



# What will “Nadezhda” teach us?



**Lessons learned from the catastrophe – distribution of responsibilities and gaps in the system of prevention and response to oil spills in the context of the tanker “Nadezhda” accident off the coast of the Nevelsky district on Sakhalin Island on November the 28<sup>th</sup>, 2015**

**Summary of the report (full report is available in Russian at <https://new.wwf.ru/upload/iblock/27b/chemu-nauchit-nas-nadezhda.pdf>)**



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## Summary of the accident and its consequences

During a storm, early in the morning on the 28<sup>th</sup> of November 2015, the tanker "Nadezhda" crashed near the shores of a small port city, Nevelsk, in the south-west of Sakhalin (Russia, Figure 1). The tanker was illegally transporting 186 tons of M-100 fuel oil and 560 tons of diesel fuel.

More than 20 km of the sea shore were contaminated, hundreds of birds were killed by pollution. The oil spill response took over half a year, while remains of the destroyed tanker are still left today.

The overall damage to the environment, municipalities and third parties, confirmed by various legal authorities, totals around 524 billion of rubles. The Captain of the tanker was the only one who incurred a real punishment for the accident which led to the environmental catastrophe. The captain was fined 120 000 rubles which equals 0.02% of the damage.

The authors of this Report conclude that the cause of the accident and subsequent pollution was not only due to the captain's actions but also unlawful actions by several officials of the sea ports Vanino and Nevelsk. In addition, the tanker owner and charterer did not have a license for hazardous cargo transportation. Nor was the alcoholic intoxication of the tanker's crew reflected in the official documents.

The catastrophe also resulted from the improper performance of Rostransnadzor (Russian Federal Service for Supervision in the Sphere of Transport). A public investigation has revealed that 50% of all tankers in the Russian Far East are single-hulled - a violation of international requirements. The likelihood of a recurrence of a similar accident is enhanced by the absence of legal requirements for financial liability for environmental damage following oil spills from the tankers transporting less than 2,000 tons of oils products.

Lessons learnt from the tanker "Nadezhda" accident have revealed significant gaps in the oil spill response system. This is particularly true for marine oil spill response. Attempts to restrict the oil spreading at sea and to clean up the sea surface were limited and inefficient. This was caused by the absence of floating equipment and the necessary number of booms. The responsible authorities did not organize monitoring of the pollution dispersion, assess marine

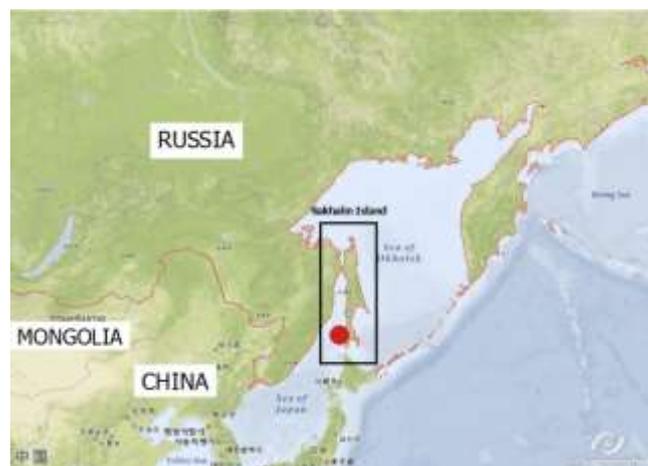


Figure 1. Map of Sakhalin with the tanker Nadezhda crash site

environment impact or inform the public of the accident. The environmental authorities did not make any effort to rescue or count contaminated or dead birds. This was done by volunteers and oil companies.

Finally, legally compulsory Oil Spill Response Plans were largely absent. The lack of Oil Spill Response Plans has been revealed as one of the biggest problems with oil spill response.

The Sakhalin case once again became an example of an immutable truth - it is better to prevent an accident than to try to eliminate its consequences. The authors hope that lessons from the accident will be learnt and

- 1) the proposed measures aimed at preventing similar incidents and
- 2) increasing financial responsibility for environmental pollution of shipowners will be adopted as soon as possible.

### **The accident and its causes**

In violation of the requirements of the Russian and international legislation, a single-hull tanker "Nadezhda" illegally transported oil products of heavy markers - M100 fuel oil.

The tanker's Captain did not take all necessary measures to ensure the safety of the vessel and caused the vessel to run aground in the shallow waters near the city of Nevelsk, resulting in a massive spill of oil products and loss of the vessel.

The captain of the seaport of Nevelsk did not verify the accuracy of the information provided by the vessel's captain, because of which it left the port with a prohibited cargo onboard, based on a forged muster roll and with an incomplete crew. The captain of the seaport Nevelsk also did not take all necessary measures to ensure the safety of the tanker at anchorage in the outer water area of the port.

