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UNITED STATES COAST GUARD

Galveston, Texas

ADDRESS REPLY TO

CAPTAIN OF THE PORT (1)

AND REFER TO 6614

NEW ORLEANS DISTRICT
U. S. COAST GUARD
NEW ORLEANS, LOUISIANA

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21 February, 1944

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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 U. S. Navy Tanker #37 MERRIMACK, 1 February, 1944

As directed by HQ letter to all DCGOS 18 August, 1943, file CG-100.18,
inclosure is forwarded with attention invited to the fact that the U. S.
Attorney will not act in this case.

F. E. Simmen
F. E. SIMMEN

Incl

Copy of ltr from U. S. Attorney 12 February, 1944 to COTP, Galveston,
Texas

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

Ind-1
DCGO, 8ND (ops)
6614
22 February, 1944

To: The Commandant

Forwarded.

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

J. E. Bates

7-9



UNITED STATES COAST GUARD
RECEIVED

ADDRESS REPLY TO

Department of Justice

27-44218

AND REFER TO 661A

UNITED STATES ATTORNEY
Southern District of Texas

8 1 25 PM '44

5 February, 1944

PORT SECURITY Houston (2), Texas
February 12, 1944

To: The Commandant

Via: District Coast Guard Officer, Galveston, Texas

Lieutenant F. E. Simmen
Captain of the Port (1)
U. S. Coast Guard Reserve
Galveston, Texas

Dear Sir:

In Re: Vio. Oil Pollution Act by U. S. Navy
Tanker #37 MERRIMACK... (Your Ref.: 661A)

In accordance with References (a), (b) and (c) enclosure is forwarded.

Reference is here made to your report bearing date February 4, 1944, relative to an alleged violation of the Oil Pollution Act by the U. S. Navy Tanker #37 MERRIMACK, occurring on or about February 1, 1944, at Texas City, Texas.

F. E. SIMMEN

Inasmuch as this matter appears to be one which should be handled by the Officer in Charge, Merchant Marine Inspection, United States Coast Guard, and inasmuch as the vessel involved is a Navy vessel, this office will not undertake prosecution of the matter under the Oil Pollution Act and are closing our files herein.

8th Naval District (ops)
10 February, 1944

Yours very truly,

DOUGLAS W. MCGREGOR
United States Attorney

To: The Commandant

By W. F. Leigh Assistant

Forwarded.
WFL-mk

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

Texas City, Texas
Galveston, Texas
4 February, 1944

CAPTAIN OF THE PORT (1)
6614

File: 6614

District Engineer, U. S. Army
Galveston, Texas

Sir:

This is a report of violation of the Oil Pollution Act of 1924, 33 USC 431-437, by U. S. Navy Tanker #37, MERRIMACK, on 1 February, 1944. The facts in the case are as follows:

The MERRIMACK was moored to Pan American Dock, Pier No. 2, in Texas City, Texas, on the above date. At 11:00 a.m. a large amount of black oil, covering an area of about 50 square yards on the starboard side of the above vessel, was discovered by Coast Guardsmen T. W. Yarbrough and Harry D. Truesdell. There was an indication that the oil was being pumped from the side of the above vessel and bubbling to the surface. George H. Hart, Lieutenant (j.g.), USNR, was the Officer of the Deck on duty at the time in question. Mr. Hart had ordered the sludge pumped into the #3 starboard tank and held for the purpose of being pumped ashore. During these operations the wrong valve was opened accidentally, and approximately five barrels of sludge were pumped into the harbor. This oil spill is being reported to the Officer in Charge, Merchant Marine Inspection, U. S. Coast Guard for his information and action.

Statements were taken from Lieutenant (j.g.) George H. Hart, Elden C. Purvis, T. W. Yarbrough, and Harry D. Truesdell. Copies of these statements, together with the report of the Assistant Captain of the Port, Texas City, Texas, are inclosed for your information. Sample of the oil was taken from the water on the starboard side of the vessel by T. Walter Yarbrough. This sample, together with the originals of the statements taken, will be retained in this office for use of the U. S. Attorney.

Statements from Harry D. Truesdell, Cox., U.S.C.G., and together with Elden C. Purvis, Sp. 1c, U.S.C.G., George H. Hart, Lieut. (j.g.), U.S.N.R., and T. Walter Yarbrough, SDC, U.S.C.G., was delivered to the Galveston office and there turned over to the Lt. P. E. SIMMEN
Lieutenant, U. S. Coast Guard Reserve
Captain of the Port, Galveston

CC: The Commandant, U. S. Coast Guard, Washington, D. C.
DCGO, Eighth Naval District, New Orleans, La.
U. S. District Attorney, Houston, Texas
Merchant Marine Inspector in Charge, Galveston, Texas



STATEMENT
Texas City, Texas

Asst. COTP

February 1, 1944

File: 6614

I was with the Pan American Refining Corporation Dock # 2
1 February, 1944.

To: The COTP, Galveston, Texas.
Subject: Oil Pollution; violation of.

