

NINTH MEETING  
OF THE  
OREGON AIR POLLUTION AUTHORITY

October 9, 1953

The ninth meeting of the Oregon State Air Pollution Authority was called to order by the Chairman at 2:15 P. M., Friday, October 9, 1953, in Room 36, State Office Building, 1400 S. W. 5th Avenue, Portland, Oregon. Those present were Carl E. Green, Chairman, Mr. R. P. Dixon, Dr. Harold M. Erickson, Harold F. Wendel and Merle S. West, Members, and Curtiss M. Everts, Jr., Secretary, Thomas Enright, Legal Advisor, R. E. Hatchard, Chief of the Air Pollution Control Section, W. J. Whitsell, Associate Engineer and Frank Terraglio, Chemist.

MOTION RE: MINUTES OF PREVIOUS MEETING.

The minutes of the eighth meeting of the Authority held on May 20, 1953, and the minutes of the special meeting of the Authority held August 11, 1953 having been prepared and distributed to the members in advance, it was MOVED by Mr. Wendel and seconded by Mr. West and carried that the minutes of these meetings be approved as prepared by the Secretary.

ELECTION OF OFFICERS.

The Chairman then announced that in view of the resignation of Mr. Oren L. King a vacancy existed in the office of vice-chairman of the Air Pollution Authority. It was MOVED by Mr. Wendel and seconded by Mr. West and carried that Mr. R.P. Dixon be elected Vice Chairman of the Air Pollution Authority.

CONFIRMATION OF APPOINTMENT OF LEGAL COUNSEL

It was MOVED by Mr. West and seconded by Mr. Wendel and carried that the appointment of Mr. Thomas Enright as legal advisor for the Air Pollution Authority be confirmed

and that the Secretary so advise the Attorney General.

GOLD HILL, RE: COMPLAINT OF DUST AND OIL VAPOR DISCHARGE FROM PAVING PLANT.

At the request of the Chairman Mr. Enright summarized the legal actions which were undertaken to stop excessive dust and oil vapor discharge from the paving plant located at Gold Hill which was operated as a joint venture of the Central Heating Company, Eugene, and the F. L. Somers Company, Klamath Falls. Mr. Enright stated that a preliminary injunction was served but was set aside when the Circuit Judge granted a Writ of Review. He also reported that due to a completion of its contract the operation of the paving plant was discontinued before the appointed hearing date. Mr. Wendel asked if the Authority's action taken in the Gold Hill complaint would have any effect should the paving operation plant resume operation in another location. Mr. Enright stated that the operation of this paving plant in another location would be a separate matter and must be treated as such.

NORTH BEND: RE. STATUS OF CINDER AND FLYASH PROBLEM.

Mayor I. H. Hartley, North Bend, advised that he was present at the Authority meeting to secure information regarding the Authority's progress on the cinder and fly-ash problem in North Bend. Mayor Hartley described the continuing nuisance conditions from the cinders and soot which has been present during the past 2-1/2 years and stated that property values have declined and that residents will be moving away from North Bend if conditions do not improve. Mayor Hartley asked if the Authority expected North Bend to handle the local situation or if the Authority planned to handle it alone. In either case, the City of North Bend would do everything to cooperate but the city could not solve the problem without assistance.

The Chairman informed Mayor Hartley that the State Air Pollution Authority has certain responsibilities which they propose to perform; but that the Authority believed that cities, particularly the larger ones having complex and numerous air pollution control

problems also have some responsibility of their own and the cities could assist greatly by reviewing plans and issuing permits for the installation of proper combustion equipment and the necessary air pollution control facilities.

The Chairman explained that the Authority must gather basic information and facts and cooperate with cities. Mr. Hatchard was asked to review the status of the problem.

Mr. Hatchard advised the Authority that an interim report on North Bend's cinder and flyash problem had been prepared by the staff and he then summarized the activities on the North Bend cinder problem. Mr. Hatchard stated that the study in North Bend began in November 1952. In April 1953 a volunteer committee circulated petitions and secured 1125 signatures of citizens asking for immediate abatement. The Authority's staff contacted the industrial plants to secure information. In April the Authority requested each of the four industries to have a stack emission study made in order to find out how much material was being discharged. Mr. Hatchard stated that the Authority had requested that the reports be submitted by August 1, 1953, but the only report received thus far was from the Meyerhaeuser Timber Company. The Mountain States Power Company report has not yet been received and the Authority has been advised that the Irwin-Lyons Lumber Company emission study was scheduled for the week of October 19, 1953. He reported that the Menasha Plywood Corporation had asked if it was necessary that a study be made of their particular plant since they had planned to modify boiler equipment and install appropriate cinder collection equipment. The company had also advised the Authority that estimates from contractors and engineering firms were received but as yet no decision has been made when the cinder collectors or other modifications will be provided.