Inspections officials at the Vanino state port control did not comply with the loading requirements for the "Nadezhda" tanker and allowed illegal transportation of fuel oil.

According to the public investigation, the drinking of alcohol on the tanker and lack of proper watch keeping in stormy wind conditions and high sea waves prevented timely measures to avert an emergency. As a consequence, the anchor chain broke and the vessel crashed onto the rocks.

The crew was not inspected for alcohol intoxication.

The Captain of the tanker "Nadezhda", V.S. Bagaev is the only official who incurred real punishment for the accident, which caused one of the largest environmental pollution events in the history of Sakhalin. The total damage exceeded 511 million rubles (established by the courts

of different jurisdictions), while the captain was only fined 120 000 rubles (0.02% of the damage), which cannot be considered anything but a ridiculous punishment. All other officials, whose unlawful actions and careless attitude towards their official duties contributed to the accident, did not incur any real punishment, except for the Captain of the Nevelsk seaport, V.I. Lobunts, who was fired.

The results of the official investigation by the Russian Federal Service for Supervision in the Sphere of Transport (Rostransnadzor) into the causes and circumstances of the tanker “Nadezhda” accident, as well as recommendations for the prevention of similar accidents in the future, are still not available in open sources. This is despite the results of the investigations into the causes and recommendations of less severe and less significant accidents (that did not cause pollution of the environment) by Rostransnadzor being published.

Even the simplest analysis of the transportation of petroleum products in the Russian Far East shows that the risk of a recurrence of an accident like that of the tanker “Nadezhda” is very high. Off the coast of the Sakhalin region, accidents associated with stranding of vessels in coastal waters occur on average twice a year.

A high level of risk of a recurrence of an accident with a large oil spill in coastal, ecologically sensitive waters is caused by the fact that a significant number of single-hull tankers (at least 20% of the entire tanker fleet) continue to operate near the shores of the Russian Far East (Figure 2). They are used mainly for bunkering vessels, northern delivery, supply of mining facilities, and are associated with navigation in remote areas with very difficult environmental conditions and low levels of safety of navigation. Some of these tankers belong to small, including offshore, shipowners, and are registered with a flag of convenience state. Most of such tankers illegally transport mazut, as was the case with “Nadezhda”, and ignore obligations to insure against liability for damage to the environment from oil pollution.



Figure 2. Marine traffic of petroleum products tankers around Sakhalin in 2015 (according to Marine Traffic).

## Organizational measures to eliminate the consequences of the accident and oil products spill

It is clear that during the accident of the “Nadezhda” tanker in Nevelsk, all the governmental, parastatal bodies and private structures responsible for the response to an oil spill at sea were completely unprepared both in terms of locality and clean up. The unpreparedness was evident in respect of both water depth and sea state - coastal shallow water areas, the adjacent deep-water areas, and in conditions of both medium and strong swells, as well as weak swells. Oil Spill Response plans were virtually absent.

From the beginning of the accident and subsequent oil spill, the government body that has the function of coordination of emergency response - the Sakhalin Department of the EMERCOM - underestimated its scale. On the first day denying that pollution of the coastline had occurred, and in the following days declaring first about 500 m (November 29) and then 3500 m (November 30) of coastline was polluted. While in fact, from the morning of the first day after the accident (November 28), the fuel oil heavily polluted a minimum of 5 km of the coast and the adjacent strip of the sea – from the crashed tanker to the southern jetty with the rookery of the sea lions, including all the inner water area of the Nevelsk seaport. On the second day, the 29<sup>th</sup> of November, more than 20 km of shoreline have already been polluted (Figure 3).



Figure 3. Map of coastal pollution area as of Nov 28 - Dec 1, 2015 (data provided by Sakhalin Environmental Watch)

Current legislation and weather conditions in the first days following the accident made it possible to heave-off the “Nadezhda” tanker and tow it to a safe anchoring place in the Nevelsk seaport, even without the shipowner's agreement. However, for some reason this was not done,

and the governmental authorities made a different decision – to build a road to the vessel. At the same time, the decision to build a causeway embankment towards the stranded "Nadezhda" and its practical implementation deserve the highest appreciation.

Estimates of the volumes of oil products released into the sea because of a tanker accident and presented by law enforcement and rescue organizations are very different. Accurate figures, supported by the relevant rationale, are not openly available.

### **Response to the oil spill and rescue of animals**

Failure to take measures, such as use of booms, to protect the internal water area of the Nevelsk seaport from the spread of oil, resulted in this being one of the most polluted areas in the emergency zone. Despite official reports, actual cleanup work began after a substantial time lag and was carried out with further delays and with insufficient intensity. Significant oil contamination of the water surface remained in this enclosed water area for a month or more. Diffusion of oil products was minimal, and there was maximum negative impact on the marine environment and biota (due to contamination of birds, as well as the dissolving of oil products and their deposition to the seabed).

