

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
 :
 v. : Crim. No. 15 -
 :
 VALERII GEORGIEV : 33 U.S.C. § 1908(a)
 :

INFORMATION

The Defendant having waived in open court prosecution by Indictment and any challenge based on venue, the United States Attorney for the District of New Jersey and the Assistant Attorney General for the Environment and Natural Resources Division of the United States Department of Justice charge:

At all times relevant to this Information, unless otherwise indicated:

The Defendant

1. Defendant VALERII GEORGIEV was a citizen of Russia, who served as the Chief Mate on board the Motor Vessel Murcia Carrier (“*M/V Murcia Carrier*”).

The M/V Murcia Carrier

2. The *M/V Murcia Carrier* was a 9,538 gross ton ocean-going refrigerated cargo vessel commercially operated and managed by Norbulk Shipping UK LTD, located in Glasgow, United Kingdom. The vessel regularly transported fruit from South America to the United States. The *M/V Murcia*

Carrier had been designated an International Maritime Organization (IMO) number of 9063665.

3. As the vessel's Chief Mate, Defendant VALERII GEORGIEV was responsible for all deck operations and supervised all deck crew, subject to the ultimate direction of the Captain (or Master) of the *M/V Murcia Carrier*.

Legal Framework

4. The Act to Prevent Pollution from Ships ("APPS"), 33 U.S.C. §§ 1901 *et seq.*, was enacted by Congress in 1980 to implement two related international treaties to which the United States was a signatory: the 1973 International Convention for the Prevention of Pollution from Ships; and the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships. See also 33 C.F.R. § 151.01 *et. seq.* Together, these treaties, which seek to minimize pollution from ocean-going vessels, were known as the "MARPOL Protocol" (MARPOL). APPS made it a crime for any person to knowingly violate MARPOL, APPS, or regulations promulgated under APPS. These regulations applied to all commercial vessels operating in the navigable waters of the United States or while in a port or terminal under the jurisdiction of the United States, including vessels operating under the authority of a country other than the United States.

Oil Record Book Requirements

5. MARPOL Annex I established international standards governing the discharge of oil or oily mixtures. Consistent with the requirements of MARPOL, APPS regulations prohibited vessels in excess of 400

gross tons, such as the *M/V Murcia Carrier*, from discharging oil overboard into the sea unless, among other things, the oil content of the effluent was less than 15 parts per million and the vessel had in operation oily water separating equipment. See 33 C.F.R. § 151.10(a)(5)-(6).

6. Consistent with MARPOL, APPS's regulations also required that vessels, such as the *M/V Murcia Carrier*, maintain a record known as an Oil Record Book. Entries in the Oil Record Book were required to be made on each occasion whenever one of the following machinery space operations took place: (a) the transfer or disposal of oil residue; or (b) any emergency, accidental or other exceptional discharge of oil or oil mixtures, including a statement of the circumstances of, and the reasons for, the discharge. See 33 C.F.R. § 151.25(a), (d) and (g). Discharges had to be fully and accurately recorded in the Oil Record Book without delay. APPS regulations required each completed operation be signed by the person or persons in charge of the operation and required each page of the book be signed by the master or other person having charge of the vessel. See 33 C.F.R. § 151.25(h).

United States Enforcement of APPS

7. The United States Coast Guard (U.S. Coast Guard), an agency of the United States Department of Homeland Security, was charged with enforcing the laws of the United States and was empowered under Title 14, United States Code, Section 89(a) to board vessels and conduct inquiries, examinations and inspections for the prevention and detection of violations of MARPOL, APPS, and related regulations. In conducting inspections, the U.S.

Coast Guard was authorized to examine a vessel's Oil Record Book to determine, among other things, whether the vessel had discharged oily waste in violation of law. See 33 C.F.R. § 151.23(a)(3) and 151.23(c). In conducting inspections, the Coast Guard relied on the vessel's Oil Record Book to determine a vessel's compliance with MARPOL and APPS.

The Violation

8. From on or about April 24, 2014, to on or about April 29, 2014, the *M/V Murcia Carrier* sailed from Puerto Moin, Costa Rica, to Gloucester, New Jersey.

9. On or about April 25, 2014, in his capacity as Chief Mate, Defendant VALERII GEORGIEV ordered members of the deck crew to unlawfully discard overboard several steel drums containing oil.

10. On or about April 27, 2014, in compliance with this order and while the *M/V Murcia Carrier* was in international waters, crew members unlawfully threw overboard several drums containing oil residue.

11. At no time subsequent to this discharge did Defendant VALERII GEORGIEV or anyone else on board the *M/V Murcia Carrier* record in the Oil Record Book the disposal of drums overboard.

12. On or about May 14, 2014, the *M/V Murcia Carrier* entered the navigable waters of the United States, ultimately arriving at port in Gloucester, New Jersey. The vessel entered the navigable waters of the United States with a false Oil Record Book, in that the Oil Record Book did not reflect

the disposal of the drums of oil residue from the vessel on or about April 27, 2014.

13. Upon arrival, the vessel was boarded and inspected by U.S. Coast Guard personnel, in part, for compliance with MARPOL and APPS. During the course of this inspection, Defendant VALERII GEORGIEV presented the U.S. Coast Guard with a false Oil Record Book to the extent that the Oil Record Book failed to disclose the discharge of oil in international waters, which occurred on or about April 27, 2014.

14. On or about May 14, 2014, at Gloucester, in the District of New Jersey and elsewhere, the Defendant,

VALERII GEORGIEV,

did knowingly fail to maintain an Oil Record Book for the *M/V Murcia Carrier* in which all disposals of oil residue were recorded, including overboard discharges, in that the Defendant failed to record in the vessel's Oil Record Book the discharge in international waters of several drums containing oil, which occurred on or about April 27, 2014.

In violation of Title 33, United States Code, Section 1908(a), and Title 33, Code of Federal Regulations, Section 151.25.



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RESOURCES DIVISION
U.S. DEPARTMENT OF JUSTICE

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UNITED STATES OF AMERICA

v.

VALERII GEORGIEV

INDICTMENT FOR

33 U.S.C. § 1908(a)

PAUL J. FISHMAN

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