



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

April 3, 2010

Master, ATB CORPUS CHRISTI
USS Vessel Management LLC
C/O Transmarine Navigation Corp.
1200 Naito Pkwy., Suite #390
Portland, OR 97209

Re: LETTER OF INTEREST REGARDING SUBSTANTIAL THREAT OF OIL DISCHARGE

This letter is written to inform you that at 1000 this morning in response to the situation with the articulated tug barge combination CORPUS CHRISTI/PETROCHEM SUPPLIER, underway approximately 20 miles off the Washington and Oregon coasts in proximity to the Columbia River, the Washington Department of Ecology dispatched the state-funded tug HUNTER to proceed to your vessel's location and standby to render assistance as required.

The situation as reported to me by your agent and the U. S. Coast Guard is that your vessel experienced loss of its emergency generator and the emergency electrical power buss, and has sustained overheating and damage to the coupling pins that maintain the tug's articulated connection with the laden tankbarge PETROCHEM SUPPLIER. There remains serious concern that the vessel's ability to remain coupled and safely maintain control of the barge is in jeopardy. I therefore determined that your vessel poses a substantial threat of an oil discharge to Washington's waters and coastline.

Under the Revised Code of Washington 90.56.350, the Department is authorized to take all actions necessary to respond to an oil spill or substantial threat of discharge of oil in order to protect the public interest or public property. The circumstances around the current situation precipitating Ecology's actions are as follows:

- On or about April 2, 2009, the CORPUS CHRISTI reported to have experienced mechanical issues and overheating of the coupling pins that hold the tug and barge together, as well as failure of the emergency generator and emergency electrical power buss caused by water flooding into the emergency generator space.
- The barge is laden with approximately 150,000 barrels of oil (6.3 million gallons) of heavy vacuum gas oil.
- The tug HUNTER has been dispatched from Neah Bay, Washington. The state determined that further delay in the dispatch of this tug is an unacceptable risk to public interest and public property.

- It is our understanding as of 1500 today that you have contracted directly with Crowley Maritime for the towing assist services of HUNTER. The tug is now approximately 5 hours from the current location of the CORPUS CHRISTI.

You are hereby given notice that the Department of Ecology has determined that your vessel represents a substantial threat of an oil discharge into waters of Washington state and such condition makes your company responsible for any necessary expenses incurred by the state in carrying out activities authorized under RCW 90.56.350. The state intends to recover necessary expenses incurred by the state concerning the tug HUNTER's dispatch and its backfill replacement tug to standby at Neah Bay until HUNTER's return, as authorized by RCW 90.56.360 and 90.56.400.

Furthermore, please be advised that if the Columbia River is the ultimate destination of the vessel, you must ensure that you have state approved oil spill contingency plan coverage for any transit in Washington waters. This can be obtained by enrolling in the Maritime Fire and Safety Association plan at (503) 220-2055. If you need assistance with this issue, please contact me immediately.

I appreciate your actions to ensure the protection of your vessels, the crew, and the marine resources at risk if the vessel were to break tow and not be able to adequately control the tankbarge. Please contact me directly if you have any questions.

Sincerely,



Myles Boothe
Acting Program Manager
Spills Prevention, Preparedness and Response Program
Department of Ecology

Encl: Additional Information on Liability for Oil Spill Costs

CC: Commander, USCG Sector Portland
Kyle Munson, Transmarine Navigation
Charles Eversole, US Shipping Corp
Jeff Christensen, Oregon Department of Environmental Quality

Additional Information on Liability for Oil Spill Costs

If you are responsible for a spill of oil or hazardous substances to state waters, you or your company may be required to pay money in addition to paying for cleanup costs. A party found responsible for a spill may be required to pay:

1. A natural resource damage assessment;
2. A penalty for violation of state law or rule; and
3. The state's expenses to respond, assess, and investigate the incident or threat of a spill.

A responsible party's full and rapid response to contain and clean up a spill, and cooperation in investigation of the spill, are considered by Ecology in determining the amount of a damage assessment and penalty.

State Costs Incurred to Respond, Assess, and Investigate the Incident

A party found responsible for a spill, or threat of a spill, must reimburse the state for its expenses in responding. Expenses can include:

1. Response management costs of Ecology and other state personnel.
2. Investigation costs.
3. Costs related to determining the impact to natural resources.
4. Costs associated with the capture and rehabilitation of oiled wildlife.
5. Additional costs incurred by other state agencies.

The order requesting reimbursement of these costs is called an *Order for Reimbursement of Expenses*. Reference: RCW 90.56.350 and 90.56.400

Penalty of Violation of Law or Rule

A spill is a violation of state law that may result in enforcement. Enforcement actions often come in the form of a monetary penalty but may also be an *Order, Notice of Correction, or Notice of Violation*.

A penalty may be issued for a:

1. Spill to water.
2. Violation of a law or rule.
3. Negligent, reckless, or intentional oil spill.

The amount of a penalty depends on the number of violations of a law or rule found. Each additional day of a violation is a separate violation. If negligence, recklessness, or intent to spill is involved, the penalty amount is based on the number of days oil threatens the environment. Reference: RCW 88.46.090, 90.48.140 and 90.56.330