

COPY

Department of Justice

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UNITED STATES ATTORNEY

Eastern District of Louisiana

New Orleans 12, Louisiana

December 28, 1944

Captain of the Port,
United States Coast Guard,
New Orleans, La.

In Re: Discharge of oil into the Mississippi
River by SS EL OCEANO, moored to
Orange St. Wharf on July 17, 1944.
Your file CG-6614

Dear Sir:

Reference is made to your communication dated August 1, 1944,
reporting a violation of the Refuse Act in connection with the above
matter.

The United States Engineer Office does not recommend prose-
cution in this case for the following reasons:

Negligible amount of oil in river. The wartime use of the
vessel immediate cause of pollution.

This office concurs in the above finding and we are there-
fore closing our file in this case.

Very truly yours
For the U. S. Attorney

/s/ N. E. Simoneaux
N. E. Simoneaux,
Asst. U. S. Attorney

NES:cam

cc

United States Engineer Office, New Orleans, La.

UNITED STATES COAST GUARD



ADDRESS REPLY TO

CAPTAIN OF THE PORT
NEW ORLEANS, LOUISIANA
AND REFER TO
CG-6614

RECEIVED

1944 AUG 7 PM 2 03

South Coast
55 El Ocano

1 August, 1944

PORT SECURITY SECTION

To: THE COMMANDANT (ops)

Via: DCGO, 8th Naval District (ops)

Subj: Oil Pollution Act, 1924; violation of

1. Forwarded herewith for your information is report of violation of Oil Pollution Act, 1924 (U.S.C. Title 35, Sec. 431-437), furnished in compliance with General Order No. 7, U. S. Treasury Department, U. S. Coast Guard, dated 2 September, 1941.

2. Analysis of oil discharged into Mississippi River, together with analysis of oil from vessel, has been forwarded with report to the District Engineer, War Department. Copy of report has been forwarded to U. S. Attorney.

P. A. Short
P. A. SHORT

Incl.

- 1. Report of W. A. Sickinger - 27 July, 1944.
- 2. U. S. Customs Laboratory Report #1913/4 - 27 July, 1944.

Ind-1

DCGO, 8ND (ops)

6614

3 August, 1944

To: The Commandant (OPS)

Forwarded.

J. J. Gidiere
J. J. GIDIERE
By direction

New Orleans, La.
27th July, 1944.

S. S. EL OCEANO
Orange St. Wharf.

To:- Commanding Officer, Coast Guard Base,
Customhouse, New Orleans, Louisiana.

Subject:- Discharge of oil into the Mississippi River by the
S. S. EL OCEANO, moored to Orange Street Wharf, on
17th July, 1944, at about 2:00 p.m.

1. Relative to subject, the office of Captain of the Port was notified by Jack R. Crain, Sp. 1/c, U.S.C.G.R., that subject vessel had discharged a quantity of oil into the Mississippi River. Investigator was ordered to proceed to the ship for inquiry. Upon arriving at the S. S. EL OCEANO, moored to Orange Street Wharf, I met Crain who had already taken a statement from the Chief Mate and who had already secured a sample of oil from the river alongside the vessel and a sample from the tanks of the ship.

2. Upon investigation it was determined that the vessel had unloaded at Stuyvesant Docks. When unloading operations were completed it was necessary to take on about 800 tons of water ballast for the vessel was going to shift her berth. After the shifting was completed, and when the vessel was docked at the Orange Street Wharf, the ballast was ordered pumped out. The ballast had been pumped into the deep tank which had been used for a fuel tank several months prior to the time of the violation, and when the water ballast was pumped out the oil came with the water and went into the river. In addition to what oil may have been in the deep tank, the pump used to empty the deep tank is the pump that is used to transfer fuel with the result that there is practically always some oil in the pump and in the transfer line. The amount of oil under the docks when inspected by investigator was possibly little more than a barrel.

