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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 Miss-
issippi River by the SS FRANK
DALE, Celeste St. Wharf, New
Orleans, La., on Aug. 24, 1944.
Your file CG-6614

Dear Sir:

Reference is made to your communication dated
September 15, 1944, reporting a violation of the Oil Pollution
Act of 1924, in connection with the above matter.

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

Log of ship did not show pumps were operated.
Small quantity involved from statement of ship's personnel.
Evidence does not justify prosecution of personnel.

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

Very truly yours,
For the U. S. Attorney

/s/ 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 SEP 21 PM 1 36

Handwritten signatures and initials: "Tommy", "RCS", "SS", "FANK DALE"

14 September, 1944

PORT SECURITY SECTION

Handwritten: "FANK DALE 8-7"

MERCHANT MARINE INSPECTION DIVISION

1944 SEP 25 AM 9 57

To: THE COMMANDANT (OPS)
Via: DCGO, 8th Naval District (ops)
Subj: Oil Pollution Act, 1924; violation of

- Forwarded herewith for your information is report of violation of Oil Pollution Act, 1924 (U.S.C. Title 33, Sec. 431-437), furnished in compliance with General Order No. 7, U. S. Treasury Department, U. S. Coast Guard, dated 2 September, 1941.
- Analysis of oil discharged into the 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 the U. S. Attorney.

Handwritten signature of P. A. Short
P. A. SHORT

- Incl
- Report of W.A. Sickinger, C.Sp.(PS)USCGR - 12 Sept., 1944
 - U. S. Customs Laboratory Report #2328/9 - 29 August, 1944

Ind-1
DCGO, 8ND (ops)
16 September, 1944

To: The Commandant (OPS)

Forwarded.

Handwritten signature of J. J. Gidiere
J. J. GIDIERE
By direction

S. S. FRANK DALE.
Oil discharge.

12 September, 1944.
New Orleans, La.
12th September, 1944.

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

Subject:- Discharge of oil into the Mississippi River by
the S. S. FRANK DALE, Celeste Street Wharf, New
Orleans, La., 24th August, 1944, about between
0300 and 0400.

1. Relative to subject, the office of Captain of the Port, U. S. Coast Guard, received information from the Volunteer Port Security Force that there had been a discharge of oil into the Mississippi River from the S. S. FRANK DALE, moored to Celeste Street Wharf. The S. S. FRANK DALE is the property of the War Shipping Administration, the General Agents being the North Atlantic & Gulf S. S. Company, New York City. Lykes Bros. S. S. Company, Inc., Whitney Bank Building, New Orleans, La., are the local representatives of the general agents.

2. Upon investigation, it was learned that on the morning of 24th August, 1944, at about between 0300 and 0400, while the S. S. FRANK DALE was moored to Celeste Street Wharf, members of the U. S. Coast Guard Volunteer Port Security Force saw oil coming from an outlet on the starboard or inboard side of the ship, the oil flowing down the side of the ship and then into the Mississippi River. Mr. John V. Bache, C.B.M., Volunteer Port Security Force, traced the oil from the DALE downstream to Robin Street Wharf, a distance of almost one mile.

3. Investigator boarded the DALE and spoke with the Chief Engineer, Albert D. Jamison. He was asleep in his cabin at the time the violation was discovered and he informed me that the cause of the oil reaching the river was "because the ship had a slight list to starboard which caused oil in the fuel filling line to seep through a flapper valve between the line and the outlet." Mr. Jamison stated that he did not believe that more than one bucket full of oil reached the river. I acquainted him with the fact that a witness stated that oil was on the water from the stern of his vessel all the way down to Robin Street Wharf, but he could not account for this amount of oil.

4. At the time of the violation, one Mr. Charles J. Muntz, residing in no. 1129 Reynes St., New Orleans, La., was on board in the capacity of night relief engineer. Investigator spoke with him at his home and he stated that he could not account for oil reaching the river from his ship. He stated that he went aboard the vessel at 5:00 p.m., on 23rd August, 1944, as night relief engineer,

S. S. FRANK DALE.
Oil discharge.

12 September, 1944.

New Orleans, La.
24 August, 1944

and, at that time, the vessel had a list to the outboard or port side of about 25 degrees and he had to trim the ship or even her up. To do this he took on water in the starboard double bottom fresh water tanks. It took some time to complete this task however, at no time was the fuel transferred in any of the tanks in the process of trimming the ship. The bilges were not discharged. Mr. Muntz stated that he did not see oil dripping down the side of the ship and then into the water, however, he stated that he saw a wet spot on the side of the ship, about midships on the starboard side but he could not say if it was oil or not. He admitted that he saw some oil in the river along the inboard side of the ship, not more than about 10 gallons however he was of the opinion that it came from some point upstream from his vessel and not from his ship. He was not inclined to make a signed statement and gave the above information verbally.

