

Ecology Update: Fines for Spilling Oil, Avoiding Cleanup

Local News

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Posted on : December 14, 2009 at 5:38 am

OLYMPIA - Vessels and ships doing business at Washington's 16 busiest ports in Puget Sound, Columbia River and Grays Harbor generate an estimated \$150 billion a year in water-borne trade.

Protecting state waters, aquatic resources, recreation and water-dependent economy is a high priority under Washington state law.

Toward that end, the state Department of Ecology (Ecology) has levied fines totaling \$33,250 against two companies whose ships spilled oil while loading and unloading cargo at state ports in March 2009.

"Oil spills are unlike other environmental threats to Washington's waters," said Ecology Spills Program Manager Dale Jensen. "In just a few minutes, poor judgment, faulty equipment or other human mistakes can have disastrous economic, environmental and emotional consequences. Our top priority is preventing spills and for years, we have worked closely with industry to meet the Legislative mandate of 'zero spills' to our waters."

Ecology has issued a \$17,250 penalty to DS Schiffahrt GmbH & Co. KG of Hamburg, Germany, because its 997-foot containership Hyundai Republic, spilled 159 gallons of hydraulic oil in Tacoma's Blair Waterway on March 17, 2009.

Ecology also levied a \$16,000 fine against Masterbulk Pte Ltd. of Singapore after its 700-foot cargo ship, Heranger, developed a slow seep of hydraulic oil to the Columbia River that continued for 58 hours - from mid-morning March 20 through mid-afternoon March 22, 2009.

The Hyundai Republic incident occurred about 1 p.m. after the vessel's bow thruster suffered a 3-foot fracture while getting underway at the Port of Tacoma. A bow thruster is a propulsion device designed to assist with maneuverability while a vessel is docking or departing.

Crew members later told Ecology investigators they heard a loud metal breaking noise when the thruster started. A low hydraulic warning light also displayed in the ship's bridge and engine room.

The thruster system was powered down, and the Hyundai Republic got underway about 15 minutes later with the assistance of three tugs.

"The first minutes of any spill are the most critical for mounting an effective response to protect the environment. This incident is alarming because the ship's master didn't report the spill until 3 p.m. - after the Hyundai Republic was nearly to Seattle," said David Byers, who oversees Ecology's statewide spill response activities.

Byers said state law requires anyone who spills oil to Washington waters to immediately report it.

"The Hyundai Republic should have promptly reported the spill, stayed at berth and been actively involved in the cleanup," he said. "By not promptly reporting it and leaving the scene, the ship's crew caused more widespread damage to Puget Sound waters and gained an improper financial benefit by avoiding response costs at the scene and staying on its voyage schedule. By the time Ecology was involved, the spill had spread out on the water until it was too thin to clean up."

Byers said since hydraulic oils are lighter than other types of petroleum products, they tend to spread out quickly on the surface of the water. A few gallons can cover several acres of surface water. Cleanup contractors from the Washington State Maritime Cooperative of Seattle, the private non-profit corporation that provides oil spill contingency coverage for about 500 vessels making transits in Puget Sound and the outer coast, did respond to the spill. However, no oil could be recovered.

In the incident involving the Heranger, U.S. Coast Guard and Ecology vessel inspectors and responders discovered the spill while the Heranger was unloading and loading cargo at the Port of Vancouver. Coast Guard inspectors first spotted droplets of oil coming up from the vessel's rudder area forming a recoverable sheen immediately behind the vessel 50 to 80 feet wide and 300 feet long.

Ecology spill prevention and response experts also helped pinpoint the source of the spill. A laboratory analysis of the hydraulic oil later determined the source was the Heranger's rudder system.

Under state law, all large cargo and commercial fish-processing vessels, passenger ships, oil tankers and tank vessels must be covered by oil spill contingency plans to operate in Washington waters. The contingency plans help ensure vessel shipping companies that handle and transport billions of gallons of oil in and out of Washington waters are prepared to quickly and aggressively respond to any spill they might cause.

"Unfortunately, the Heranger chose not to activate its contingency plan or accept responsibility for the costs of responding to the spill for nearly 48 hours," said Linda Pilkey-Jarvis, who oversees Ecology's statewide spill preparedness activities. "The Heranger's officers and its agent didn't have the option to refuse to implement its state-approved response plan. Washington residents shouldn't pay for spills caused by preventable equipment failures."

Pilkey-Jarvis said the Heranger is covered by an umbrella contingency plan held by the private, non-profit Maritime Fire & Safety Association (MFSA) of Portland, which covers hundreds of state-regulated vessels making transits in the Columbia River. The Heranger did not have copy of its contingency plan on the vessel which, by law, it should have had.

In Washington, spillers also are responsible for paying for all costs incurred by the state to respond to a spill. In addition to the fines, Ecology is seeking reimbursement of \$10,800 for responding the Hyundai Republic spill and \$7,500 for the response to the Heranger spill.

Both DS Schiffahrt GmbH & Co. KG and Masterbulk Pte Ltd. have 30 days to appeal the penalties to either Ecology or the state Pollution Control Hearings Board.

Masterbulk Pte Ltd. said it plans to appeal the penalty amount for the Heranger spill.