Mr. Hatchard pointed out that the summary of each of the fallout stations in North Bend showed wide variations during various seasons of the year and displayed a Wind Rose chart prepared from the U. S. Weather Bureau records together with the correlation

of the wind record and the particle fallout found in North Bend.

Mr. Green asked what had been accomplished from a tangible point of view to reduce air pollution in North Bend.

Mr. Hatchard replied that operational controls had been tried at plants to reduce smoke and cinder discharges but that the area studies had not shown any significant improvement from these efforts.

Chief Engineer C. R. Leever of Mt. States Power Company then submitted to the Authority the cinder emission report for their North Bend steam plant. Mr. Leever stated that his company did not believe that they were big offenders; that they are discharging a minor portion of the cinders in the area and believe that the test report will bear this point out. He stated if there is anything further his company can do to alleviate this situation they would be happy to consider it.

The Chairman directed the Authority's staff to review the report and furnish the Authority with comments and recommendations at the next meeting.

Mr. Whitself stated that Mrs. Robert Pittam had telephoned from North Bend to report that the cinder fall on the morning of October 9, was extremely heavy and that it appeared worse than any previous time.

Mayor Hartley said that the streets are literally covered with oily soot but that previous to about 2-1/2 years ago there were just cinders and sawdust but now there also is a heavy black soot.

Mr. Green asked if this condition coincided with the beginning of operations of a new industry and Mayor Hartley replied that it did.

Mr. Wendel wanted to know if we had to wait for the Menasha Plywood report before we could go any further since he said it seemed to him that we could proceed on the

information at hand.

Mr. Green asked if the technical staff had sufficient data to determine the source of the trouble.

Mr. Hatchard said that the staff would like to have an opportunity to study the cinder discharge reports of the Mt. States Power Company and Irwin-Lyons Lumber Company.

Mr. West asked if we had any complaints from Coos Bay, and Mr. Hatchard replied that no direct complaints had been received from Coos Bay residents.

Mr. Green asked if there were any further data that the staff needed to secure from the particular plants and Mr. Hatchard stated he did not believe plant information other than the cinder emission reports would be needed.

Mr. Everts stated there are four industrial plants in North Bend burning woodwaste and if all four are causing the trouble then the Authority's action should be directed to all four. However, if the staff's study shows there are one or two plants creating the problem then the Authority's action should be directed to the particular plants. Mr. Everts advised that the staff's studies should indicate the source of the excessive cinder discharge.

Mr. Green wanted to know how long would it take the staff to proceed after reports are obtained from the industrial plants concerned.

Mr. Hatchard replied that it would depend on how many other communities in the state demanded attention at the same time. However, he believed it would not take a great deal of time to study the reports and correlate the data with the area study.

Mr. Everts read to the members a letter from Menasha Plywood Corporation dated October 7, and signed by Mr. Mowry Smith. Mr. Green asked if any communication had

been received from Weyerhaeuser Lumber Company and Mr. Hatchard replied that we had received additional data requested after reviewing the cinder discharge report but nothing else. Mr. Green asked what the conclusions were in the report and Mr. Hatchard said the conclusion stated in the report that as long as the steam plant operation was maintained under 60,000 pounds of steam per hour they met with the American Society of Mechanical Engineers dust loading code requirements.

Mr. Wendel then wanted to know how soon the staff could make recommendations to the Authority regarding the North Bend problem.

Mr. Hatchard advised that recommendations could be made shortly after the Irwin-Lyons cinder discharge report was received.

Mr. Wendel asked Mr. Enright what course of action should be pursued after the staff had the necessary data.

