

WAR DEPARTMENT

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COPY  
UNITED STATES ENGINEER OFFICE751 SOUTH FIGUEROA STREET  
LOS ANGELES, CALIF.Address Reply To  
The District Engineer

PALGB

30 August 1946

SUBJECT: Oil Pollution, Los Angeles Harbor, 7 August 1946  
 (SS BENJAMIN WARNER - War Shipping Administration)

TO: The United States Attorney  
 Federal Building  
 Los Angeles 12, California

Dear Sir:

Report of the above pollution case has been received from the Commander, Eleventh Coast Guard District, Long Beach 2, California, duplicate copies of which are inclosed for your information.

Prosecution is not recommended at this time, inasmuch as this is the first offense by the vessel involved or by vessels represented by this agency, the spill appears to have been accidental, the polluted area was well boomed in, and steps were taken immediately to clean the oil off the navigable waters.

Copies of all letters pertaining to the case are inclosed for your files.

FOR THE DISTRICT ENGINEER:

Very truly yours,

H. W. THOMPSON  
Chief, Engineering Division

2 Incls (in dup.)

1. Copy of ltr. to Burns Steamship Company
2. Copy of ltr. to United States

H. W. THOMPSON  
Chief, Engineering Division

3 Incls (in dup.)

1. Copy of report dated 7 August 1946
2. Copy of ltr. to Burns Steamship Company
3. Copy of ltr. to Commander, Eleventh Coast Guard District



WAR DEPARTMENT

UNITED STATES ENGINEER OFFICE

751 SOUTH FIGUEROA STREET  
LOS ANGELES, CALIF.

COPY

Address Reply To  
The District Engineer  
PALGB  
Reference: PAIRS

30 August 1946

SUBJECT: Oil Pollution, Los Angeles Harbor, 7 August 1946  
(SS BENJAMIN WARNER - War Shipping Administration)

TO: Commander  
Eleventh Coast Guard District  
Times Building  
Long Beach 2, California

Gentlemen:

Dear Sir: has been received by this office dated 7 August 1946, the Steamship BENJAMIN WARNER...  
With reference to your letter dated 7 August 1946, File No. 629.1, inclosing a report from the Captain of the Port, Los Angeles, of a violation of the Federal Oil Pollution Act of 7 June 1924, a letter has been written to Burns Steamship Company, the agent representing the vessel at the time of the pollution, and a copy is inclosed for your information. A copy of a letter to the District Attorney is also inclosed for your files.

Because of the great danger to commercial shipping and harbor facilities, **FOR THE DISTRICT ENGINEER:** the District Engineer desires to emphasize the seriousness of this offense.

Very truly yours,

Copies of a booklet and notice prepared by this office concerning pollution of the navigable waters of the United States and the laws pertaining thereto are inclosed. It is requested that these booklets and notices be brought to the attention of responsible officers employed on vessels operated by your company for which you act as agent. Additional copies will be furnished upon request.

H. W. THOMPSON  
Chief, Engineering Division

2 Incls (in dup.)

1. Copy of ltr. to Burns Steamship Company
2. Copy of ltr. to United States Attorney

Harbor Act, approved 3 March 1899, relative to the protection and preservation of navigable waters of the United States and the responsibility of officers and agents of the United States in charge of river and harbor improvements. (See extract herewith inclosed.)



WAR DEPARTMENT

UNITED STATES ENGINEER OFFICE  
751 SOUTH FIGUEROA STREET  
LOS ANGELES, CALIF.

COPY

Address Reply To  
The District Engineer

Reply  
Reference: PALGB

Subject: Oil Pollution, Los Angeles Harbor, 7 August 1946 30 August 1946

SUBJECT: Oil Pollution, Los Angeles Harbor, 7 August 1946  
(SS BENJAMIN WARNER - War Shipping Administration)

It is requested that you acknowledge receipt of this letter  
and sub Burns Steamship Company offices relative to the action your  
company 727 West Seventh Street  
Los Angeles 14, California

FOR THE DISTRICT ENGINEER:

Very truly yours,

Gentlemen:

Report has been received by this office that on 7 August 1946, the Steamship BENJAMIN WARNER polluted the navigable waters of the United States with oil while loading fuel oil into her bunkers, at which time about two barrels of oil flowed over the ship's port side forward and into the harbor waters, forming a slick approximately one hundred square feet. This is a violation of the Federal Oil Pollution Act of 7 June 1924 (33 U. S. Code, Sections 431-437) as well as State law and local regulations.

