

SIXTEENTH MEETING

OF THE

OREGON AIR POLLUTION AUTHORITY

June 22, 1956

The sixteenth meeting of the Oregon State Air Pollution Authority was called to order by the Chairman at 1:30 P.M. Friday, June 22, 1956, in Room 36, State Office Building, 1400 S.W. 5th Ave., Portland, Oregon. Those present were Carl E. Green, Chairman, Marie S. West, Vice Chairman, Mr. R. P. Dixon, Dr. Harold M. Erickson, members and Curtiss M. Everts, Jr., Secretary, Charles D. Hurt, Legal Advisor, R. E. Hatchard, Chief of the Air Pollution Control Section, W. J. Whitsett, Associate Engineer, Mr. Frank P. Terraglio, Ronald D. Mance and J. R. Funst, Chemists, and H. W. Merryman, District Engineer, State Board of Health.

MOTION RE: MINUTES OF PREVIOUS MEETING

The Secretary summarized the minutes of the fifteenth meeting of February 9, 1956. The Chairman declared that if there were no corrections or additions the minutes would stand approved as prepared by the Secretary.

NORTH ALBANY: WESTERN KRAFT CORPORATION MILL

The Chairman requested the Secretary to report on the complaints received regarding odors discharged from the Western Kraft Corporation Mill north of Albany.

The Secretary read a letter dated April 10, 1956 from the City of Jefferson requesting the Authority to investigate the conditions and bring about abatement of the offensive odors, originating from Western Kraft Mill at Albany. The Secretary summarized a letter dated March 10, 1956 from A. L. Harding, City Recorder, Independence, which stated that a council meeting was held on 3-7-56 wherein it was agreed that an offensive odor being emitted from the paper mill at Albany was causing nuisance conditions at times in Independence and that the city council instructed the Recorder to seek assistance from the Air Pollution Authority to abate this nuisance.

The Secretary stated that since the Authority meeting on 2-9-56 a total of 15 other complaints had been received from residents near Albany.

The Chairman requested Mr. Hatchard to discuss the staff's investigation of the odor conditions.

Mr. Hatchard stated that the Western Kraft Corporation began operation of the 120 ton per day mill in September 1955 and that the production process included the following steps: (1) Cooking wood chips in a pressure cooker for 4 hours, (2) Washing and refining the pulp for use in the kraft paper machine, (3) Recovery of chemicals removed from the pulp and, (4) Makeup of chemicals for reuse in the process.

He stated that there are many points of atmospheric discharge from a plant of this size but the major emissions included the digester blow and relief gases, recovery furnace stack and the lime kiln. He explained that other plant discharges include the various condenser relief valves, pulp washer, paper drying, oil fired boilers. He stated that the existing plant control systems included a condenser to remove the condensible part of the digester blow and relief gases, a venturi scrubber to serve the recovery furnace together with centrifugal type collector and a water scrubber and vacuum filter connected to the lime kiln discharge. He explained other plant control arrangements included an operational balance of excess air through the recovery furnace to prevent the formation of odorous sulfide compounds.

Mr. Hatchard stated that the complaints received were based upon objectionable odors from the plant and that the main source of odor came from the non-condensable digester relief and blow gases and the black liquor recovery furnace discharges.

Mr. Hatchard reported that the staff had made five area odor surveys since March in the vicinity of the plant. He explained that no satisfactory field odor sampling equipment is available and that the surveys are made by observing the odor frequency and intensity at various distances from the plant. He explained that the odor intensity is recorded on a basis of 0 to 4 and that there was good agreement between

the independent determinations by two observers at the same sampling station.

Mr. Hatchard stated that the variable weather conditions in Albany complicated the study since fixed sampling stations could not be used. Mr. Hatchard reported that the surveys showed frequent odor intensities of number 1 and 2 and occasional observations of #3 and 4 intensity for short durations usually less than one minute.

Mr. Hatchard stated that the company was planning to use an odor masking additive and that arrangements would be made for the staff to conduct another survey at that time.

Mr. R. V. Hansberger, Executive Vice President, Western Kraft Corporation, stated that the management is fully aware of the problem in north Albany and that representatives of the Air Pollution Authority have conferred with him a number of times regarding the information from the surveys and studies. He explained that since the date of the Air Pollution Authority's last meeting Western Kraft had been shut down for a period of 30 hours in which time changes were made in the system. Mr. Hansberger said that he believed the mill is doing a good job removing the materials and odor although, he stated, they have found it extremely difficult to separate them entirely with water or liquid showers because all substances were not soluble.

One of the changes made during their shutdown, he explained, was to force more air in the recovery system burning process and to prevent the formation of odorous compounds. Mr. Hansberger said he felt it was quite successful although it had not entirely solved the problem. In addition to that in the period between June 2nd, and June 5th, they inaugurated experiments and tests using Alamask. It was pointed out that its function is to mask the odors. He stated that their observations indicated that Alamask was performing quite successfully in reducing the odor from the recovery system. He stated that another test was scheduled in July which would include use of Alamask in the pulp digester. He added that as far as the expansion program was concerned, the technical staff had been studying the problem continuously including the recovery system and that they had purchased a larger and

more powerful fan and separation system which will greatly assist the oxidation of the odorous materials before discharge.

Mr. Hansberger stated that the experiments are continuing and although the improvements will not be 100% effective he was certain they would be able to substantially reduce the odors from their kraft mill. Mr. Hansberger stated that he would like very much to have a representative of the Air Pollution Authority present at the next experiment using the odor masking agent.

Chairman Green asked Mr. Hansberger to advise the Air Pollution Authority when the next test run would be made and a representative would be present. The Chairman asked Mr. Hansberger if other kraft mills were using this odor control method.