1. About 1100 this date, I was notified that a vessel was pumping ballast at Pier #2, Pan American docks, which had a lot of oil in same. I went to scene, arriving about 1105, and found that the U. S. Navy Tanker #37, "Merrimack", was docked at above pier and about 50 square yards of water in harbor along the starboard side of above vessel was covered with a thick coating of heavy oil.

2. Upon investigation, I learned from Mr. George H. Hart, Lieut. (j.g.), U. S. N. R., 1st. Lieut. in charge, that as vessel was being docked to above mentioned pier and preparations were being made to pump their ballast ashore, a valve was accidentally opened and unknowingly ballast was being pumped into the harbor.

3. Harry D. Truesdell, Cox., U. S. C. G., who was on duty at time, notified officer on deck, of oil being pumped into harbor of Texas City waters and it was immediately stopped.

4. A sample of oil was taken from the water along the starboard side of the vessel, U. S. S. "Merrimack", by T. Walter Yarbrough, S2c, U.S.C.G., and together with statements from Harry D. Truesdell, Cox., U.S.C.G., Eldon C. Purvis, Sp. 1c, U.S.C.G., George H. Hart, Lieut. (j.g.), U.S.N.R., and T. Walter Yarbrough, S2c, U.S.C.G., was delivered to the Galveston Base Office and there turned over to the Legal Department.

Wm. Lazauskas C. Sp.
WM. LAZAUSKAS, C. SP.

STATEMENT

February 1, 1944

I was on duty at the Pan American Refining Corporation Dock # 2 of the Texas City Harbor at 1055 on February 1, 1944.

The U.S. Navy Tanker # 37 was mooring at the dock. T.W. Yarbrough and I both noticed that oil was bubbling to the surface of the water on the starboard side near the stern of the # 37. I called to an Ensign standing near the rail of the ship and asked if the ship was pumping ballast. He replied in the affirmative. I told him that it was against regulations and should be stopped immediately. The Ensign ran to the bridge.

I called Chief Lazauskas and he and E.C. Purvis arrived at about 1105. Chief Lazauskas instructed Yarbrough to obtain a sample of the oil from the water. Yarbrough secured the sample next to the starboard side of the ship.

I would estimate that about 5 barrels of oil was on the surface of the water.

Harry D. Truesdell Jr.
Harry D. Truesdell Jr.
Coxswain
U.S.C.G. (R).

STATEMENT

I was on duty at the Pan American docks, February 1, 1944 at app. 1055, when the U.S. Navy Tanker # 37 was being moored to # 2 dock.

Harry Truesdell (Cox.) and I noticed that oil was bubbling to the surface of the water adjacent to the starboard side and near the stern of the vessel.

Harry Truesdell called Chief William Lazauskas at once.

Chief Lazauskas arrived at Pan Am. # 2 docks at app. 1105. He then instructed me to take a sample of the oil from the water. I took the sample from the starboard side of the vessel.

I would estimate that app. 5 barrels was pumped into the water.

In coming along side while lining up to receive cargo a valve was opened accidentally and unknowingly causing a small amount of sludge, approximately 5 1/2 barrels, to be pumped over the side.

T. W. Yarbrough 5 1/2
T. W. Yarbrough, S2c.
U. S. C. G. R.

As soon as the ship's attention was called to the matter the pumping was stopped and the valve closed.

George H. Hart, Lieut. (J.G.)
U. S. N. R.
1st Lieut.

STATEMENT

I was called to Pan American at Texas City, Texas
Frassdell, Cox., section leader on February 1, 1944. I
1, 1944 to investigate a ship pumping oily ballast into
the water of Texas City Harbor. I arrived at the scene
To: Chief Captain of Port.

From: U. S. S. Merrimack
Upon arrival there was heavy black
oil on the water along the starboard side of the vessel.
Shortly before picking up the pilot we had
finished discharging ballast and were engaged in stripping
tanks. I was pumped out with the ballast as the vessel
was being tied up to Pan American dock #2.

We had been using #3 starboard tank as a sludge
tank, holding it to pump ashore.

In coming alongside while lining up to receive
cargo a valve was opened accidentally and unknowingly, causing
a small amount of sludge, approximately two (2) barrels to
be pumped over the side.

As soon as the ship's attention was called to
the matter the pumping was stopped and the valve closed.

George H. Hart, Lieut. (J.G.)
U. S. N. R.
1st Lieut.

S T A T E M E N T

I was called to Pan American dock #2 by Harry D. Truesdell, Cox., section leader on duty at 1100, February 1, 1944 to investigate a ship pumping oily ballast into the water of Texas City Harbor. I arrived at the scene with Chief Lazauskas at 1105.

Upon arrival I noticed that there was heavy black oil on the water along the starboard side of the vessel "Merrimack", U. S. Navy tanker #37, and also underneath the Pan American docks #2 where subject vessel was moored. This oil was pumped out with the ballast as the vessel was being tied up to Pan American dock #2.

I would estimate approximately two barrels of heavy black oil was pumped out into the water of Texas City harbor by the U. S. Navy Tanker #37 before ~~isax~~ being stopped by Harry D. Truesdell, Cox.

Eldon C. Purvis
Eldon C. Purvis, Sp. Ic.