Attorney Enright informed the Authority that as far as the procedure goes it would be proper to inform the management of each plant of the causes of complaint and notify them what corrections are expected. At the same time a hearing should be scheduled twenty days after the date of the notice thus giving the parties an opportunity to appear and present their case. Attorney Enright also stated that after presentation of evidence and statements the Authority could then adopt an order directing responsible parties to comply with the state law. Upon failure to do so, the Authority could then proceed to secure court action to enforce compliance.

**MOTION RE: NORTH BEND**

It was **MOVED** by Mr. Wendel and seconded by Mr. Dixon and carried that after the cinder emission reports are received and reviewed that the Secretary be directed to communicate with the management of plants that are discharging excessive material and request that they take necessary action to reduce emissions to tolerable levels and report their

progress to the Authority at its next meeting.

SAUVIES ISLAND COMPLAINT RE: FLUORIDE EFFECTING CATTLE.

Mr. Earl Reeder of Rt. 1, Box 124, Portland, Oregon, appeared before the Authority to describe the condition of his dairy cattle he alleged are affected by fluorides from the Aluminum Corporation of America Plant at Vancouver, Washington. Mr. Reeder stated that the operation of a dairy on his land had been carried on since 1853; that they never had experienced any trouble until the aluminum plant began operations. He then started losing cattle. Their teeth were affected, the legs of the animals became swollen and finally developed into split hoofs. He called in veterinarians and they didn't know what the trouble was but one said it might be due to fluorine. Mr. Reeder stated that he conferred with representatives of the aluminum company and they said it was hoof rot although five other veterinarians said it was not hoof rot. In one winter, Mr. Reeder stated, fourteen heifers died and that he finally made a half settlement with Alcoa. Mr. Reeder reported that when Alcoa officials said that fluoride controls were operating at the Vancouver plant and there was no reason why a herd could not be raised he bought a herd of cattle but didn't have them on the farm over six months before they began to show signs of upset and now they are all "going to pieces". Mr. Reeder stated that he now is treating the cattle for split hoofs and claimed that his cows are getting fluorine out of the clover pasture which once was good for the cattle. He stated further that Alcoa claims there is no fluorine and that Washington State College and Oregon State College have been employed by Alcoa to make tests and that no fluorine has been found. Mr. Reeder said he has gone to the County, City and State but so far has received no help. Mr. Reeder stated that he took a cow to Oregon State College to be checked for fluoride poisoning and seven years later got a report that the cow had 1300 ppm of fluorine and he stated that the Bureau of Animal Industries is the only agency that has ever given any help. Mr. Reeder requested the Authority to do something about this matter.

Mr. Wendel told Mr. Reeder that he was of the opinion that the State of Washington has no statutes in that state on air pollution control and that the only recourse then would be civil action and then asked if there is anything the Oregon Air Pollution Authority could do in taking the matter up with the Authorities in the State of Washington.

Mr. Dixon asked Mr. Enright regarding the legal aspects of the case. Attorney Enright stated that he had not studied the law on such matters but thought such a case would have to go to the Federal Court because it involved a matter between states. Mr. Enright promised the Authority he would investigate the law and advise later.

Mr. William M. Fraser, Rt. 1, Box 118, Portland, Oregon, stated that he had lost additional cattle since he appeared before the Authority during the May 20 meeting, and that forty-six head of cattle have died since the first of the year. Mr. Dixon asked if Mr. Fraser had legal proceedings underway. Mr. Fraser stated he did.

The Chairman asked Mr. Reeder to submit to the Authority a letter briefly covering the situation described.

MOTION RE: SAUVIES ISLAND

It was MOVED by Mr. Wendel and seconded by Mr. Dixon that we submit our findings and write a strong letter to the Governor of the State of Washington protesting the fluoride discharge from the Aluminum Company of America. The Authority discussed the motion and considered other procedures.

Mr. Enright offered to investigate the legal aspects of the matter and submit recommendations to the Secretary who in turn would ask for an opinion of the State Attorney General regarding the proposed action.



Mr. Green asked Mr. Enright to proceed on this basis and report to the Secretary.