5. Signed statements were secured from Albert D. Jamison, Chief Engineer aboard the DALE; Mr. John V. Bache, C.B.M., U. S. Coast Guard Volunteer Port Security Force and Mr. Alexander Rifkin, B.M. 1/c, of the Volunteer Port Security Force. These statements accompany this report.

6. Samples of oil were secured from the river and from the tanks of the FRANK DALE. Both samples were properly marked for identification purposes and submitted to the U. S. Customs Laboratory for analysis. Copies of their findings are attached hereto.

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

Outlet from the fuel tank...
The settling tank...
all the oil reaching...
ship had a slight list to starboard which...
caused oil in the fuel tank...
through a slipper valve... the list and...
the outlet. The ship was...
level. At a maximum the...
have reached the river...
fall. I checked the log...
that bilges on my ship...
the night, I have read...
I find it to be entirely...
detail.

ALBERT D. JAMISON
Witness:
Wm. A. Sickinger
Ch. Sp. (PS) USCGR

CERTIFIED TO BE A TRUE COPY
J. P. Taylor
J. P. Taylor, Sec'y, USCGR

New Orleans, La.
24 August, 1944

My name is John V. Bacho, and I reside in no. 637 St. Andrew St., New Orleans, Louisiana. I am a Chief Boatwain's Mate in the United States Coast Guard.

My name is Albert D. Jamison and I reside in No. 740 So. Curson Avenue, Los Angeles, Calif. I am presently sailing aboard the S.S. FRANK DALE as Chief Engineer. The vessel is the property of the W.S.A. and the North Atlantic & Gulf Steamship Co., Inc. is the operators. Lykes Brothers are the New Orleans agents for the ship. I would state that on 24 August, 1944, at about 4:00 a.m. I was off duty and asleep in my cabin. The night engineer, a Mr. C. J. Mutz from shore, was on duty. When I awoke during the morning, Mr. Mutz told me that the Coast Guard had been aboard and had claimed that the ship was pumping bilges. Mr. Mutz denied this and stated that bilges were not pumped at all during the night and that the ship was not discharging oil. At dawn a sailor came aboard and secured a sample of oil from my ship. He showed me an outlet on the starboard side of the vessel about midships where oil had come out, ran down the side of the ship into the river. The outlet he pointed out was not a bilge outlet but an overflow outlet from the fuel filling lines and over the settling tank and in the vent. The cause of the oil reaching the river was because the ship had a slight list to starboard which caused oil in the fuel filling line to seep through a flapper valve between the line and the outlet. The ship has since been trimmed level. At a maximum the most oil that could have reached the river would have been a bucket full. I checked the log book and am certain that bilges on my ship were not pumped during the night. I have read the above statement and I find it to be entirely true and correct in detail.

ALBERT D. JAMISON

Witness:

Wm. A. Sickinger
Ch.Sp.(PS) USCGR

CERTIFIED TO BE A TRUE COPY

J. F. Taylor
J. F. TAYLOR, Bos'n, USCGR

New Orleans, La.

26th August, 1944.

26th August, 1944.