Mr. Hansberger replied that every kraft mill has this type of odor problem and is concerned and working on improvements and that he and his staff are keeping in touch with developments in other mills. He added that Western Kraft system is somewhat novel but they thought it was better than some conventional systems of reducing odors. In general, he stated, that if there was a way of measuring relative odor compared with production he was sure that Western Kraft was doing as well as any kraft mill in the business.

Mr. Dixon suggested that Mr. Hatchard attend the next experiment and submit a report to the Air Pollution Authority.

had

The Chairman asked Mr. Hatchard if he received plans for the control of odors to serve the expanded plant.

Mr. Hatchard stated that the staff had not made a specific request but that it was normal practice to receive plans before an installation is completed.

The Chairman requested Western Kraft Corporation to submit their plans describing the control systems for the expanded plant to the Authority for review.

Mr. Hansberger stated that it is their intention to make the plans available.

The Chairman requested a report from the staff at the next meeting.

EMPIRE: Official public hearing regarding embers and flyash discharges from the Cape Arago Lumber Mill.

The Chairman stated that the representatives of the Cape Arago Lumber Company were now present and that the Authority would proceed with the public hearing regarding the cinder and flyash deposition on property near the Cape Arago Lumber Mill in Empire.

The Chairman requested the Secretary to summarize the previous actions of the Authority regarding the matter.

The Secretary stated that at the last Authority meeting Mr. Clifford Carlson, Attorney representing Cape Arago Lumber Company, stated he would advise the Authority regarding the company's plans. The Secretary explained that since November 1955 the mill had been closed except for partial operation of the planer; that there had been some reports that the mill production may be completely reorganized. The Secretary pointed out that the Authority did not receive any communication from the Cape Arago Lumber Company although an additional request had been sent to the company requesting the information. He reported that the company had notified the Authority that the lumber mill had resumed operation on May 1st, and that it had also been decided at the last Authority meeting that the company would be cited in if appropriate arrangements were not made to control their cinder and flyash discharges.

During the hearing Mr. Whitcell reported that the Authority's studies began in March 1956 with the location of two fallout stations and that the Authority had notified the City of Empire regarding the fallout results obtained and announced that the station would be discontinued unless complaints were received. The City of Empire requested the Authority to continue the investigation and take necessary action to reduce the cinder and flyash deposition. Mr. Whitcell stated that the data obtained from the fallout station showed excessive deposition was occurring during various periods and that a maximum of 417 tons per square mile per month had been found. He stated that the Authority's recommendations had been submitted to the management of the Cape Arago Lumber Company regarding the installation of cinder control equipment to serve the steam generating plant but that no changes had been made. He also

stated that during his past two field trips to Empire he was unable to contact Mr. Miller to discuss the situation.

Mr. Hatchard stated that the Empire City Council had sent subsequent letters to the Authority again requesting abatement action.

Mr. Miller, Vice President, Cape Arago Lumber Company, stated that he had operated the company since May 1950; that he had received some complaints at the mill regarding cinder conditions. He explained that he had attempted to minimize the discharges from the waste wood burner. Mr. Miller stated that he regretted that his company appeared not to be concerned about the problem; that inadvertently letters from the Authority had not been properly answered. He stated that the company would investigate the matter of installing cinder collection equipment to serve the steam generating plant.

MOTION RE: EMPIRE CAPE ARAGO LUMBER COMPANY

It was MOVED by Mr. Dixon and seconded by Dr. Erickson and carried:

1. That the Authority continue the hearing.
2. That the management of Cape Arago Lumber Company obtain technical assistance to advise them regarding the correction of the excessive cinder and flyash discharges.
3. That they cooperate with the Air Pollution Authority staff.
4. That we receive statement of progress toward solution of the problem within 90 days.
5. That the staff advise the Authority of specific recommendations for further action or consideration in the matter.

The Chairman requested the company to submit a progress report within the next 90 days.

Dr. Erickson stated he would like a progress report submitted sooner than 90 days if possible.

MULTNOMAH COUNTY: BURNING REFUSE DUMPS NORTH OF PORTLAND

The Secretary stated that several complainants were present who wished to be heard regarding air pollution from the burning refuse dumps.

Mrs. Carlie Gilstrap, 405 N. Russett Street, stated that after the establishment of her residence a series of garbage dumps have been started in the area north of Columbia Boulevard and that now when these dumps operate over 100 trucks a day deliver wet garbage to the dumps. She reported that two of the dumps receive permits from the county to operate but that the County did not give them any permit to burn and that they are burning in violation of that permit. She stated that they are anxious to have this situation corrected as soon as possible and to have this Authority take necessary action that will bring about proper handling of garbage. Actually she stated they would like to get the dumps closed but if that can not be arranged it is their understanding that the Authority could make recommendations to reduce the air pollution. She advised that they realized that the County and City are both involved, the city in licensing the trucks and hauling the garbage out of the city and the county in general supervision of the dump operations. She stated that the city has provided an incinerator to properly burn garbage but that the dumps north of Columbia Boulevard are closer for these garbage trucks to unload.

Mrs. Gilstrap said she understood there was a requirement that the dumps should be covered with five feet of dirt which definitely is not being done. Mrs. Gilstrap presented a map showing locations of complainants' homes and the refuse dumps. She reported that one new dump had been established near north Vancouver and Columbia Boulevard which was very close to their homes and that they suffer all summer and fall when the prevailing winds carry smoke, flyash and odors from the dumps to their homes. She stated that they have flyash deposited on their homes and yards and that the smoke is so thick that automobiles have to use their lights during daylight hours. Mrs. Gilstrap stated that there is practically always a cloud of dense smoke in one direction or another and that it is hoped the Authority's staff will make a preliminary survey since all the residents consider this a serious

health hazard.

The Chairman asked the Secretary if written complaints had been received regarding these refuse dumps.

The Secretary replied that a complaint had been received May 18, 1956 regarding the dumps which contained the signatures of eight residents.

The Chairman stated that this matter should be investigated not only by our staff but in cooperation with the County and City officials.

