

UNITED STATES COAST GUARD

NORFOLK 1, VIRGINIA

ADDRESS REPLY TO
CAPTAIN OF THE PORT

REFER TO FILE: CG-661
6614



RECEIVED
INT

6 NOV 7 AM 10 18

5 November, 1946

To: The Commandant (INT)

Subj: SS MORMACSEA, violation of Oil Pollution Act 1924.

1. HQ is advised of the successful completion of case against subject vessel for violation of Oil Pollution Act 1924; copy of complete report was forwarded to HQ (MVI) on 11 June, 1946.

2. Inclosure is the newspaper report of the case.

T. A. Shanley
T. A. SHANLEY

Incl: Clipping, Norfolk Ledger-Dispatch for 4 Nov., 1946.

CC: HQ (MVI)
COTP, Nor. repr.
file

Oil Dumping Fine \$1,000

Capt. John H. Nygren, master of the freighter Marmasea, charged with dumping waste oil into Hampton Roads off Newport News last June 11, was fined \$1,000 by Judge Sterling Hutchesen, after pleading guilty to the charge today in the U. S. District Court.

Capt. Nygren stated that his chief engineer was endeavoring to pump the No. 4 hold dry of water in order to receive a cargo of wheat and flour destined for overseas relief, and that it was later found that an defective valve had allowed some of the fuel oil to leak into the hold from a feed tank. He said he was not aware that oil was being pumped until notified by an investigating Coast Guardsman. He said that all pumping was stopped immediately.

Michael Opstnitnik, chief gunners mate, USCG, testified that he had boarded the Marmasea at 11 a. m., June 11, to deliver a printed warning, being passed out to all masters, warning them about dumping oil, and that he had been informed by Captain Nygren that he "knew the law." Opstnitnik said that when he left the ship he noticed that the vessel was pumping a steady stream of oil into the water. He then went back aboard and notified Captain Nygren of this fact that the captain referred him to the chief engineer for an explanation. It was then that the defective valve was discovered.

Leon Sewell, attorney for Captain Nygren, said that it was an "unfortunate accident," but that a plea of guilty was offered due to the technical nature of the violation.

11 June, 1946

To: U. S. Army District Engineer, Fort Norfolk, Norfolk, Virginia
Via: Commander, Fifth Coast Guard District
Subj: SS MCCORMACK; Violation of Oil Pollution Act

1. At 1130 a.m. this date, subject vessel was observed discharging fuel oil into waters of the United States in violation of the Oil Pollution Act, 1924, 33 U.S.C.-431-437.

2. In connection with this act of pollution, the following pertinent information is forwarded:

(a) Vessel - SS MCCORMACK, lying on South side of Pier 8 (Chesapeake and Ohio R.R.), Newport News, Va.

(b) Owner, operator, agent - Vessel owned and operated by Moore McCormack Steamship Co.; J. Frank East, local agent.

(c) Date and time of pollution - 1130 a.m. 11 June, 1946

(d) Signed statement of witnesses to the act of pollution - Master of the vessel, Chief Engineer of the vessel, and M. K. Opsitnik, CGM, USCG (Statements inclosed)

(e) Signed statement (joint) of members of the engineering crew who participated in the pollution (inclosed)

(f) Sample of oil from No. 1, deep tank of the vessel, labeled with date and time taken, name of person taking, and name of witness (Forwarded under separate cover).

(g) Sample of pollution on the water, labeled with date and time taken, name of person taking, location with respect to the vessel (Forwarded under separate cover).

(h) Photographs have been taken and will be forwarded when available.

(i) No exact information on the amount of oil discharged is available, but the stream of oil emerging from the ship is described by Opsitnik as being about four inches in diameter, solid and heavy, and after reaching the water extended over the surface of the water in a heavy oil stream approximately ten feet wide, and moving under adjacent piers and being carried out by a strong ebb tide. This continuous stream of oil had been seen flowing by Opsitnik for approximately five minutes prior to his arrival aboard the vessel.

