

1943 DEC 4 AM 8 49

Ind-1

DCGO, 8th Naval District (ops)

6614

1 December, 1943

J. H. [unclear]
7-9

To: The Commandant.

Subj: Violation of Oil Pollution Act of 1924, 33 U.S.C. 431-437, by S.S.
FORT NIAGARA, October 27, 1943.

Forwarded.

E. C. Whitfield
E. C. WHITFIELD,
By direction.



UNITED STATES COAST GUARD

Galveston, Texas

COAST GUARD BASE (L)
CAPTAIN OF THE PORT (P)

29 November, 1943

To: The Commandant.

Via: District Coast Guard Officer, Eighth Naval District.

Subj: Violation of Oil Pollution Act of 1924, 33 U.S.C. 431-437, by S.S.
FORT NIAGARA, October 27, 1943.

As directed by HQ letter to all DCGOs 18 August, 1943, file CG-100.18, inclosure is forwarded with attention invited to failure of U. S. Attorney to act in the case.

A handwritten signature in blue ink, appearing to read "F. E. Simmen".

F. E. SIMMEN.

Incl
Copy of ltr from U. S. Attorney 16 Nov., 1943 to COTP, Galveston, Texas

CC: DCGO, 8thND
U.S. District Engineer, Galveston, Texas
Merchant Marine Inspector in Charge, Galveston, Texas

DEPARTMENT OF JUSTICE
UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF
TEXAS

In Reply Please Refer
to this File Number
27-A3284

Houston, Texas
November 16, 1943

Lieutenant F. E. Simmen
Captain of the Port
United States Coast Guard
Galveston, Texas

In re: OIL POLLUTION ACT OF 1924
33 U.S.C. 431-437; VIOLATION OF
BY S.S. FORT NIAGARA,
OCTOBER 27, 1943

Dear Sir:

Reference is here made to your letter of October 30, 1943 and your letter of November 4, 1943, and your note of November 5, 1943, relative to a violation of the Oil Pollution Act by the S.S. FORT NIAGARA occurring in Texas City, Texas on October 27, 1943.

Please be advised that inasmuch as this vessel is owned by the Maritime Commission, we will not take any action herein and are marking our files closed.

Yours very truly,

DOUGLAS W. MCGREGOR
United States Attorney

By /s/ W F Leigh
Assistant

WFL:cp

Incl-1

DCGO, 8th Naval District (ops)

6614

1 December, 1943

Galveston, Texas

COAST GUARD BASE (L)
CAPTAIN OF THE PORT (P)

Violation of Oil Pollution Act of 1924, 33 U.S.C. 431-437, by S.S.
FORT NIAGARA, October 27, 1943.

To: The Commandant.

Via: District Coast Guard Officer, Eighth Naval District.

Subj: Violation of Oil Pollution Act of 1924, 33 U.S.C. 431-437, by S.S.
FORT NIAGARA, October 27, 1943.

As directed by HQ letter to all DCGOs 18 August, 1943, file CG-100.18, inclosure
is forwarded with attention invited to failure of U. S. Attorney to act in the
case.

F. E. SIMMEN.

Incl

Copy of ltr from U. S. Attorney 16 Nov., 1943 to COTP, Galveston, Texas

CC: DCGO, 8thND
U.S. District Engineer, Galveston, Texas
Merchant Marine Inspector in Charge, Galveston, Texas

Ind-1

DGGO, 8th Naval District (ops)

661480, 8ND (1)

1 December, 1943

18 November, 1943

To: The Commandant.

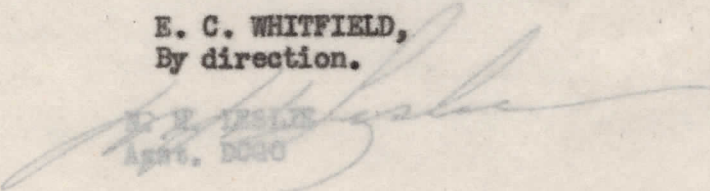
To: The Commandant

Subj: Violation of Oil Pollution Act of 1924, 33 U.S.C. 431-437, by S.S.

