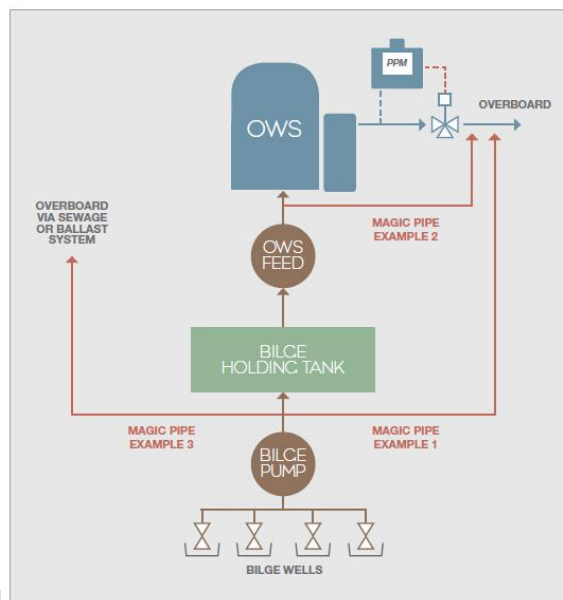


Circular From NOE**Date: 16 November 2015****Magic Pipes - Don't be next**

Pollution fines relating to the illegal discharge of oil contaminated bilge water continue to occur in the United States. Compliance programmes are commonplace and fines can be severe, often reaching several million dollars. In this article we look at the circumstances surrounding such claims, measures that may be taken to minimize the risk of them occurring and the potential implications for P&I cover.

Illegal Discharges

The US Act to Prevent Pollution from Ships (APPS) makes it a crime for any person to knowingly violate MARPOL. Violation can lead to the imposition of large financial penalties on ship owners, an Environmental Compliance Programme and crew members can face prison if found guilty of illegal actions.



The accumulation of bilge water in the machinery spaces of ships in service is inevitable. However, there is no excuse whatsoever to justify the illegal discharge of bilge water unless for the purpose of securing the safety of a ship or saving life at sea.

Unfortunately, illegal discharges at sea do still occur and the US continues its robust position on prosecuting offenders.

Two repeated factors emerge when considering the details of recent pollution convictions as published by the US Department of Justice:

- 1) The vessel's bilge water processing equipment, such as the oily water separator (OWS), was bypassed leading to the illegal discharge of untreated bilge water
- 2) Records, such as the Oil Record Book were found to be falsified.

Bypassing the OWS

The most common means of illegally bypassing the OWS is by the use of the 'magic pipe'.

Magic pipes are usually temporary and flexible lengths of pipe/hose and are designed to be easily and quickly removed. The magic pipe may be a direct means of discharging the bilge holding tank (or even sludge tank) by bypassing the OWS, or there may be a direct discharge overboard from the bilge wells

using a bilge pump. The more creative offenders may tap into other discharge systems such as the ballast pumps or sewage effluent/greywater lines.

Looking for the Magic Pipe

The use or presence of a magic pipe may not be readily apparent. A vigilant inspector may detect them but bypass lines can be very difficult to identify as they may be positioned well away from the OWS and out of sight under the engine room floor-plates.

If the magic pipe has been removed prior to an inspection, then an inspector or surveyor may be alerted by disturbed paint coatings on flanges. Or conversely, if a fresh coat of paint is noticed on a flange this may be seen as an attempt to hide the evidence. Blanked flanges and T-pieces on the discharge pipes may also lead authorities to investigate deeper.

Preventing the use of the Magic Pipe

It should first be stressed that a vessel's bilge system must not be changed or modified without class and/or administration approval and must be fully documented.

There are a number of preventative measures that can be considered to help stop the illegal use of magic pipes. These include the welding of beads on the pipe flanges or by drilling the flanges and fitting security seals through them.

The removal of suspicious looking T-piece connections or blanked flanges in the bilge system should deter any suspicions from inspecting authorities.

Falsification of Records

As well as being a violation of MARPOL Annex I, and therefore a felony under US APPS, the falsification of the Oil Record Book stands as a serious offence in itself and could fall under the destruction, alteration or falsification of records in Federal investigations as per US Code 18 USC § 1519 and statements or entries generally as per 18 USC § 1001.

The United States Coast Guard (USCG) will scrutinize the vessel's Oil Record Book following a pollution incident or an allegation of illegal activity. They may also regularly inspect the Oil Record Book during port State inspections to determine compliance and to ensure that the vessel is not an environmental threat to US waters.

Environmental Management

A number of methods can be employed to prevent illegal discharges and many of them will concern barriers and safeguards to physically prevent such activities from being carried out. Likewise, regular checking and auditing of the Oil Record Book should identify errors in record-keeping.

The ship's crew must believe that shore management is 'on their side' and all communications are unambiguous. The overriding culture at all levels of the organization must be that environmental legislation must not be violated.

The Impact on P&I Cover

P&I Clubs in the International Group do not condone breaches of the MARPOL regulations. The Circular can be viewed on the Club's website:

<http://www.nepia.com/media/63896/CC-2005-INTERNATIONAL-CONVENTION-FOR-THE-PREVENTION-OF-POLLUTION-FROM-SHIPS-7378.PDF>

Other than in cases of purely accidental discharge, P&I cover for fines resulting from breaches of MARPOL regulations is only available on a discretionary basis and the Member would be required to satisfy the Directors that they took reasonable steps to avoid or prevent the offence.

Source of Information: North of England P&I Club