W. McK. GRILLEY

And

C T., Norfolk, Va.
CG-6611
11 June, 1946
(Cont'd)

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Mr. Dezydery

1946 JUN 19 PM 1 10

MERCHANT MARINE INSPECTION SERVICE

RECEIVED INT

8-17

- Incl: Statement, Master and Chief Engineer, SS MORMACSEA
- 2. Statement, Members of engine room crew, SS MORMACSEA
- 3. Statement, M. K. Opsitnik, CSM, SS MORMACSEA

JUN 20 AM 11 14

JUN 19 1946 AM

CC: Hq (INT)
Comdr 5th CGDist (omi)



Incl-1
Comdr 5th CGDist
11 June, 1946

Forwarded, the SS MORMACSEA is a vessel of American registry.

T. A. STANLEY

Handwritten initials/signature

11 June, 1946

STATEMENT OF OPSTNIK, M. K., CGM, USCG:

At or about 1100 June 11, 1946, boarded the SS MORMACSEA, moored southside Pier No. 8, Newport News, Virginia, and delivered to the Master of the vessel, J. H. Nygren, Notice to Mariners No. 81, dated 26 April, 1946, and Captain of the Port letter 9 April, 1946, file CG-6614, referring to the oil pollution act.

While delivering these pamphlets, the Master was advised verbally not to discharge or dump any oil or refuse into the waters of the harbor, and he stated that he was aware of the law and would comply with it. After leaving the vessel and while walking along River Road from Pier 8 towards Pier 9, I glanced towards the MORMACSEA and observed oil being discharged from an outlet on the starboard side amidship; I looked at my watch and it was then 1124. I remained there watching the oil being discharged for about five minutes. After making sure that this was a continuous flow of oil, I ran back and went aboard the MORMACSEA and told the watchman at the gangway to have the Master come down on the starboard side maindeck amidship as I wanted him to see this oil being discharged. When I arrived at this location, I looked over the side and the oil was still flowing from the vessel. This flow stopped after waiting about two minutes during which time the Master did not appear. The oil appeared to be coming from at least a four inch or more outlet and with pressure sufficient to carry it six feet clear of the ship's side before it entered the water; it was noted at this time that the oil spread in a band about ten feet wide, and carried on a strong ebb tide disappearing under Pier 9 about one hundred feet or more away. Another oil slick about six hundred square feet in area was observed at the bow of the vessel.

Inasmuch as the Master had not appeared, I went looking for him and found him in the Officers' Mess Room engaged in signing on a crew; he came out into the passageway and I requested him to send for the Chief Engineer so he could be questioned concerning this discharging of oil into the water.

He went into the Chief Engineer's office and when he appeared I started to question him as follows:

Q. I understand you have been pumping oil at various intervals during the morning.

Ans. Yes, I have been doing it.

Q. Why?

Ans. (He proceeded to explain that the oil was in Number 4, deep tank and this was to be used for cargo and to clear this space it was necessary for him to have it pumped over the side as he had no other means of getting rid of it.)

After this the Chief Engineer asked me to come and look at Number 4 deep tank. While looking at the deep tank, I asked him how the oil got in the deep tank and he said it was due to a leaky valve. It was noted that men were in Number 4 deep tank sweeping oil towards an opening in the bottom of the deep tank into the bilges.

We returned to the Engineer's office and at my request the men on watch in the engine room were brought up for questioning. These men admitted they had full knowledge of the fact that oil was being pumped and signed a statement. The Master and Chief Engineer signed a statement covering everything possible.

While questioning the Chief Engineer regarding the condition of the vessel's bilges, he stated that they were pumped while enroute from Baltimore to Newport News, Virginia, when I informed him also that was against the law inasmuch as the vessel was in the Inland Waters of the United States. He said that he was aware of that fact but it was only fresh water.

A sample of oil was taken from Number 4 deep tank witnessed by a Mr. L. Barr, Foreman for the Tidewater Stevedore Company. Also a sample was taken from the water near the port bow of the vessel.

The SS IKEMACSEA is owned and operated by the Moore McCormack Lines, Inc., and the local agents are the U. S. Lines.

The local agent, Mr. J. Frank East would not sign any statement although he was present on the vessel while I was questioning the Master and Chief Engineer.

M. K. OPSITNIK
Chief Gunner's Mate,
U. S. Coast Guard

Norfolk, Virginia
11 June, 1946

WITNESS:

Q. McK. GREELY
Commander,
U. S. Coast Guard

(Inclosure (c))