Subj: FORT NIAGARA, October 27, 1943. et by the SS FORT NIAGARA

Forwarded. Communication, with inclosure, is forwarded herewith in accordance with Headquarters' directive of 18 August, 1943 (CG-100.18 MIN).

E. C. WHITFIELD,
By direction.


E. C. WHITFIELD
Asst. DGGO

CC: COTF (Primary), Galveston, Texas

Texas City, Texas

CAPTAIN OF THE PORT (S)

28 October, 1943

Texas City, Texas
27 October, 1943

TO: Captain of the Port, Galveston, Texas

Subj: S/S Fort Niagara; pumping of ballast in waters of Texas City Harbor.

1. At 1715, 27 October, 1943, Harry D. Truesdell, Cox., called me in regard to the Tanker, Fort Niagara, pumping ballast at the vacuum dock. I went down immediately and upon arrival, found a very strong odor of gasoline in the air close to the above named ship. Harry D. Truesdell, Cox., and Kenneth A. Wilson, Sea. 2c., were instructed to take samples from the water, close to the outlet of the bilge pump, which is located on the starboard side of the ship, near the stern. Two samples were taken before anything that resembled gasoline was found in the sample bottle. I would estimate that approximately 10 gallons of gasoline was on the water when the samples were taken.

2. The First Mate of the ship, Gordon A. Hall, was contacted and informed of the gasoline odor and was shown the sample taken from the water. The First Mate then stated that there was very little gasoline on the water, just the odor. He also stated that 1000 barrels of ballast still remained to be pumped out. The First Mate was then specifically told that no more ballast could be pumped in the water of the harbor, because of the gasoline in the ballast, as gasoline on the water is a serious fire hazard and dangerous to the security of the port.

3. Pumping was stopped at 1735, and the First Mate was informed that the remainder of the ballast would have to be pumped into the cess pool and not in the water of the Texas City harbor. The First Mate then stated that there was no pipe lines leading to the cess pool from the pier to which they were docked, however he would get in touch with the Agent for the Ship, and see what could be done about moving the ship to another pier, where there were lines to the cess pool.

4. The Fort Niagara is operated by the Keystone Shipping Company, 260 Broad Street, Philadelphia, Pa. The Agent for the Ship is, Thibadeaux Company, and is owned by the Maritime Commission.

5. Witnesses to the above are:

Harry D. Truesdell, Jr., Cox.
U.S.C.G.R. Wilson, Sea. 2c.

Harry D. Truesdell, Cox.
Sterling J. Cheramie, Cox.
Kenneth A. Wilson, Sea. 2c.

Texas City, Texas
27 October, 1943

At 1700, on October 27, 1943, Sterling J. Cheramie, Kenneth A. Wilson, and I were aboard the ship Fort Niagara, moored at the Southport Dock adjacent to Pier E, in the south slip of the Texas City Harbor. We noticed the odor of gasoline in the air and descended to the dock to find its origin. The Fort Niagara was pumping ballast from a seacock near the stern on the starboard side next to the dock. We found that the odor was strongest near this spot. I notified Chief Lazauskas who immediately came to the docks. Chief Lazauskas ordered the Chief Mate to stop pumping ballast at once. Wilson took a sample of the ballast from the surface of the water. Chief Lazauskas inspected the sample and found no gasoline present. The mate said that the tanks had been cleaned before the ballast was taken aboard and that there was only a slight amount of gasoline present. Since he found that there was no gasoline present in the sample, Chief Lazauskas told the mate to resume pumping. After the pumps were started I took another sample of the ballast from the water. We found a considerable amount of gasoline in this sample. Chief Lazauskas sent me aboard the ship to tell the mate to stop his pumps and to get the mate's name and address. The Chief Mate's name is Gordon A. Hall. His address is Keystone Shipping Company, 260 South Broad Street, Philadelphia, Pennsylvania.

The mate gave orders to stop the pumps and went down to the dock to talk to Chief Lazauskas. Chief Lazauskas showed the sample to the mate and the mate admitted that there was gasoline present. Chief Lazauskas told the mate that he must pump no more ballast overboard and that he must pump the remainder into the Humble ballast pit if he wanted to get rid of it.

