

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
:
v. : Crim. No. 24-
:
:
KONSTANTINOS ATSALIS : 33 U.S.C. § 1908(a)
: 18 U.S.C. § 2

INFORMATION

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey and the Assistant Attorney General for the Environment and Natural Resources Division of the U.S. Department of Justice charge:

COUNT ONE
(Failure to Maintain an Accurate Oil Record Book)

1. At all times relevant to this Information unless otherwise indicated:

The Defendant

a. Defendant KONSTANTINOS ATSALIS (hereinafter, "defendant ATSALIS") was a citizen of Greece who served as the Chief Engineer on board the *Motor Tanker Kriti Ruby* (hereinafter, the "*M/T Kriti Ruby*" or the "vessel"), from on or about June 20, 2022, through as late as on or about September 15, 2022.

The M/T Kriti Ruby

b. The *M/T Kriti Ruby* was a 29,832 gross ton ocean-going oil tanker that was registered in Greece and had an International Maritime

Organization number of 9391282. The *M/T Kriti Ruby* was commercially operated and managed by a company referred to herein as “the Operator” and owned by a company referred to herein as “the Owner,” both of which had offices in Athens, Greece. The vessel transported petroleum products among various ports in the United States, Europe, and Africa.

c. The *M/T Kriti Ruby* had an Engine Department in which crew members of different ranks worked. The Engine Department was headed by defendant ATSALIS, who was assisted by a Second Engineer, two Third Engineers, an Electrician, and two Wipers. The Second Engineer reported directly to defendant ATSALIS who, in turn, reported directly to the person in charge of the *M/T Kriti Ruby*, namely the Master, and to shore-based personnel. Each crew member of the Engine Department was an agent or employee of the Operator and the Owner and acted within the scope of that agency or employment and for the intended benefit, at least in part, of the Operator and the Owner.

d. As the Chief Engineer on board the *M/T Kriti Ruby*, defendant ATSALIS had overall responsibility for the operation of the Engine Department, including the supervision of daily operations, formulation and implementation of engine room procedures, and verification that all systems, including the Oily Water Separator (“OWS”), a pollution prevention device required by law, were properly functioning. The Master of the *M/T Kriti Ruby* was responsible for maintaining an Oil Record Book that accurately recorded, among other things, the transfer, disposal, and discharge overboard of oil residue, oil and oily mixtures, and

machinery space bilge water on board the vessel. When ordering or authorizing junior crew members to perform operations that were required to be recorded in the Oil Record Book, defendant ATSALIS, as a person in charge of the operation, was required to sign the entries documenting such operations.

e. Ocean-going oil tankers, such as the *M/T Kriti Ruby*, generate large quantities of oil-contaminated waste, the proper disposal of which may result in costs to a vessel's Operator and Owner. The normal operations of an ocean-going vessel produce significant quantities of oil sludge due to the process of purifying fuel oil and lubricating oil. In addition, the engineering machinery of virtually all ocean-going vessels leaks and drips large amounts of oil-contaminated water that collects in the bottom of the vessel, known as the bilges. This oil-contaminated machinery space bilge water must be regularly discharged to help ensure the vessel's seaworthiness.

The Act to Prevent Pollution from Ships and the MARPOL Protocol

f. 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* 33 C.F.R. § 151.01 *et seq.* Together, these treaties, which sought to minimize pollution from ocean-going vessels, were known as the "MARPOL Protocol" or "MARPOL."

g. APPS also authorized the United States Coast Guard (hereinafter, the “Coast Guard”), an agency within the United States Department of Homeland Security, to promulgate regulations implementing the MARPOL Protocol. *See 33 U.S.C. § 1903(c)(1).* Pursuant to that authority, the Coast Guard established Title 33, Code of Federal Regulations, Sections 151.01 *et seq.*, to ensure compliance with the MARPOL Protocol and to prevent pollution in United States waters.

h. APPS made it a crime for any person to knowingly violate MARPOL, APPS, or the 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.