My name is John V. Bache, and I reside in no. 637 St. Andrew St., New Orleans, Louisiana. I am a Chief Boatswain's Mate in the Volunteer Port Security Force of the U. S. Coast Guard, and on the 23rd and 24th of August, 1944, I was serving from 1800, 23rd August to 0600, on the 24th August. I would state that on 23rd August, 1944, at about 2200 I made an inspection of Celeste Street Wharf during my routine inspection from Orange Street Wharf, Section No. 8, to Jackson Ave. At the time I inspected Celeste St., the S. S. Frank Dale was moored there and I saw no oil about the vessel, nor was there any oil coming from upstream and ahead of the vessel. On 24th August, 1944, at about 0300, when I was in the Patrol Station, it was reported that there was an accumulation of oil about the inboard side of the S. S. Frank Dale and I was dispatched to the scene to trace the source of the oil if possible. John T. Burgess, C.B.M., of the Volunteer Port Security Force was in the station at the time and he accompanied me to Celeste Street Wharf where we met Alexander Rifkin, B.M. 1/c, Volunteer Port Security Force. We three proceeded to the river side of the wharf where we found oil on the surface of the water about the inboard side of the ship and at the stern. Upon inspection I found oil coming from an outlet on the starboard side of the ship, about midships. The oil was just dripping out of this outlet and was running down the side of the ship and then into the river. No satisfactory explanation of the source of the oil aboard ship was forthcoming; those aboard denying that any all was coming from the ship in the face of the oil dripping from the outlet above mentioned into the river. I returned to the stern of the vessel where I found an oil slick about 50 feet wide forming at the stern of the vessel and I traced this oil all the way down to Robin Street Wharf. A further inspection of the surface of the water ahead of the vessel revealed that there was no indication of oil on the water and no oil was coming from upstream. With the aid of a flashlight, it was evident that the oil which came from the outlet mentioned above, had splashed over the wharf structure about in line with the outlet. The matter was reported to the office of the Captain of the Port, U. S. Coast Guard.

Witness:

John V. Bache
John V. Bache, C.B.M., USCGRVPSF

Louis [unclear]
C. Sp (PS) USCGR

LABORATORY REPORT

LAB. NO. 20047
2 AUGUST 1944

U. S. CUSTOMS LABORATORY

New Orleans, La. New Orleans, La.
26th August, 1944.

Sample(s) of OIL WATER MIXTURE Received 7/26/44

Submitted by Sickinger Port N.O.

Entry No. 118 My name is Alexander Rifkin, and I reside in no. 2936 Joliet Street, New Orleans, La. I am a member of the U. S. Coast Guard Volunteer Port Security Force, holding a rate of B.M. 1/c. I would state that

Importer on 24th August, 1944, at about 3:50 a.m., while I was assigned to duty on the Celeste Street Wharf, Mr. John V. Bache, also a member of

Other data the Volunteer Port Security Force, came on the wharf accompanied by Mr. John T. Burgess. Both Mr. Bache and Mr. Burgess are Chief Bos'n.

Information req Mates. They explained to me that they had come out to check on a discharge of oil from the ship moored to Celeste Street Wharf, the S. S. Frank Dale. Together we walked over to the river side of the wharf and with our lights we saw a considerable amount of oil on the water between the inboard side of the ship and the docks and there was also a collection of oil under the docks. Upon examination of the starboard or inboard side of the ship we found where oil was coming out of a small outlet on the starboard side of the ship, aft of midships, the oil seeping out of this outlet and running down the side of the ship into the river. The matter was reported to the office of the Captain of the Port, Customhouse for further handling. I saw no oil coming from ahead or on the upstream side of the ship. I have read the above statement and I find it to be true and correct in detail.

These analyses show that the oils in these samples are petroleum oils of the heavy fuel type and that they are of similar character.

Alexander Rifkin

W. Sickinger
C. Sp. (P.S.) USCGR

George L. Heavers, Acting Chief Chemist

LABORATORY REPORT

LAB. NO. 2328/9

2 samples

U. S. CUSTOMS LABORATORY

New Orleans, La.

8/29/44, 19

Sample(s) of OIL WATER MIXTURE

Received 8/24/44

Submitted by Sickinger

Port N.O.

Entry No. Coast Guard

Marks Oil from Frank Dale at Celeste Street;
oil from river at Celeste St.

Importer _____ Maker _____

Other data _____

Information required Analysis.

REPORT

One sample of oil and one sample of oil-water mixture.

Sample	<u>from Frank Dale</u>	<u>from river</u>
Volume	1/2 pint	1/4 pint
Percent oil	100%	30%
Analysis of oils:		
Specific Gravity (33C)	0.973	0.976
Saponification test	mineral oil	mineral oil

These analyses show that the oils in these samples are petroleum oils of the heavy fuel type and that they have similar characteristics.


VRM


George E. Beavers, Acting

Chief Chemist.