TROUTDALE RE; FLUORIDE EFFECTS

The Secretary reported that the staff has collected a series of random samples in the Troutdale area; that in order to make use of this data it appeared necessary to correlate the findings with the studies that Oregon State College experiment station has been conducting since 1948. Mr. Everts explained that he and Mr. Whitsett had conferred with Dean Price and Dr. Compton to discuss the Troutdale fluoride problem and that as a result of this meeting it was decided that a future meeting should be arranged so that representatives of the Oregon State College experiment station, agricultural property owners in Troutdale and the Authority staff could develop future plans for collecting data. Mr. Everts advised the Authority that this meeting had recently been held; that Dr. Compton and Mr. Henderson of the Oregon State College experiment station and Dr. N. B. MacKay from Troutdale and members of the Authority staff were present. At this meeting Dr. MacKay brought out the fact that the residents of Troutdale-Corbett eventually desire the Authority to adopt standards to limit the discharges from industrial plants and that continuous air sampling be carried on to collect necessary data. At this meeting it was decided that the Authority staff would select certain sampling stations in the Troutdale area; that in the near future would discuss these stations with Dr. Compton to determine which locations would produce a maximum amount of fluoride air concentration reports which Dr. Compton and his associates could correlate with their test plot experiments.

Mr. Green asked if dairy and livestock operations are carried on in the Troutdale area. Mr. Everts replied that there was a dairy west of the plant and that livestock are raised south and east of the aluminum plant. Mr. Everts advised that the studies of the fluoride effects on livestock or dairy cattle were being carried on by the Washington State College Institute of Technology. Mr. Green asked if there was a

study underway to secure data from the Reynolds Aluminum Plant in Troutdale.

Mr. Everts advised that additional technical help was needed if this problem and other pressing matters were to be investigated. He added that the staff would get as much data as possible with available staff. The Secretary advised that the budget would permit the addition of one engineer.

MOTION RE: ADDITIONAL ENGINEER

It was MOVED by Mr. Wendel, seconded by Mr. Dixon and carried that the Air Pollution Authority employ an additional engineer.

Mr. Robert Strebin, land owner, Troutdale, Oregon, appeared before the Authority and stated that his property is south of the Reynolds aluminum plant and that his crops and cattle are being damaged. Mr. Strebin further stated that his cattle and horses and thoroughbred stock are now useless due to the fluoride poison; that only last Sunday one of his prize colts had to be killed. Mr. Strebin advised that he has arranged to have parts of the kidney and liver tested. Mr. Strebin advised the Authority that Mr. Head, who is an attorney for Mr. Paul Martin, a livestock operator in Troutdale, has a complete transcript available covering Mr. Martin's civil suit against Reynolds Metal Company. Mr. Strebin reiterated that in this transcript Reynolds Metal Company admits discharging 750 pounds of fluorine daily and that unless something is done about this condition Mr. Strebin feels that farmers will be put out of business.

Mr. Wendel asked if the Authority believed it was necessary to collect additional data in view of the fact that the aluminum company admits the discharge of this quantity of fluoride. Mr. Wendel suggested that possibly Mr. Haright could review the evidence that is now a matter of record to determine whether some action could be based on these facts.

The Chairman stated that such evidence should be submitted to the Authority for consideration.

Mr. Wendel asked Mr. Strebin if he had an attorney working on his case and if a suit had been filed. Mr. Strebin stated that his attorney has a suit prepared and expects to file an action within the next week.

MOTION RE: TROUTDALE FLUORIDE EFFECTS.

It was MOVED by Mr. Wendel and seconded by Mr. West and carried that we request our staff and attorney to determine what evidence is available, to what extent the Authority may act upon the evidence, and that the Authority schedule its next meeting tentatively five weeks from today.

In the discussion of the motion Mr. Sports stated that the complainants should formally present their evidence against the industries involved at a future meeting of the Authority and that the Aluminum Company of America, Reynolds Metal Company, Oregon State College, Washington State College and any others concerned should have an opportunity to present information and data on the matter of fluoride in the Troutdale and Sawies Island areas.

PORTLAND COMPLAINT RE: DUST AND OIL VAPOR FROM THREE HOT-MIX ASPHALT PAVING PLANTS.

The Secretary read a petition dated 8-5-53 signed by 75 complainants requesting the Authority to take abatement action against three hot-mix asphalt plants located near N. E. Columbia Boulevard and Gully Road.

Mr. Green asked if any investigation had been conducted to gain factual information.

Mr. Hatchard advised the Authority that the owners of the paving plants were notified immediately after the complaints were received and an area survey was made. Mr. Hatchard stated that nuisance conditions exist similar to other paving plants that the Authority

had considered. The three paving plants involved are permanent units which have been operated for a considerable time.