Because of the great danger to commercial shipping and harbor facilities involved in pollution violations, the District Engineer desires to emphasize the seriousness of this offense.

Copies of a booklet and notice prepared by this office concerning pollution of the navigable waters of the United States and the laws pertaining thereto are inclosed. It is requested that these booklets and notices be brought to the attention of responsible officers employed on vessels operated by your company, or on vessels for which you act as agent. Additional copies will be furnished to you upon request.

Particular attention is directed to Section 17 of the River and Harbor Act, approved 3 March 1899, relative to the protection and preservation of navigable waters of the United States and the responsibility of officers and agents of the United States in charge of river and harbor improvements. (See extract herewith inclosed.)



UNITED STATES COAST GUARD  
REPORT OF VIOLATION

**Subject: Oil Pollution, Los Angeles Harbor, 7 August 1946  
(SS BENJAMIN WARNER - WSA - 30 August 1946)**

7 August, 1946

The                      It is requested that you acknowledge receipt of this letter and submit a statement to this office relative to the action your company has taken to prevent recurrence of violations of the pollution laws.

470 (Length)      7106      4380 (Net tonnage)      \$950,000 (Approximate value)

**FOR THE DISTRICT ENGINEER:**  
Burns S. S. Co. (Name of owner)      Very truly yours,      809 N. Avalon, Wilmington, Calif (Address of master or person in charge)

was boarded and examined at 1230 A.M., plus 8 zone time on 7 August, 1946 (Day)

August, 1946, in the 11th **H. W. THOMPSON** Chief, Engineering Division

Los Angeles county, State of California (Name of State, if within a State)

while bearing                      °, true,                      miles distant from                      (Prominent point of land)

(Lat.                      ° N., Long.                      ° W.)

The weather conditions prevailing at the time were as follows: Clear (Moonlight, dark, fog, clear, etc.)

Calm (Describe wind and sea using expressions such as "fresh breeze" "rather rough sea," etc.)

Port departed Colon; port destined Okinawa voyage. (Inland, coastwise, ocean)

The following violations are reported:

VIOLATION	STATUTE VIOLATED	PENALTY
(Give brief statement of violation such as "no fire extinguisher on board.")	(Cite section of U. S. Code such as, "46 USC 516.")	(Insert amount of penalty provided in statute for each violation.)
Permitted oil to be discharged into navigable waters of Los Angeles Harbor.	33 U.S.C. 431-437	\$500.00- \$2500.00



(COPY)

UNITED STATES COAST GUARD  
REPORT OF VIOLATION

Captain of the Port, Los Angeles

7 August, 1946

The U.S. Steam screw Benjamin Warner 246117  
(Nationality) (Propulsion) (Name) (Official number)

San Francisco, California Registered  
(Home port) (Kind of document) (Employment for which documented)

470 7176 4380 \$950,000  
(Length) (Gross tonnage) (Net tonnage) (Approximate value)

Burns S.S.Co.  
(Name of owner) (Address of owner)

C. Vootmyer 809 N. Avalon, Wilmington, Calif  
(Name of master or person in charge) (Address of master or person in charge)

was boarded and examined at 1230 A.M., plus 8 zone time on 7 August, 1946  
(Day)

August, 19 46, in the 11th Coast Guard District  
(Month)

Los Angeles county, State of California  
(Name of county, if known) (Name of State, if within a State)

while Moored in Los Angeles Harbor, Berth No. 239  
(Underway, anchored, etc.) (Body of water)

bearing °, true, \_\_\_\_\_ miles distant from \_\_\_\_\_  
(Prominent point of land)

(Lat. ° ' " N., Long. ° ' " W.)

