

## A Failure to Communicate.1

During difficult economic times, a bulk carrier secured a time charter at reasonably attractive rates. Upon commencement of the time charter it was found that the heating coils in one of the heavy fuel oil tanks had sprung a leak. This meant that there was a risk of heavy fuel oil contamination into the boiler water and possible boiler contamination with fuel oil. This condition would require repair, but from the ship's point of view would be manageable until the completion of the charter as long as the boiler feed water observation tank would be closely monitored. The almost inevitable happened when the second engineer disabled the oil warning alarm in the observation tank after several "false" alarms and a few days later oil contaminated water was drawn in to the boiler. This failure infuriated the more senior staff and the second engineer felt mistreated. To remedy the situation the engine room crew decided to drain the boiler through the boiler overboard drain valve to a level where they felt there was mostly oil left in the boiler, to break the overboard drain connection, to connect a flexible hose to the drain line and to drain the heavily oil contaminated water to the bilge holding tank.

Next the oil contaminated water was treated in the OWS and retained oil was sent to the slop tank. The crew next went through a number of cleaning cycles on the boiler and returned the boiler to service with continued and increased vigilance on the feed water observation tank. These activities were not recorded in the Oil Record Book or the maintenance records since inspection by charterer's representative may point to a mechanical problem (leaking heating coils) which may provide the charterer with an argument to take the vessel off hire at their convenience.

However, the second engineer knew his time aboard the vessel would be short and he had taken photos of the hose that ran between the boiler overboard line and the dirty bilge tank. He supplied this photo to the United States Coast Guard when the vessel called at a US port.

This resulted in a USCG investigation and attendance by flag state and P&I representatives. Everybody but the second engineer denied that they had pumped oil overboard even when confronted with the hose (which showed oil residue) and with clear evidence that the lower section of the overboard drain line (a nice short section) had been recently removed. Only in a break of the investigation when the attorney for the crew had a chance to speak with the crew, did it become apparent that this matter did not directly relate to OWS malfeasance, but rather to a crew's attempt to resolve a difficult technical and commercial issue with, from their point of view, minimal impact to the environment.

Issues:

1. There are commercial realities. When do commercial realities cross over from company confidential to fraudulent?
2. Is it legal to drain a boiler overboard through its dedicated (and legal) drain if the boiler may contain oil?
3. Obviously making repairs immediately would have prevented this incident, but is this commercially realistic?
4. Obviously, recording the issues properly as they occurred would have prevented this incident, but is there an intermediate approach with regard to recording?
5. Should the crew have come clean right away when the USCG boarded the vessel?