Mr. Dixon stated that if these trucks were operated in violation of a county permit, it appears that conditions could be improved by the county enforcing its regulations.

Mrs. Gilstrap replied that the burning at the dumps is being done in violation of the permit.

Chairman Green asked Mrs. Gilstrap what agency issued the permit.

Mrs. Gilstrap replied that she understood it was the Board of County Commissioners.

Dr. Erickson stated that the matter should be investigated with the County and City agencies and that independent studies should be made if necessary to determine the nuisance conditions in the area.

Chairman Green directed the staff to investigate the matter when other commitments will allow and to confer with the city and county officials concerned.

EASTSIDE: CINDER AND FLYASH DEPOSITION FROM COOS BAY LUMBER COMPANY

The Chairman requested W. J. Whitsett to report on the cinder and flyash deposition in Eastside.

Mr. Whitsett stated that at the February 9, 1956 Air Pollution Authority meeting the Authority directed that the Eastside problem again be brought to the attention of the Coos Bay Lumber Company and that the data which had been accumulated by the staff showing the company to be the major source of cinders and flyash be interpreted to the company management, and that the lack of cooperation by the Coos Bay Lumber Company be pointed out; that the company's cooperation in undertaking a study of their problem be encouraged and that the company be notified that unless prompt action be taken the Authority will have no alternative other than to institute proceedings to



gain compliance with state statutes.

Mr. Whitsell advised that on March 20, a letter containing the above recommendations was sent to the Coos Bay Lumber Company and that in a letter of March 21, from the Coos Bay Lumber Company a meeting date with the Authority's staff was arranged.

Mr. Whitsell reported that on March 30, Mr. Hatchard met in Coos Bay with Mr. J.W. Forrester, President, Coos Bay Lumber Company, Mr. D. D. Dashney, Vice President, Coos Bay Lumber Company and Mr. R. G. Southwick, engineer, Coos Bay Lumber Company and that the fallout and area survey data was discussed. Mr. Whitsell stated that Mr. Forrester advised that an engineering and contracting firm in Medford had made measurements of the steam plant stack but the Coos Bay Lumber Company believed the information was inadequate. Mr. Whitsell stated that C.C. Moore Company had been contacted to make another study but the Moore Company had not yet started the work. He stated that arrangements were made to notify the Authority when the stack study would be made so that a staff member could be present. Mr. Whitsell reported that the company management declared they intend to proceed with necessary corrections. On June 13, Mr. Whitsell reported that he conferred with Mr. R. G. Southwick at Coos Bay and learned that the company had just received a proposal from the Preferred Equipment Engineers in Seattle to conduct stack tests but that the nature of their requirements would necessitate considerable work in the preparation of scaffolding and opening the re-enforced concrete stack and that a building project already underway was expected to occupy their personnel completely until the middle of July.

The Chairman requested the Secretary to read a letter dated June 20, signed by Mr. D. D. Dashney, Vice President, Coos Bay Lumber Company, regarding the company's efforts to investigate the cinder discharge from their plant.

The Chairman asked if the staff had any recommendations to make in this matter.

Mr. Hatchard stated that the staff was concerned regarding the length of time required before corrections are made. He explained that we do have fallout measurements from our Eastside stations and that the data shows a very high rate of

deposition. He stated that the city officials urged that the matter be corrected just as soon as possible since the residents were pressing for action. In view of our information and what the company has advised it would appear that the report at the next meeting would be the progress taken in the meantime but really what was needed was to reach the stage of determining what specific installations will be made to correct the steam plant discharge.

The Chairman asked if this problem was similar to those which have been encountered elsewhere and that there are solutions available.

Mr. Hatchard stated that the situation is similar but there has been some difficulty on the part of the staff to convince the management of Coos Bay Lumber Company that it is their plant discharge that was creating the problem since there are other plants in the vicinity. Mr. Hatchard stated that the staff is certain that the Coos Bay Lumber Company is the major contributor but that a measurement of the steam plant was needed to determine quantitatively the amount of cinders and flyash discharged.

The Chairman asked ever how long a period has the Coos Bay Lumber Company been advised to reduce the discharge.

Mr. Hatchard stated that the Authority's recommendations were made  $1\frac{1}{2}$  years ago and that the actual corrections are not yet started.

Mr. Whitsell stated that there is another matter which the members of the Authority might consider since the ownership of the mill is to be changed and Mr. Southwick, Coos Bay Lumber Company Engineer, had stated that a new owner may have different plans as far as the steam power plant was concerned and that there was a possibility of dismantling it.

Mr. Green asked if there had been a change of ownership announced yet.

Mr. Whitsell said no but the general opinion was that Georgia-Pacific Corporation would purchase this firm.

Mr. Dixon suggested that a registered letter be sent notifying the company of its violation of the statute and then give them a reasonable time to figure out what

they wish to do about it and if it is their plan to dismantle the plant it should be so stated but in any event the new buyer should be aware of the situation.

MOTION RE: EASTSIDE: COOS BAY LUMBER COMPANY

It was MOVED by Dr. Erickson and seconded by Mr. West and carried that the Coos Bay Lumber Company be notified that they appear to be in violation of the Oregon laws pertaining to air pollution and that the Authority would expect from them a statement regarding their plans for compliance with the state statute and that they shall advise us of such action within a period of 90 days.

SWEET HOME: SANTIAM LUMBER COMPANY

The Chairman requested Mr. H. W. Merryman to give a resume of the progress being made at the Santiam Lumber Company in Sweet Home, Oregon.

Mr. Merryman stated that the staff first became aware of this situation in 1954 when residents complained of nuisance conditions adjacent to Santiam Lumber Company and that a staff member made an investigation on November 29, 1954 and found a considerable nuisance condition caused by cinder and flyash fallout. He reported that a sampling station was established in November 1954 and in January 1955 the Authority received a complaint-petition signed by 65 residents near the mill and that the staff had made a plant visit. He stated that the main sources of the cinder and flyash were the two hog fuel steam boilers and the waste wood burner and that recommendations were sent to the company that cinder collection equipment be installed.