Regulation of Oil-Contaminated Waste from Ocean-Going Vessels

i. Principal sources of water pollution addressed by the MARPOL Protocol, APPS, and APPS regulations were the oil residue, oil and oily mixtures, and oil-contaminated bilge water generated in the machinery space of large vessels, such as the *M/T Kriti Ruby*.

j. The oil residue, oil and oily mixtures, and machinery space bilge water of such vessels were collected in tanks that are designed to hold such waste for proper disposal. Regulation 15 of MARPOL Annex I, and Title 33, Code of Federal Regulations, Section 151.10(a)(5), provided that any discharges of oil or oily

mixtures into the sea from the machinery space bilges of an oil tanker, when the vessel is more than 12 nautical miles from the nearest land, were prohibited unless, among other things, the discharges contained no greater than 15 parts of oil per million parts of water by volume (“15 ppm”). To facilitate the discharge of oil contaminated waste without causing pollution, all large vessels were required to have an OWS. The OWS was designed to remove oil contamination from bilge waste to produce water containing less than 15 ppm of oil, as measured by the OWS’s Oil Content Monitor, which could then be discharged overboard through an overboard discharge valve. If the Oil Content Monitor detected an oil content greater than 15 ppm in the effluent, it sounded an alarm and shut down the pumps or diverted flow back to the bilges or bilge tank in order to prevent a discharge overboard of greater than 15 ppm. The MARPOL Protocol and APPS also required that oil residue, and other oily mixtures, that could not be processed through pollution control equipment be disposed of by either burning the oily waste in the vessel’s incinerator or by off-loading it to shore for proper disposal.

k. Title 33, Code of Federal Regulations, Section 151.10(b)(4) prohibited discharges of oily or oily mixtures into the sea from machinery space bilges of an oil tanker when the vessel was within 12 nautical miles of the nearest land unless the vessel had in operation oily-water separating equipment, a bilge monitor, bilge alarm, or combination thereof as required by Title 33, Code of Federal Regulations, Section 155.380.

Requirement that Vessels Maintain an Oil Record Book

l. To ensure that oily waste was properly processed and disposed of, Regulation 17 of MARPOL, Annex I, and Title 33, Code of Federal Regulations, Sections 151.25(a), (d), and (h), provided that, with regard to oil tankers of at least 150 gross tons, each operation involving the disposal of oil residue, or the disposal or discharge overboard of bilge water, was required to be fully recorded, without delay and on a tank-to-tank basis, and signed by the person or persons in charge of the operation in a log known as an Oil Record Book. In addition, all emergency, accidental, or other exceptional discharges of oil or oily mixtures, including a statement of the circumstances of, and reasons for, the discharge, were also required to be recorded in the Oil Record Book, pursuant to Title 33, Code of Federal Regulations, Section 151.25(g). The Oil Record Book was required to be readily available for inspection at all reasonable times, pursuant to Title 33, Code of Federal Regulations, Section 151.25(i).

United States Enforcement of APPS

m. The Coast Guard was authorized to conduct inspections to determine whether vessels in U.S. waters were in compliance with MARPOL, APPS, and other applicable federal regulations. In conducting its inspections, the Coast Guard was authorized to examine the vessel's Oil Record Book to determine, among other things, whether the vessel had operable pollution prevention equipment, whether it posed a danger to United States ports and waters, and whether the vessel had discharged any oil or oily mixtures in violation of law,

pursuant to Title 33, Code of Federal Regulations, Sections 151.23(a)(3) and 151.23(c). In conducting inspections, the Coast Guard relied on the vessel's Oil Record Book to determine whether the vessel's crew was properly handling oil or oily mixtures, pursuant to Title 33, Code of Federal Regulations, Section 151.23(c).