I would estimate that from fifteen to twenty gallons of gasoline was present in the ballast pumped into the slip.

Harry D. Truesdell, Jr., Cox.
U.S.C.G.R. Wilson, Sec. 2a.
U.S.C.G.R.

Texas City, Texas
Texas City, Texas
27 October, 1943.

At 1700 on October 27, 1943, Harry D. Truesdell, Kenneth A. Wilson, and I were on board the ship Fort Niagara, moored to the Southport dock, in the south slip, of Texas City harbor, Texas City, Texas. We had noticed that there was a strong odor of gasoline, in the air. We then descended to docks and saw that the ship, Fort Niagara, was pumping ballast from one of the seacocks, near the stern.

At 1700, on October 27, 1943, Harry D. Truesdell, Sterling J. Chermie, and I were aboard the tanker Fort Niagara moored at the Southport Docks in the south slip at Texas City harbor, Texas City, Texas. We noticed an odor of gasoline and started to investigate where it was coming from. We found that the tanker Fort Niagara was pumping ballast out of a seacock, near the stern, on the starboard side, next to the docks. The odor seemed to be the strongest near the seacock on the starboard side. Truesdell notified Chief Lazauskas and he came down and ordered the Chief Mate to stop pumping ballast and I took a sample from the water and Chief Lazauskas examined it and found no gasoline present. The mate stated that tanks had been cleaned before the ballast was taken aboard. After Chief Lazauskas found no gasoline present in the sample he told the mate he could continue pumping ballast. After the pumping was resumed, Truesdell took a sample from the water near the seacock, near the stern, on the starboard side. There was a considerable amount of gasoline present in this sample. Chief Lazauskas told Truesdell to go aboard the ship and find out the Chief Mate's name and address, and to tell him to stop pumping ballast. His name is Gordon A. Hall, and address is Keystone Shipping Company, 260 South Broad Street, Philadelphia, Pennsylvania. After the mate had stopped pumping ballast he descended to the docks and examined the sample and stated that it was gasoline present in it. Chief Lazauskas told the mate not to pump any more ballast overboard and that he must pump the remainder into the Humble ballast pit if he wanted to get rid of it.

I would estimate that from 15 to 20 gallons of gasoline was in the ballast that was pumped into the slip.

Sterling J. Chermie, Cox.
U.S.C.G.R.

Kenneth A. Wilson, Sea. 2c.
U.S.C.G.R.

Texas City, Texas
27 October, 1943.

At 1700 on October 27, 1943, Harry D. Truesdell, Kenneth A. Wilson, and I were on board the ship Fort Niagara, moored to the Southport dock, in the south slip, of Texas City harbor, Texas City, Texas. We had noticed that there was a strong odor of gasoline, in the air. We then descended to docks and saw that the ship, Fort Niagara, was pumping ballast from one of the seacocks, near the stern, on the starboard side of the ship. The odor of gasoline was the strongest there. Truesdell then called Chief Lazauskas who immediately came down to the docks. Chief Lazauskas then told the Chief Mate of the ship, Fort Niagara, to stop the pumping of ballast at once. Wilson took a sample of the ballast on the surface of the water under the docks.

Chief Lazauskas, inspected the sample and found that the sample hadn't any gasoline in the sample. The Mate said that the tanks had been cleaned before ballast was taken aboard and that there was only a slight amount of gasoline present. Therefore Chief Lazauskas found no contents of gasoline in the sample and told the mate to resume pumping. After the pumps were again started and the ballast was again coming out of the seacocks, Truesdell took another sample off the surface of the water near the seacocks, and we found that there was a considerable amount of gasoline in the sample. Chief Lazauskas sent Truesdell aboard the ship to tell the mate to stop the pumping of ballast once more and to get the mate's name and address. After the mate again stopped the pumps, he descended to the docks and looked at the sample himself and stated that there was gasoline in the sample. Chief Lazauskas told the mate that he had to pump the ballast in the sluth pit on account of a fire hazard and the oil pollution act. I would estimate that there was about fifteen to twenty gallons of gasoline in the water.

Sterling J. Cheramie, Cox.
U.S.C.G.R.