Mr. Merryman stated that the Santiam Lumber Company then engaged engineering services and proceeded with a program to correct the problem which included the installation of a log barker, a cinder collection system for both boilers and an additional hog fuel chipping unit. He advised that the barker was installed in September 1955 and the collectors were finished in January 1956 and that now all of the wood waste from this plant is used for pulp mill chips or for hog fuel. He stated that the waste wood burner was dismantled in May 1956.

The Chairman asked if this solution had remedied the cinder and flyash conditions.

Mr. Merryman stated there has been considerable reduction of flyash as a result of

the cinder collection installation and other changes but subsequent fallout samples would show the reduction quantitatively.

Mr. Hatchard stated that the staff is extremely pleased with the progress and pointed out that the company made corrections beyond the scope of the Authority's original recommendations.

The Chairman suggested that the Secretary prepare a letter in behalf of the Authority expressing appreciation for the cooperation extended.

PROPOSED ENGINEERING STUDY OF WASTE WOOD BURNING - Charles N. Sanford, Associated Forest Industries of Oregon.

The Chairman called upon Mr. Sanford to give a report on the status of the plan to organize an engineering study of waste wood burning.

Mr. Sanford stated that with the cooperation of R. E. Hatchard, some members of the industry, Oregon State College Engineering Experiment Station and Public Health Service that at least there is a sound program proposed. He stated that the only remaining step was to get the lumber industry to pay its part of the cost. Mr. Sanford reported that the program and plans of the waste burner research included the following arrangements:

1. U. S. Public Health Service has agreed to pay the salary of the chief investigator who will probably be an Oregon State College faculty member working during the summer of 1957.
2. The Oregon Forest Products Laboratory will provide technical service.
3. Sawmill and plywood industries will pay the wages of an engineering aide, provide sampling equipment, pay necessary traveling expenses of the two persons conducting surveys and pay for publication of a report to be distributed widely throughout the industry. This cost is estimated to be about \$6,000.
4. The Oregon State College Engineering Experiment Station will coordinate the project and assume responsibility to see that the research is carried out in a diligent manner and publish a report.

Mr. Sanford stated that the remaining arrangement is to get industry together and collect the \$6,000.00 but that some of the mills belong to no industry association of any kind so the \$6,000 will be solicited from companies directly involved with burner cinder and flyash complaints.

The Secretary informed the members of the Authority that this program may have seemed to progress slowly at first but that we have received excellent cooperation from the staff of the Associated Forest Industries of Oregon and that they have made a considerable effort to get the program organized. The Secretary stated that it has been a real pleasure working with Associated Forest Industries of Oregon.

PORTLAND: Staff report regarding summary of air sampling data, 1952-56, City of Portland Air Pollution Committee activities and Stanford Research Institute Survey.

The Chairman suggested that the staff could send a written report to members of the Air Pollution Authority regarding Portland air pollution activities and make only a brief report at this meeting.

Mr. Hatchard advised that the Secretary and members of the staff had met with the members of the City of Portland Air Pollution Committee on four occasions since the last Authority meeting and it was believed that there has been renewed interest regarding Portland air pollution conditions during the past six months. He stated that an effort was being made to establish an air pollution program by the City of Portland which the staff and members of the Authority can advise and assist. Mr. Hatchard said that Dr. Meador has requested technical assistance from Public Health Service to provide technical assistance to the city under the provisions of Public Law 159. Arrangements have been completed for an engineer to meet with all groups concerned with Portland's air pollution conditions and that the overall survey would proceed along the following general plan:

1. Determine the nature and extent of air pollution surveys needed.
2. Determine staff and equipment requirements to make the study.
3. Determine source of personnel and funds needed to support survey.
4. Detailed project development.

Mr. Hatchard advised that the Public Health Service engineer would be in Portland during the week of July 9, 1956.

EUGENE: EUGENE AIR POLLUTION CONTROL ORDINANCE.

The Chairman stated that it was his understanding that the City Council of Eugene has passed an air pollution control ordinance.

Mr. Hatchard reported that the Eugene City Council had unanimously passed the air pollution ordinance on May 28th, and that the control provisions adopted had been based upon the report prepared by the Eugene Anti-Air Pollution Committee following over a years study.

He stated that the staff had actively participated in the study of Eugene air pollution and had submitted recommendations which were incorporated with the committee's report.

Mr. Hatchard stated that the air sampling and surveys in Eugene had been increased to obtain more data and that this work has been carried on in cooperation with the city.

He advised that the control provisions contained in the ordinance were equivalent to the Authority's proposed regulations and that the city council had allowed a time period until January 1, 1958 for conformance.

Mr. Dixon stated that he believed it was a very good ordinance and that the City would get good cooperation.

BEAVERTON: PACIFIC ADHESIVES COMPANY ODOR CONTROL.

The Chairman requested Mr. Terraglio to report on Pacific Adhesives progress towards an appropriate odor control system. Mr. Terraglio reported that additional equipment was on order and the complete installation is expected within six weeks at which time the staff will re-evaluate the odor conditions as they exist.

The Secretary stated that the staff received a letter of appreciation from Circuit Judge Charles Foster regarding the work accomplished.

ADMINISTRATIVE MATTERS:

The Chairman advised that any proposed legislation for consideration by the state legislature which will convene in January 1957 should be considered.

The Secretary stated that September 1, 1956 was the deadline for submitting the proposed legislation to the Legislative Council for review.

The Chairman asked the staff if there was a need for additional legislation it should sponsor or recommend for the adoption of the Legislature.

