



# Department of Justice

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## **TWO CHIEF ENGINEERS ABOARD CARGO VESSEL PLEAD GUILTY TO POLLUTION RELATED CHARGES**

TAMPA - United States Attorney Robert E. O'Neill today announced that Chief Engineers Francisco Bagatela, age 54, and Robert Racho, age 44, both citizens of the Philippines, who served aboard a cargo ship operated by Hiong Guan Navegacion Japan Co. Ltd., pleaded guilty in connection with the illegal dumping of oily sludge and bilge water from the commercial vessel *M/V Balsa-62*. The maximum penalties that Bagatela and Racho face include six years' imprisonment, a \$250,000 fine, and three years of supervised release.

Federal and international law requires that all ships comply with pollution regulations that include the proper disposal of oily water and sludge by passing the oily water through an Oil Water Separator aboard the vessel or burning the sludge in the ship's incinerator. Federal law also requires ships to record accurately each disposal of oily water or sludge in an Oil Record Book, and to have the Oil Record Book available for the U.S. Coast Guard when the vessel is within the internal waters of the United States. Chief Engineer Bagatela pleaded guilty to a Two Count Information charging him with a violation of the Act to Prevent Pollution from Ships and making materially false statements to the U.S. Coast Guard. Chief Engineer Racho pleaded guilty to a One Count Information charging him with a violation of the Act to Prevent Pollution from Ships.

From June 2007 through February 2008, Chief Engineer Bagatela directed other crew members, and personally participated, in the operation of a bypass pipe, which was used to circumvent the pollution prevention equipment on board the ship, thereby transferring oily water and sludge directly overboard and into the ocean approximately twice a month. On February 25, 2008, Racho replaced Bagatela as Chief Engineer and continued the use of the bypass pipe. Both Bagatela and Racho deliberately concealed these unlawful discharges from the United States Coast Guard by not recording them in the ship's Oil Record Book. The falsified Oil Record Book was on board when the *M/V Balsa-62* berthed in Tampa on October 31, 2007 and May 31, 2008.

The case is being investigated by the United States Coast Guard Sector St. Petersburg and Coast Guard Investigative Service. The case is being prosecuted by Assistant United States Attorney Cherie L. Krigsman, Trial Attorney Leslie Lehnert, U.S. Department of Justice, Environment and Natural Resources Division, Environmental Crimes Section, and Lieutenant William George, United States Coast Guard.