The weather conditions prevailing at the time were as follows: Clear  
(Moonlight, dark, fog, clear, etc.)

Calm  
(Describe wind and sea using expressions such as "fresh breeze" "rather rough sea," etc.)

Port departed Colon; port destined Okinawa voyage.  
(Inland, coastwise, ocean)

The following violations are reported:

VIOLATION	STATUTE VIOLATED	PENALTY
(Give brief statement of violation such as "no fire extinguisher on board.")  <u>Permitted oil to be discharged into navigable waters of Los Angeles Harbor.</u>	(Cite section of U. S. Code such as, "46 USC 516.")  <u>33 U.S.C. 431-437</u>	(Insert amount of penalty provided in statute for each violation.)  <u>\$500.00- \$2500.00</u>



DATE  
VESSELS  
OWNER

REMARKS.—Give a brief yet informative statement of the facts constituting the violation. The statement may be used in the process of remitting or mitigating the penalties involved, it is essential that the statement include any pertinent information which might be helpful to reviewing officers in determining the nature of the violation, the degree of culpability, the likely effect of such violation on enforcement generally, and the effect which the imposition of a penalty is likely to have on the offender. This statement should also indicate whether or not the owner or person in charge was instructed as to the requirements of the law violated and should include any pertinent comments made regarding the violation by the owner or person in charge:

The spill occurred while the vessel was loading bunkers at Berth No. 239. In charge of the loading was W.E. Bean the chief engineer of the vessel. As soon as the spill occurred the flow of oil was stopped with the result approximately two barrels of oil escaped over the side which covered an area of about 100 square feet. The spill was boomed in and immediate measures were taken to clean it up.

Burns S. S. Co. (Name of owner)  
 809 N. Avalon, Wilmington, Calif. (Address of owner)  
 C. Voortwyer (Name of master or person in charge)  
 was boarded and examined at 1230 A.M. plus 8 zone time on 7 August, 1946 (Date)  
 August 10, 1946 in the 11th Coast Guard District (Month)  
 Los Angeles county, State of California (Name of State, if within a State)  
 Moored in Los Angeles Harbor, Berth No. 239 (Both of water)  
 bearing true, miles distant from (Underway, anchored, etc.)  
 (Lat. " N. Long. " W.) (Prominent point of land)  
 The weather conditions prevailing at the time were as follows: Clear (Moonlight, dark fog, clear, etc.)  
 Calm (Describe wind and sea using expressions such as "fresh breeze," "rather rough sea," etc.)  
 Port departed Colon ; port destined Okinawa (Inland, coastwise, ocean)  
 The following violations are reported:

VIOLATION	STATUTE VIOLATED	PENALTY
(Give brief statement of violation such as "no fire extinguisher on board.") Permitted oil to be discharged into navigable waters of Los Angeles Harbor.	33 U.S.C. 431-437 (Cite section of U.S. Code such as "46 USC 418")	\$200.00 - \$2500.00 (Insert amount of penalty provided in statute for each violation.)
W.C. GILL (Reporting officer)		
Captain of the Port, L.A. (Acting) (Title)		

Prepare two copies. Retain copy for files and forward original to District Coast Guard Officer.



REPORT OF VIOLATION

DATE 7 August, 1946 BIRTH 239  
 VESSEL BENJAMIN WARNER NATIONALITY U.S.  
 OWNER Burns S.S. Co AGENT \_\_\_\_\_  
 CAPTAIN C. Vootmyer FIRST MATE \_\_\_\_\_  
 CHIEF ENGINEER W.E. Bean ENGINEER ON DUTY 1st Engineer  
 PRODUCT CAUSING POLLUTION: (a) Name Oil (b) Type Bunker

VIOLATION CLASSIFICATION:

- (a) Overflowing of tanks while topping off ( )
- (b) Siphoning of oil through vents while bunkering ( )
- (c) Errors in valve manipulation ( )
- (d) Line breaks between ship and shore ( )
- (e) Pumping of contaminated ballast water ( )
- (f) Miscellaneous \_\_\_\_\_

Clogged sounding pipe, unable to get accurate sounding.