Mr. Hatchard stated that one point that comes up frequently is the question whether there is a need for enabling legislation to allow a county or group of counties to carry on a local air pollution program. He advised that cities with the local rule provisions have the power to set up their own program and the question has come up in the Eugene-Springfield vicinity whether or not a two city or part of a county operation would be the best approach for a local program.

The Chairman asked if this matter could not come through the League of Oregon Cities and Association of Oregon counties if so desired.

The Secretary replied that this approach could be followed and he explained that the Legislative Interim Committee on Local Government is now engaged in the study of state and county relationships and state and city relationships. He advised that if this Committee believes that such legislation is needed, it would be introduced.

The Chairman felt there was no particular need for the Authority to go into this matter at this time but instead the request for any such legislation should come from other agencies concerned. He stated that the Authority would consider any legislation that might be proposed and decide whether it should be supported.

Budget for 1957-59 Personnel, Equipment needs, Biennial report, 7-1-54 to 6-30-56.

The Chairman requested the Secretary to discuss the major changes in the proposed 1957-1959 budget.

proposed

The Secretary stated the/budget provides for one additional public health engineer II over our present operating personnel and an additional chemist in the second year and one third of the salary of a Public Health Veterinarian.

The Chairman said since this item requires considerable study and deliberation he suggested that the review and recommendation of the budget be assigned to a committee of 2 or 3 members of the Authority.

The Secretary stated that the biennial report and budget preparation period coincided and that time was needed to prepare both items for presentation.

Dr. Erickson stated that he believed the Authority will be needing more data than ever before to justify the budget items requested. He advised that the Governor had requested an intensive review before his recommendation to the Legislature would be prepared.

NEW COMPLAINTS: CORNELIUS RE: DUST FROM DUGDALE NUT PROCESSING COMPANY.

A complaint regarding dust from the Dugdale Nut Processing Company dated May 11, 1956 sent in by City Manager J. D. Harleman was read and was placed on the staff's work schedule for investigation.

MYRTLE CREEK: CINDER AND FLYASH FROM UMPQUA PLYWOOD CORPORATION

The Secretary stated several letters of complaint were received from residents in Myrtle Creek regarding cinder and flyash from the Umpqua Plywood Corporation and that the Authority has written to W. H. Gonyea, General Manager, Umpqua regarding this nuisance and that a reply had been received from Mr. Gonyea that the mill would be closed if the Authority insisted that changes be made.

The Chairman wished to know if there has been any investigations in Myrtle Creek.

Mr. Hatchard stated that T.M. Gercow has investigated complaints and that a fallout station was operating and that the fallout has been very high and that the major source was the Umpqua Plywood Corporation's steam generating plant.

Mr. Dixon stated that he knew Mr. Gonyea and that in the past the company has been involved in labor troubles and each time he is approached to change some practice he advises that he is closing operation for 30 to 60 days and he will follow through



if it is to his advantage.

Dr. Erickson stated that if there is violation of the law the Authority should proceed with necessary steps to bring about correction.

Chairman Green instructed the Secretary to prepare a reply to Mr. Gonyea and point out that the cinders can be controlled.

MARION COUNTY;    ODOR FROM THE LABISH COLD STORAGE COMPANY

The Chairman requested the Secretary to report on the Labish Cold Storage Company's odor problem.

The Secretary stated the Authority had received complaints from School District No. 31 relative to odor conditions from a pile of decomposing onions at the Labish Cold Storage Company in Brooks, Oregon. He reported that a field investigation was made and a letter was sent the company recommending that action be taken to abate this nuisance and that this complaint would be presented at the June 22, 1956 Authority meeting. The Secretary stated that no action had been taken by the company.

Dr. Erickson stated that he believed the company should be cited to appear at a public hearing since the company is apparently unwilling to cooperate on the problem.

The Chairman asked Dr. Erickson if this matter could be handled by the Marion County Health Department using the local nuisance statutes normally enforced by their department.

Dr. Erickson replied that there was no specific statute that applied to this condition which could be used.

The Chairman asked Attorney Burt if there were other statutes regarding public nuisances which the Marion County District Attorney could act on.

Mr. Burt stated that he could not recall a state law covering this matter but that he would be glad to investigate the matter with the District Attorney.

MOTION RE:; MARION COUNTY, ODOR, LABISH COLD STORAGE COMPANY

It was MOVED by Mr. West and seconded by Dr. Erickson and carried that C. D. Burt discuss this complaint with the District Attorney of Marion County and that if a

satisfactory solution is not found that the Secretary or Chief of the Air Pollution Authority be authorized to hold a hearing on behalf of the Authority to resolve the matter.

MEDFORD: CINDER AND FLYASH DEPOSITION

The Chairman requested the Secretary to review the complaints regarding flyash from sawmills in the Medford area.

The Secretary read a letter-complaint from Mr. Wallace W. Watkins of Medford alleging cinder and flyash fallout from three sawmills were causing public nuisances in the vicinity and reported that a reply had been sent to Mr. Watkins advising that T. M. Cerov, State Board of Health District Engineer, would investigate the three waste burners in his vicinity.

Mr. West asked if the city of Medford was preparing an air pollution ordinance. Chairman Orsen replied that the city was not preparing an ordinance at this time but this complaint should be discussed with the City Manager of Medford.

PORTLAND: TRUMBULL ASPHALT ROOFING - FUMES AND OIL DEPOSITION.

The Chairman requested the Secretary to report on Trumbull Asphalt Roofing nuisance condition.

The Secretary read a letter from the Portland Health Bureau dated May 16, 1956 advising that a complaint had been filed by the employees of the Hazeltine Company regarding the deposition of oily substances on their automobiles in the vicinity and requesting the Authority to assist with air sampling to determine the source of discharge. The Secretary reported that the Authority had advised the Portland Health Bureau that a study would be made as soon as the work schedule would permit.

The Chairman directed the staff to start the study as soon as other commitments will allow.