Transfers and Discharges of Oil-Contaminated Waste from the *M/T Kriti Ruby*

n. During defendant ATSALIS's service as Chief Engineer on board the *M/T Kriti Ruby*, defendant ATSALIS directed and authorized lower-level engine room crew members to transfer oil-contaminated water, via portable pumps and hoses (collectively, the "bypass equipment"), from the vessel's bilges into the Sewage Holding Tank, the contents of which were then discharged overboard into the sea without being filtered through the vessel's OWS.

o. During defendant ATSALIS's service as Chief Engineer on board the *M/T Kriti Ruby*, lower-level engine room crew members, with defendant ATSALIS's knowledge, transferred oily mixtures collected from the vessel's incinerator waste oil tank to an engine room toilet, the contents of which were transferred to the Sewage Treatment Plant and subsequently discharged into the sea without being filtered through the vessel's OWS.

p. At the direction of defendant ATSALIS, lower-level crew members concealed most of the bypass equipment in a sealed engine room cofferdam prior to the vessel's berthing at a petroleum offloading terminal in and around Sewaren, New Jersey (hereinafter, the "Sewaren Terminal"), on or about September 14, 2022.

q. On or about September 14, 2022, while the *M/T Kriti Ruby* was located at or near the Sewaren Terminal, defendant ATSALIS directed lower-level engine room crew members to discharge overboard the contents of the vessel's Sewage Holding Tank, to which defendant ATSALIS knew oily mixtures from machinery space bilges had been transferred, without the vessel having in operation oily water separating equipment, a bilge monitor, or a combination thereof, as required by Title 33, Code of Federal Regulations, Section 155.380.

Oil Record Book Omissions

r. During a Port State Control inspection conducted by the Coast Guard at the Sewaren Terminal on or about September 15, 2022, defendant ATSALIS presented, and caused to be presented, for inspection to the Coast Guard an Oil Record Book for the *M/T Kriti Ruby* that failed to record the following: (1) transfers of oil-contaminated machinery space bilge water to the Sewage Holding Tank; (2) transfers of oily mixtures from the incinerator waste oil tank to the Sewage Treatment Plant via the engine room toilet; (3) discharges of oily mixtures from the Sewage Holding Tank into the sea; and (4) discharges via the Sewage Holding Tank of oily mixtures from machinery space bilges of the *M/T Kriti Ruby* into the sea at or near the Sewaren Terminal.

2. On or about September 15, 2022, at a petroleum offloading terminal in and around Sewaren, New Jersey, in the District of New Jersey and elsewhere, defendant

KONSTANTINOS ATSALIS

knowingly failed to maintain, and caused the failure to maintain, an accurate Oil Record Book for the *M/T Kriti Ruby*, as prohibited by Title 33, Code of Federal Regulations, Section 151.25.

In violation of Title 33, United States Code, Section 1908(a), and Title 18, United States Code, Section 2.

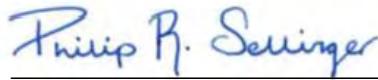
COUNT TWO
(Illegal Discharge of Oily Mixtures)

1. The allegations set forth in Paragraph 1 of Count One of this Information are re-alleged and incorporated herein.
2. On or about September 14, 2022, at or near a petroleum offloading terminal in and around Sewaren, New Jersey, and in the navigable waters of the United States, in the District of New Jersey and elsewhere, defendant

KONSTANTINOS ATSALIS

knowingly discharged, and caused the discharge of, oily mixtures into the sea from machinery space bilges of the *M/T Kriti Ruby*, within 12 nautical miles of the nearest land, without having in operation oily-water separating equipment, a bilge monitor, bilge alarm, or combination thereof, as required by Title 33, Code of Federal Regulations, Section 155.380, a discharge that was prohibited by Title 33, Code of Federal Regulations, Section 151.10(b)(4).

In violation of Title 33, United States Code, Section 1908(a), and Title 18, United States Code, Section 2.



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