Portion of ship from which product causing pollution was discharged; \_\_\_\_\_

Port Side, forward main deck

Describe how you established same : By observation of oil spilled from vent,

Violation reported by : M.J. Mosely, U.S. Customs it occurred : 1225

Action taken: Cleaned by working party in the Time: \_\_\_\_\_  
water. Time: \_\_\_\_\_  
 Time: \_\_\_\_\_

Cooperation received: Good

Direction ship heading: NW x N Ship side moored to dock: Port

Condition of vessel:

- (a) Down by head ( )
- (b) Down by stern ( )
- (c) Port list ( **x** )
- (d) Starboard list ( )
- (e) Even keel ( )

Direction of drift of pollution in relation to vessel: West

TIDE: STATE: Flood Direction of wind: West



(COPY)  
629.1  
7 August, 1966  
U.S. Army  
751 South  
Los

FORCE OF WIND: 1. Very light ( ) 2. Light (x) 3. Strong ( )

AT TIME OF INSPECTION WERE OUTBOARD SEA VALVES SEALED? Scupper in waterway improp  
plugged, oil seeping out.

ESTIMATED AREA COVERED: 100 square feet TIME OBSERVED: 1325

ACTION TAKEN TO STOP POLLUTION, AS OBSERVED BY PERSON REPORTING:  
Shut off pumps, covered deck with sawdust.

SAMPLES TAKEN FROM SHIP:  
NUMBER TIME PLACE

One

SAMPLES TAKEN FROM WATER:  
NUMBER TIME PLACE

One

WERE PICTURES TAKEN OF SHIP? No OR OF WATER SURFACE? No

WITNESSES: NAME ADDRESS PHONE

M.T. Mosely, U.S. Customs, U.S. Customs House, San Pedro, Calif.

REMARKS:

s/ DAVID E. GREEN  
SIGNATURE

Chief Bos'n, USCG  
RATE



(COPY)

629.1

7 August, 1946

U.S. Army District Engineer  
751 South Figueroa Street  
Los Angeles, California

Subj: Oil spill from S.S. Benjamin Warner in Los Angeles Harbor,  
7 August, 1946.

Dear Sir:

The inclosure is forwarded for your attention in accordance with instructions contained in Headquarters letter of 26 October, 1945.

By direction of the Commander, Eleventh Coast Guard District.

Very truly yours,

Edward Stuart  
Captain, USCG  
Marine Inspection Officer

Incl.

Report of Oil Spill from  
S.S. Benjamin Warner  
7 August, 1946- 629.1

W.C. GILL  
Acting



629.1

7 August, 1946

To: Commander, 11th Coast Guard District

Subj: Oil spill from S.S. Benjamin Warner in Los Angeles Harbor,  
7 August, 1946.

1. In compliance with HQ letter of 26 October, 1945, subject "Oil Pollution; peacetime law enforcement by U.S. Coast Guard," the following is reported as a violation of the Federal Oil Pollution Act of June 7, 1924 (33 U.S. Code, Section 431-437).
2. At 1225 on 7 August, 1946, oil was permitted to be discharged into the navigable waters of Los Angeles Harbor from the S.S. Benjamin Warner. At that time the vessel was moored at Berth No. 239 and was loading fuel oil into her bunkers. The Benjamin Warner is owned and operated by the Burns S.S. Co., C.Vootmyer is the master and the chief engineer is W.E. Bean, the latter being in charge of the loading operation at the time the spill occurred.
3. Witness to this pollution was M.T. Mosely of the U.S. Customs Service, San Pedro, California who reported the spill to the U.S. Coast Guard Repair Base, San Pedro, California. Chief Bos'n Green was assigned to investigate the spill and he found that about two barrels of oil had flowed over the ship's port side forward and into the harbor forming a slick of approximately one hundred square feet. The polluted area was well boomed in and steps were taken to clean it up.
4. The chief engineer stated that the spill was caused by a clogged sounding pipe and as a result of that, accurate soundings could not be obtained.

W.C. GILL  
Acting