CLATSOP COUNTY: FUMIGANT USED AT CARGILL GRAIN COMPANY

The Chairman asked the Secretary to report on the status of the Cargill Grain Company's dust nuisance conditions.

The Secretary read the complaint dated May 31, 1956 submitted by Attorney Harry A. Harris in behalf of Mr. and Mrs. C. Wicks alleging that the Wicks were exposed to a health hazard due to the grain company's operations which allowed the wind to carry fine dust from their operation to the Wicks' residence. The Secretary advised that representatives of the State Board of Health, Occupational Health Section and the Authority had immediately investigated the human health aspects and it was learned that the Cargill Company had completed operations and that the new company would completely change the grain handling methods.

The Secretary reported that the staff had advised Dr. H. Stolte, Clark County Health Officer, of the situation since the complaint had been referred from their department, and asked Dr. Stolte to request another investigation if the new company appears to be causing a dust problem.

WILLAMETTE CITY: CINDER AND FLYASH DEPOSITION.

The Secretary was instructed by the Chairman to review the complaints regarding cinder and flyash deposition in Willamette City.

The Secretary read a letter from Mr. Ned S. Warriner, Corps of Engineers, Oakridge, regarding the deposition of cinders and flyash originating from two waste wood burners which were causing nuisance conditions.

The staff had advised Mr. Warriner that H.W. Merryman, State Board of Health District Engineer, would investigate the conditions.

THE DALLES: CINDER AND FLYASH FROM THE DALLES LUMBER COMPANY

The Chairman requested the Secretary to report on the complaints regarding the deposition of cinder and flyash near The Dalles Lumber Company in The Dalles. The Secretary stated the Authority had received a petition signed by 37 residents located in the Riverview area alleging that smoke and unburned sawdust from the burner of The Dalles Lumber Company was contaminating the air and injuring health and soiling the personal property of the residents. He reported that the group had been advised by letter that the complaint would be referred to the Authority at its June 22nd, meeting.

The Chairman directed the staff to investigate this complaint as time permitted.

THE DALLES: DRIFT OF LEAD-ARSENATE FROM ORCHARD DUSTING.

The Chairman requested Mr. Hatchard to report on the investigation of a lead arsenate orchard dust drift into The Dalles.

Mr. Hatchard stated that on May 22, 1956 the State Board of Health had received a request for assistance from Dr. H. R. Davidson, Wasco-Sherman County Health Officer, to evaluate complaints regarding a health hazard caused by the lead arsenate dust. He reported that Dr. Sullivan and he had attended a public meeting in The Dalles on May 23, and arrangements were made for investigation of the matter.

Mr. Hatchard stated that Dr. Sullivan was caring for the human health aspects and the Authority's staff had arranged for air sampling. He explained that subsequent field visits indicated that some of the orchardists near The Dalles had changed from dusting operations to solution spraying which had thus far prevented another occurrence.

He stated that arrangements were made with the County Health Department to notify The Authority if the situation occurred again so that samples could be collected.

Dr. Erickson stated that the State Board of Health appreciated having the staff investigate the problem and as a result of the investigations the orchardists may apply the insecticides in such a manner that no problem is created.

The Chairman directed the staff to continue cooperative efforts to prevent the problem from occurring again.

ALBANY: CINDERS AND FLYASH FROM BORDEN MILK COMPANY

The Chairman requested the Secretary to report on the investigation of sawdust and flyash deposition near the Borden Milk Company in Albany.

The Secretary read a letter dated May 31, from City Manager J. J. Salovaara regarding the deposition of flyash resulting from the Borden Company's plant on nearby residential areas. He reported that a letter had been sent to Mr. Salovaara on June 5, advising that an investigation would be made.

LINN COUNTY: CINDERS, SAWDUST & FLYASH FROM LEE FRUITT'S FUEL COMPANY

The Secretary stated that the Authority received a petition signed by 17 residents

of Lebanon, Oregon, on June 22, complaining about cinders and flyash from a mill located along highway No. 20. Since the petition had arrived this morning the Authority's staff has had no opportunity to investigate the situation.

The Chairman directed the Secretary to investigate the matter when the staff schedule will allow.

DATE OF NEXT MEETING

It was decided that the next meeting would be held in September at the call of the Chairman.

MEETING ADJOURNED

There being no further business, the meeting adjourned at 5:25 P.M.

Respectfully submitted,

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

BEFORE THE  
OREGON AIR POLLUTION AUTHORITY

-----  
In the Matter of a )  
PUBLIC HEARING )  
Regarding air pollution from the )  
Cape Arago Lumber Company located )  
in the City of Empire, Coos County, )  
Oregon. )  
-----

1400 S. W. 5th Avenue  
Portland, Oregon  
Friday, June 22, 1956

Met, pursuant to notice, 2:00 o'clock P. M.

BEFORE:

CARL E. GREEN, Chairman  
MERLE S. WEST, Vice Chairman  
R. P. Dixon  
Harold M. Erickson, M.D.  
Harold F. Wendel

ALSO PRESENT:

Curtiss M. Everts, Jr., Secretary  
Charles D. Burt, Special Asst. Attorney General  
Richard E. Hatchard, Chief, Air Pollution Control  
Wilbur J. Whitsell, Associate Sanitary Engineer  
Frank Terraglio, Chemist  
Ronald D. Nance, Chemist  
James R. Faust, Chemist

## PROCEEDINGS

CHAIRMAN GREEN: Will the Secretary summarize the previous actions of the Authority regarding the cinder and flyash deposition in Empire.