3. Interviewed the Chief Engineer and after questioning him regarding the discharge of the oil he made and signed the following:

"My name is Dinko Buljevic and I am Chief Engineer aboard the S. S. EL OCEANO, property of the W. S. A., Panamanian Section, flying the flag of Panama. I have no home address, being a native of Jugoslavia. I would state that on Sunday, 16th July, 1944, my ship finished unloading sugar at Stuyvesant Docks in New Orleans. Upon conclusion of these operations, my ship was completely light. I had orders that the ship was to be shifted to Orange Street Wharf. To make this shift it was necessary that I take on water for ballast. I took on about 800 tons of water into my deep tank. This tank has been used for fuel but not for the past two trips, or for about the past two months. We left Stuyvesant Docks at about 7:00 p.m., the night of Sunday, 16 July, 1944, and proceeded to Orange St. Wharf.

LABORATORY REPORT

S. S. EL OCEANO
Orange St. Wharf.

27 July, 1944.
Page No. 2.

On board my ship we have but one pump and this is used for ballast and for oil transfer, but is not used to take ballast on, but only to discharge it. Regardless of how careful one might be, there is always an accumulation of oil in the line and in the pump, therefore, on Monday, 17 July, 1944, at about 2:00 p.m., when I ordered the ballast discharged, the oil accumulation came out with the ballast and went into the river. Not more than some 4 or 5 gallons of oil reached the river from my ship. Pumping operations were concluded at about 2:00 a.m., on 18 July, 1944. I have read the above statement and I find it to be true and correct in detail.

Signed: Dinko Buljevic."

Witness:

Wm.A.Sickinger, C.Sp., (PS), USCGR.

4. The Third Assistant Engineer aboard the S. S. EL OCEANO could not speak or read English therefore I had the Chief Engineer read the statement he made to the Third, translating it into a language understood by the Third. After this was completed, the Third corroborated the statement of the Chief in detail in the following manner;

"My name is Moxsilo Todorovic and I am 3rd Asst. Engineer. I have had the above statement read to me in Jugoslovakian by the Chief Engineer and it is true and correct.

Witness:

Signed: Moxsilo Todorovic."

Wm.A.Sickinger, C.Sp.(PS), USCGR.

5. The statement secured from the Chief Mate by Grain is as follows:

19th July, 1944.

"In discharging ballast water the oil followed the ballast water into the river. The discharging of this ballast water began at 1415 17 July, 1944, according to the ship's log this date. S. S. EL OCEANO, moored to the Orange St. Wharf, New Orleans, La.

Signed: R. F. Rose, Chief Mate,
S. S. EL OCEANO.

Witnesses:

Jack R. Grain, Sp. 1/c, USCGR.
J.C.Howerton, So. 1/c, USCGR.

6. Samples secured in this case have been submitted to the

LABORATORY REPORT

LAB. NO. 1837/4
2 samples

S. S. EL OCBANO
Orange St. Wharf.

U. S. CUSTOMS LABORATORY 27 July, 1944.
Page No. 3.

U. S. Customs Laboratory and a report of their findings accompanies
this report.

7/27/44
Received 7/28/44

Sample of _____
Submitted by _____
Entry No. _____
Importer _____
Required Analysis.
Other data _____

Wm. A. Sickinger
Wm. A. Sickinger, C.Sp., (F.S.), U.S.C.A.

REPORT

one sample of oil and one sample of thick oil-water emulsion.

Sample	From tanks of L-3-M. ENGINE	From tank
Approximate volume of sample	one pint	one pint
Oil is emulsion separated by solvents, centrifuging, and selective distillation.		
Analysis of oil:		
Specific Gravity (20° C.)	0.900	0.95 (approx.)
Identification test	Mineral oil	Mineral oil

These analyses show that these oils are petroleum oils of the type of
heavy fuel oil.

George H. Weaver, Acting
Chief Chemist.

