

Department of Justice

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Chief Engineer Sentenced in Maryland for Obstructing Investigation into the Illegal Overboard Discharge of Oily Waste

WASHINGTON – Dimitrios Grifakis, 57, of Kallithea, Greece, was sentenced today by U.S. District Judge Marvin J. Garbis to six months in prison, followed by two years of supervised release, for obstructing a Coast Guard inspection that took place in May 2010 aboard a Liberian-operated cargo ship M/V Capitola at the Port of Baltimore. Grifakis was then the Chief Engineer of the Capitola.

In a related case, Cardiff Marine Inc., the Liberian-registered shipping company and operator of the Capitola previously pleaded guilty to obstructing a Coast Guard examination and violating the Act to Prevent Pollution from Ships. The company was sentenced in February 2011 to pay a \$2.4 million fine, and to serve three years probation, subject to an environmental compliance plan that includes audits by an independent third party auditor.

The sentence was announced by U.S. Attorney for the District of Maryland Rod J. Rosenstein; Ignacia S. Moreno, Assistant Attorney General, Environment & Natural Resources Division, U.S. Department of Justice; Rear Adm. Dean Lee, Commander of the U.S. Coast Guard's 5th District; Special Agent in Charge Otis E. Harris, Jr. of the Coast Guard Investigative Service-Chesapeake Region; and Acting Special Agent in Charge Christian Spangenberg of Environmental Protection Agency's (EPA) Criminal Investigation Division.

According to Grifakis' guilty plea and other court documents, the investigation into the M/V Capitola was launched on May 3, 2010, at the Port of Baltimore, after a crew member informed a clergy member, who was on board the Capitola on a pastoral visit, that there had been "monkey business in the engine room," which involved a "magic pipe." The "magic pipe" proved to be a bypass hose that allowed the dumping of waste oil overboard, circumventing pollution prevention equipment required by law. The crew member asked the minister to alert the Coast Guard which triggered an inspection of the Capitola.

At his plea hearing, Grifakis admitted that from about March 2009 through May 3, 2010, he repeatedly ordered his subordinates to illegally pump oil-contaminated waste directly into the ocean, most commonly through the "magic pipe." However, during the investigation, Grifakis falsely denied having ordered anyone to pump oily waste overboard and falsified documents to hide these discharges from inspectors in ports visited by the Capitola.

Every ship that enters the U.S. is required to have an accurate oil record book that records the ship's operation related to oil, including the handling and disposal of oil contaminated waste. Grifakis presented an oil record book to the U.S. Coast Guard that was intentionally falsified to conceal the illegal overboard discharges of oil contaminated waste. An oil record book is

required under U.S. law and the International Convention for the Prevention of Marine Pollution from Ships, also known as the MARPOL Protocol, which regulates the discharge of pollutants from vessels at sea. The objective of MARPOL is to preserve the marine environment through the complete elimination of intentional pollution by oil and other harmful substances and the minimization of accidental discharge of such substances. The United States is one of the one hundred and sixty-nine nations that are parties to MARPOL.

Grifakis also obstructed the investigation by concealing certain ship's records and then denying that such records existed. Specifically, he concealed the Capitola's daily sounding record, which is a daily measurement of the contents of the ship's waste tanks. This record would have been useful during the Coast Guard's inspection of the Capitola in that it could have shown when the levels of the waste tanks changed, which could be compared to entries in the oil record book. Sudden, unexplained drops in the measurements could have indicated specific dates when wastes were discharged overboard. The daily sounding record was not produced to the Coast Guard. Grifakis also directed other members of the engine room crew to lie to investigators and claim that the Capitola did not have a daily record of soundings.

This prosecution was made possible through the combined efforts of the U.S. Coast Guard Sector-Baltimore, the Coast Guard Investigative Service-Baltimore, Coast Guard Fifth District Legal Office, Coast Guard Office of Maritime and International Law, Coast Guard Office of Investigations and Analysis, and EPA Criminal Investigation Division with assistance from U.S. Customs and Border Protection. The cases were prosecuted by Justin S. Herring, Assistant U.S. Attorney in Maryland and Thomas T. Ballantine, Environmental Crimes Section of the Environment and Natural Resources Division of the U.S. Department of Justice.