MR. EVERTS: The Chairman, Members of the Authority will recall that in the resume of the minutes of the last meeting that the Cape Arago Lumber Company was represented by Council; that the Authority heard a report on the staff experiences and studies in that area and following the staff report Mr. Clifford Carlsen, Attorney, representing Cape Arago Lumber Company, stated that the steam plant of that company had been shut down in November 1955; that the sawmill was now shut down; that the planing mill was being operated every other week; that the company had no present plans for re-opening. Following a discussion the Chairman indicated to Mr. Carlsen that the Authority expected a specific statement in writing from the company regarding their future plans; that the management should not ignore the Authority's correspondence but put in writing all of their plans as they are formulated. That if the Authority could not get cooperation from the management the management representative must be present at the next meeting. Since that time additional studies have been made in the area.

The Authority received a letter dated June 21, 1956 from the City of Empire signed by its Mayor, Mr. Kenneth E. Adams, which reads as follows. "The Council of the City of Empire wishes to submit the following report for your consideration. Since Cape Arago Lumber Company has resumed operation there has been no noticeable improvement of the fallout problem. Residents of this city have continued to protest the fallout conditions. Council members are of the opinion no marked alleviation of outfall present since resumption of full mill operation." In your files there is an engineering report on the staff's study as well as a Chronological report on investigations, correspondence and so forth. I believe Mr. Whitself is prepared to report further on this matter.

CHAIRMAN GREEN: Mr. Whitself will you report to the Authority, please?

MR. WHITSELL: I believe it was agreed that we should read the chronology, is that right?

MR. BURT: I believe it substantially should be in the record.

MR. WIENER: Mr. Chairman, what procedures will be followed during the hearing?

CHAIRMAN GREEN: Would you state your name, please?

MR. WIENER: My name is Norman J. Wiener, Attorney, and I represent the Cape Arago Lumber Company.

MR. WIENER: It is also my understanding that the hearing will be conducted in accordance with Chapter 449.735 Oregon Revised Statutes.

CHAIRMAN GREEN: Mr. Burt, will you advise the Authority.

MR. BURT: This hearing will be conducted pursuant to the provisions of Chapter 449.735 for the purpose of establishing facts relating to this situation.

MR. WIENER: Will the witnesses be placed under oath.

MR. BURT: I would suggest to the Authority that it would be the proper procedure.

CHAIRMAN GREEN: Mr. Burt will you swear in the witness, please?

MR. BURT: Yes. Will you raise your right hand? Do you solemnly swear that the testimony which you will give before this hearing be the truth, the whole truth and nothing but the truth, so help you God.

MR. WHITSELL: I do.

CHAIRMAN GREEN: You will repeat your name and your business connection, Mr. Whitsell.

MR. BURT: Mr. Chairman, if I might interrupt, it might be well for the representative of Cape Arago Lumber Company to sit at the table.

CHAIRMAN GREEN: Yes. Won't you come up Mr. Wiener and the gentleman with you.

CHAIRMAN GREEN: The testimony given is being recorded and will be available later to you and other concerned.

CHAIRMAN GREEN: Mr. Whitsell, first tell us your full name and your occupation.

MR. WHITSELL: My name is Wilbur J. Whitsell, I am an engineer with the Oregon State Air Pollution Authority. This material which I am about to read is



Exhibit A which is a Chronology of events leading to this hearing. It concerns the State Air Pollution Authority's negotiations with the Cape Arago Lumber Company.

EXHIBIT A

CHRONOLOGY

CAPE ARAGO LUMBER COMPANY

1. March 11, 1954: The measurement of the cinder and flyash fallout in Empire started with the location of area sampling stations approximately 1300 feet SSE and 1300 feet SSW from the Cape Arago Lumber Mill.
2. May 12, 1955: Letter sent to the City Council of Empire transmitting the results obtained from the fallout stations and explaining that the stations would be discontinued since no written complaints had been received.
3. June 10, 1955: Letter received from R. L. Thomas, City Attorney for Empire advising that the City Council had requested the Air Pollution Authority to continue study and take necessary action to correct the cinder deposition problem. Also stated the city had received many complaints during the summer months each year and had been unable to correct the problem.
4. June 23, 1955: At a regular Authority meeting the staff was instructed to continue the sampling activities.
5. June 29, 1955: Fallout stations were reactivated 1300 feet SSE and 600 feet SE of Cape Arago Lumber Mill.
6. June 29, 1955: A representative of the Authority's staff conferred with Kenneth Adams, Mayor, City of Empire, regarding activities. Also conferred with D. H. Miller, Vice President of Cape Arago Lumber Mill.

7. July 7, 1955: Copy of letter received from City Attorney  
R. L. Thomas to Cape Arago Lumber Company urging the company to cooperate with the Air Pollution Authority.
8. July 13, 1955: Letter to Cape Arago Lumber Company reporting that from 54 to 120 tons per square mile per month of fallout obtained from area stations and that public nuisance conditions exist.  
It was recommended that the company take appropriate measurements to reduce cinder and flyash discharges.  
(No reply received to this letter)
9. Sept. 16, 1955: Letter received from City of Empire protesting continuance of air pollution and fallout from the Cape Arago Mill.
10. Sept. 26, 1955: Letter sent to City of Empire advising that the investigation was continuing and that the Cape Arago Lumber Company had been advised that corrections were needed.
11. Oct. 26, & 27, 1955: A member of the Authority's staff attempted without success to obtain an appointment with D. H. Miller, Vice President, Cape Arago Lumber Company during a routine field trip to Coos Bay.
12. Oct. 31, 1955: Letter sent to D. H. Miller stating that since the Authority had received neither plans nor a reply to the letter of July 13, 1955 it was assumed no important corrective steps had been taken. The company was advised that a public meeting would be held and a representative of their company would be invited to attend.  
(No reply to this letter received)
13. Oct. 31, 1955: Letter sent to the Empire City Council advising that no progress had been made by the company towards the reduction of cinder and flyash deposition and that a public hearing would be scheduled at a future meeting of the Authority.