Mr. L. M. Rhodes of 5737 N. E. 72nd Street appeared before the Authority and stated that up until two years ago there was no asphalt processed in the area; that gravel was being removed but it was not a nuisance then.

Mrs. J. F. Wilson of 5709 N. E. 72nd Street stated that the dust and smoke is terrible and can be seen on the residences and gardens in the area and one can't put out washing and expect it to stay clean.

Mrs. L. M. Rhodes stated that her husband has been under the care of a doctor the past three months with a cardiac condition and while the operation of the asphalt plants did not bring this cardiac condition on, it now makes it almost impossible for her husband to breathe and that she wished to also bring out the health problem in this locality.

Mr. Green asked what was needed in the way of data to advise the plants to make corrections.

Mr. Hatcher said that air sampling is not needed since the area affects are so evident that the owners should be requested to install adequate dust and oil control equipment.

Mr. Wendel asked if it was not proper to notify the owners to cease their air pollution activities.

Attorney Enright advised that the letter requesting corrections be sent at least twenty days before the next meeting so that a hearing could be set if corrections were not being arranged and that the Authority could then designate part of the meeting as a hearing, prepare Findings of Fact, and adopt an Order.

MOTION RR: ASPHALT PLANTS.

It was MOVED by Dr. Erickson and seconded by Mr. Wendel and carried that we follow the advice of our attorney and if after due notice the owners of the paving plants do not comply that a public hearing be arranged at the next meeting.

TIGARD COMPLAINT RE: DUST AND OIL VAPOR FROM HOE-MIX PAVING PLANT.

The Secretary read a complaint petition dated September 10, containing 44 signatures requesting the Authority to abate the nuisance created by the operation of a hot-mix asphalt plant in the vicinity of Tigard.

Mr. Hatchard advised the Authority that several field visits were made; that the plant owners were notified; that control equipment would be required and that the owners stated that they intended to install appropriate dust control facilities. Mr. Hatchard also reported that the plant had ceased operations at the Tigard location on October 6.

Mr. A. L. Jaquens of 6550 S. W. McEwan Road, Oswego, stated that in regard to the Pacific Asphalt Paving Company plant there were no operations going on today. However, he stated that he served as a Commissioner of the Forest Park Zoning District and it was their desire that any future plants located near their area be equipped with dust and asphalt control equipment.

Mr. Green directed the Secretary to advise the State Highway Commission of this problem and request their cooperation in road contracts and specifications in a manner which would prevent air pollution from such plants. Contacts with county and city officials were also recommended.

Mr. Dixon advised that all of the paving plant owners bid on Highway Commission contracts and that arrangements with the Highway Commission would include all of the major paving plants operating in Oregon.

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PORTLAND RE: COMPLAINT STATUS: NU-BORA SOAP COMPANY, N.W. 12th and Hoyt Streets.

Mr. Hatchard requested the Authority's policy regarding former Portland complaints such as the Nu-Bora Soap Company on which the staff started working in May 1952. He reported that some corrections have been made by the installation of a makeshift cloth filter but nuisance conditions still exist from the soap dust.

It was agreed that future complaints about conditions created by this plant should be referred to the city until some cooperative plan could be worked out with the city.

RAGWEED PROBLETS.

Dr. Erickson advised that Oregon had not been previously troubled with Ragweed but the last two or three years it has started growing in several locations in the state and that he wanted the Authority to be aware of the problem for if ragweed control is not started the Authority will receive complaints in future years. Dr. Erickson advised that ragweed is now infesting Clackamas, Douglas, Josephine, Lincoln and Marion counties but it is fairly easily controlled by 2-4D applications. Dr. Erickson advised that the Legislature passed a control act but didn't appropriate funds and that the Emergency Board had not granted funds for eradication. Dr. Erickson suggested that the Authority send a letter to the Emergency Board requesting that funds be granted. It was agreed that Dr. Erickson and the Secretary would prepare an appropriate letter to be forwarded to the Emergency Board.

DATE OF NEXT MEETING

The next Air Pollution Authority meeting was tentatively set for November 13, 1953.

ADJOURNMENT:

There being no further business, the meeting adjourned at 5:10 P. M.

Respectfully submitted,

CURTISS M. EVERTS, Jr., Secretary  
Oregon State Air Pollution Authority