LABORATORY REPORT

LAB. NO. 1913/4
2 samples

U. S. CUSTOMS LABORATORY

New Orleans, La., 7/27/44, 19

Sample of OIL & OIL-WATER MIXTURES Received 7/19/44

Submitted by Sickinger Div. Div. No. Port N.O.

Entry No. U. S. Coast Guard Marks Sample of oil taken from the tanks of the S.S. EL OCEANO
moored to the Orange St. Wharf at 0845 7/19/44 by Jack R.
Crain Spl/c (P.S.) & J. Howerton, Spl/c (P.S.); Sample of oil

Importer Maker Mississippi River along side the S.S. EL
OCEANO moored to the Orange St. wharf at 0830 7/19/44 by the
same men named above.

Required Analysis.

Other data

REPORT

One sample of oil and one sample of thick oil-water emulsion.

Sample	From tanks of <u>S.S. EL OCEANO</u>	From river
Approximate volume of sample	one pint	one pint
Oil in emulsion separated by solvents, centrifuging, and selective distillation.		
Analysis of oils:		
Specific Gravity (30 C)	0.960	0.95 (approx.)
Saponification test	Mineral oil	Mineral oil

These analyses show that these oils are petroleum oils of the type of heavy fuel oil.

Signed:

S.W. Potts

George E. Beavers, Acting

Chief Chemist.

New Orleans, La.
19 July, 1944

My name is Dinko Buljevic, and I am Chief Engineer aboard the S. S. El Oceano, property of the W. S. A. Panamanian Section, flying the flag of Panama. I have no home address, being a native of Yugoslavia. I would state that on Sunday, 16 July, 1944, my ship finished unloading sugar at Stuyvesant Docks, in New Orleans. Upon conclusion of these operations, my ship was completely light. I had orders that the ship was to be shifted to Orange Street Wharf. To make this shift, it was necessary that I take on water for ballast. I took on about 800 tons of water into my deep tank. This tank has been used for fuel, but not for the past two trips, or for about the past two months. We left Stuyvesant Docks at about 7:00 p.m., the night of Sunday, 16 July, 1944, and proceeded to Orange St. Wharf.

On board my ship we have but one pump, and this is used for ballast and for oil transfer, but is not used to take ballast on, but only to discharge it. Regardless of how careful one might be, there is always an accumulation of oil in the line, and in the pump. Therefore, on Monday, 17 July, 1944, at about 2:00 p.m., when I ordered the ballast discharged, the oil accumulation came out with the ballast and went into the river. Not more than some 4 or 5 gallons of oil reached the river from my ship. Pumping operations were concluded at about 2:00 a.m. on 18 July, 1944. I have read the above statement and I find it to be true and correct in detail.

Signed: Dinko Buljevic
Chief Engineer

Witness:
Wm. A. Sickinger, C.Sp.(PS) USCGR

My name is Momcilo Todorovic and I am 3rd Asst. Engineer. I have had the above statement read to me in Jugoslavian by the Chief Engineer, and it is true and correct in detail.

Signed: Momcilo Todorovic

Witness:
Wm. A. Sickinger, C.Sp.(PS) USCGR

CERTIFIED TO BE A TRUE COPY.

W. D. Edwards, Jr.
W. D. EDWARDS, JR., Lieut. USCGR

New Orleans, La.
19 July, 1944

In discharging ballast water, the oil followed the ballast water into the river. The discharging of this ballast water began at 1415, 17 July, 1944, according to the ship's log of this date. S. S. OCEANO, moored to the Orange St. Wharf, New Orleans La.

Signed: R. F. Rose
Chief Mate
S. S. El Oceano

Witnesses:

Jack R. Crain, Sp. 1c (PS) USCGR
J. C. Howerton, Sp. 1c (PS) USCGR

CERTIFIED TO BE A TRUE COPY.

W. D. Edwards, Jr.
W. D. EDWARDS, JR. (Lieut. USCGR)