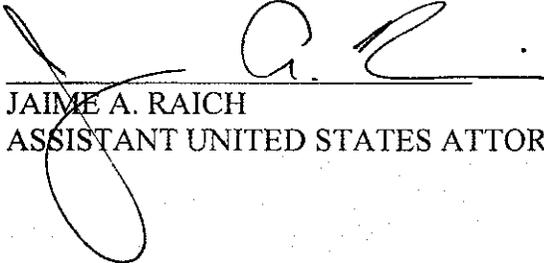
2. On or about May 3, 2010, in Broward County, in the Southern District of Florida, the defendant,

**COASTAL SHIPPING HOLDING, LLC,**

did knowingly fail to maintain an accurate Oil Record Book as required by 33 C.F.R. § 151.25, in that, at a port and place in the United States, that is, Port Laudania, Florida, the M/V ISLAND EXPRESS I's Oil Record Book failed to contain entries for the M/V ISLAND EXPRESS I's discharge overboard and disposal otherwise of bilge water that had accumulated in machinery

spaces, in violation of Title 33, United States Code, Section 1908(a); Title 33, Code of Federal Regulations, Section 151.25; MARPOL, Annex I, Regulation 17; and Title 18, United States Code, Section 2.

  
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JAIME A. RAICH  
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