The scale of the tragedy of seabirds (mainly pelagic cormorants, as well as gulls, sea ducks and murre) was significant - hundreds were contaminated with fuel oil, almost all of them died.

The governmental bodies did not organize rescue of the affected birds, nor the registration of dead birds – a necessary activity in order to establish the full extent of damage to the environment. At the insistence of, and with the participation of public organizations, some of the dead birds were counted. This became the basis of charges brought against the tanker's Captain.

The oil company "Sakhalin Energy Investment Company, Ltd" provided charitable assistance to the nature of the Sakhalin region, organizing free and prompt cleaning, and rehabilitation of the affected birds.

It seems that throughout the entire oil spill response operation, the authorities did not want a mass action or active participation of the public. However, faced with strong activity of public organizations and volunteers, they were unable to prevent this, and began to assist. Undoubtedly, a significant role was played by the wide publicity in the media (including federal mass media), public attention, and the insistence and determination of social activists.

The public campaign showed a very high level of patriotism, mobilization, responsiveness and concern for the native land of the Sakhalin people. With the timely and correct organization of the participation of volunteers, the authorities could get a powerful resource for solving the

tasks related to the cleaning of polluted beaches, while giving people the opportunity to apply their enthusiasm.

### **Recommendations on improving the legislation in the field of oil spill prevention and response**

The shipwreck of the “Nadezhda” tanker accompanied by the spill of oil products, large-scale pollution of a sensitive marine coastal zone and seashore, and extensive death of seabirds has once again vividly shown gaps in the current legislation of the Russian Federation. In particular, in the action framework for the prevention and elimination of oil spills and environmental damage compensation. The authors of the report have formulated the following recommendations for the improvement of the appropriate legislation:

- 1) Extend the requirements provided by article 16.1 of the Federal law “On internal sea waters, the territorial sea and the contiguous zone of the Russian Federation” for operating organizations that transport fossil oil and oil products by oil tankers (vessels) in the territorial sea of the Russian Federation or include similar requirements in the RF Merchant Shipping Code.
- 2) Introduce to the Merchant Shipping Code of the Russian Federation, requirements for the owners of vessels to obtain insurance or other financial security for liability for environmental damage due to fossil oil and oil products pollution from oil tankers (tankers) carrying less than 2000 tons of oil and/or petroleum products, and for bunkering vessels - less than 1000 tons of oil and/or petroleum products.
- 3) Develop and approve a “methodology” for calculating the financial security for the implementation of activities foreseen by the plan for the prevention and response to fossil oil and oil products spills, including compensation for the full extent of damage to the environment, taking into account aquatic biological resources, life, health and property of citizens , property of legal entities as a result of fossil oil and oil products spills”, stipulated in part 8 of article 16.1 of the Federal law “On inland sea waters, territorial sea and contiguous zone of the Russian Federation”.
- 4) Make amendments to the Order of the Ministry of Transport of the Russian Federation No. 147 of 25.11.2002, “On the approval of the Rules for issuance and verification of certificates of insurance or other financial support for civil liability for oil pollution damage” - extend it to vessels carrying bulk oil cargo of less than 2000 tons.

- 5) Develop a legal act regulating the procedure for monitoring and supervising compliance with the requirements for the prevention and response to oil and petroleum products spills and enforcement powers of state executive bodies.
- 6) Identify a federal executive body authorized to fully implement state supervision over the compliance with the mandatory requirements for the prevention and response to fossil oil and oil product spills. In the Merchant Shipping Code of the Russian Federation, it is necessary to include a Plan for the prevention and response to fossil oil and oil products' spills into the list of the vessel's documents that are verified by the port captain.
- 7) Introduce in the Administrative Offenses Code of the Russian Federation a special article providing for liability for violating the mandatory requirements of the legislation for the prevention and response to fossil oil and oil products spills.
- 8) Approved plans for the prevention and response to fossil oil and oil products' spills and information on the size and composition of the financial security of the organization's liability for the compensation of environmental damage resulting from the fossil oil and oil products spill should be publicly available.
- 9) Make amendment to paragraph 71 of the Mandatory regulations in the seaport of Nevelsk, stating it as follows: *The transfer of urgent navigational and hydrometeorological information, as well as storm warnings to the captains of vessels at the berths and in the inner and outer water areas of the seaport, is made immediately on receipt of such information through the VHF communication channel 16, the vessels confirm its receipt to the VTS.*
- 10) Introduce into the current legislation, namely, the charter of the service on sea vessels, a prohibition for crew members and other persons to bring and drink alcohol onboard the vessel and arrive/being onboard the sea vessel in a state of intoxication.