14. Nov. 14, 1955: F. A. Yerke, Jr., attorney representing the company, requested copies of the fallout data obtained from the Empire stations.
15. Dec. 5, 1955: Reply sent to Attorney F.A. Yerke transmitting the fallout data.
16. Jan. 9, 1956: Letter sent to D.H. Miller advising that a representative of the Authority would be in the area and would contact him for an appointment.
17. Jan. 10 & 11, 1956: A representative of the Authority was unable to arrange a meeting with Mr. Miller but did talk with him by phone and was advised to contact Mr. Yerke for information.
18. Jan. 10, 1956: Letter from Attorney Yerke advising that the mill had been closed and was not operating at the present time.
19. Jan. 16, 1956: Letter sent to Attorney Yerke requesting a copy of the stack test data describing the discharges from the Cape Arago steam plant.  
(No reply received)
20. Jan. 31, 1956: Letter sent to D. H. Miller notifying them of the Authority meeting on February 9, and requesting a representative to be present.
21. Jan. 31, 1956: Letter sent to the City of Empire regarding the February 9, Authority meeting.
22. Feb. 6, 1956: Phone call received from Mr. Yerke regarding the February 9, Authority meeting. Advised that the members of the Air Pollution Authority desired to know what arrangements the company had made regarding the control of cinders when the plant resumed production.
23. Feb. 7, 1956: Letter received from King, Miller, Anderson, Nash & Yerke, attorneys, representing the company, requesting copies of the complaints received.

24. Feb. 7, 1956: Copies of complaints sent to C.M. Carlsen, Jr. Atty.
25. Feb. 9, 1956: C.M. Carlsen, Jr., Attorney representing the company, advised the members of the Authority at the February 9, 1956 meeting that the plant had been closed except for intermittent operation of the planing mill. The members of the Authority requested notification from the company regarding their future plans. Mr. Carlsen agreed to send this statement.
26. Mar. 19, 1956: Letter sent transmitting minutes of the February 9, 1956 meeting to C. N. Carlsen, Jr., Attorney, including a request for a statement regarding the company's plans for control of cinder and flyash.
27. Mar. 29, 1956: A representative of the Authority collected the samples from the Empire stations and noted that the sawmill was not in operation and that the planer mill was being used on an intermittent basis.
28. Apr. 24, 1956: Letter received from N. J. Wiener, Attorney with King, Miller, Anderson, Nash and Yerke advising that the company proposes to re-open its sawmill on or about May 1, 1956.
29. May 7, 1956: Letter sent to N. J. Wiener acknowledging letter of 4-24-56 and again requesting information regarding the company's plans to control cinder and flyash discharges from the steam plant. Reference was made to the Authority's original letter of July 13, 1955.
30. May 7, 1956: Letter sent to H.C. Eckley, acknowledging receipt of complaint.
31. May 9, 1956: Letter received from D. H. Miller advising the company is investigating their discharge of cinders and flyash from the steam plant.
32. June 2, 1956: Notification sent to the company regarding a public hearing to be held at the Authority meeting of June 22, 1956.

33. June 4, 1956: Letter sent to the City of Empire advising a public hearing has been scheduled for June 22, 1956.

34. June 13, 1956: A member of the Authority's staff conferred with D. H. Miller and was advised that the company believed that cinder and flyash conditions have improved since 30% of the electrical power is now being obtained from the Pacific Power and Light Company. Learned from personnel in the steam plant boiler room that the steam load was about the same.

The Authority's representative conferred with City of Empire Mayor Kenneth Adams regarding the June 22, 1956 meeting.

MR. WHITSELL: That completes the reading of Exhibit A. Now Mr. Burt is it appropriate that I read this next section.

MR. BURT: May I ask Mr. Whitsell a few questions?

CHAIRMAN GREEN: Yes, Mr. Burt, proceed.

MR. BURT: Mr. Whitsell, do you know what the measurements of the fallout of these stations is at the present time.

MR. WHITSELL: Just one minute, please, we will get some fallout data.

MR. WHITSELL: The most recent fallout results are not listed here. You are interested only in the most recent ones, is that right?

MR. BURT: The most recent ones which you have made.

MR. WHITSELL: I think that, Mr. Hatchard, we can read directly from here. There are some low results here which occurred at the time the plant was not in operation. These are in milligrams, are they not? Milligrams per month.

MR. HATCHARD: Yes.

MR. WHITSELL: 22 mg. per month indicated for both stations. The one at the theater- - - - and also the one at Milburn residence.

CHAIRMAN GREEN: Just a minute, Mr. Whitsell.

CHAIRMAN GREEN: Your data referred to in the exhibit was in tons per square mile per month, I believe.

MR. WHITSELL: Yes.

CHAIRMAN GREEN: Can we have it on the same basis so that they are comparable, please?

MR. WHITSELL: This would be about 7 tons per square mile per month, for both the stations.

CHAIRMAN GREEN: That is for which period?

MR. WHITSELL: January 11, 1956 to March 29, 1956 and during that period the plant was shut down.

MR. BURT: Do you have any measurements since the plant was re-opened?

MR. WHITSELL: That would be the last series. I just began calculating those this morning and calculations are not complete, but for one of the stations I recall, that is the No. 3 station located at P. D. Milburn residence that was 230 mg. or in tons that would be 69 tons per square mile per month. Now ordinarily we get higher results from the station at the theater and I recall that they were higher but I don't recall the exact figure.

MR. BURT: Can you tell me what the Authority considers maximum fallout per square mile per month.

MR. WHITSELL: It varies somewhat with the community but in general we feel that when fallout values become in excess of 20 to 25 tons per square mile per month a nuisance condition exists.

MR. BURT: Were your studies made before the plant closed and since the plant has re-opened. Are you able to say whether or not there was any specific change of fallout at the plant?

MR. WHITSELL: From the time it was closed as compared with what it is now.

MR. BURT: In other words is the fallout appreciably less from the plant now than it was when it was previously run.

MR. WHITSELL: There isn't enough data to base a conclusion on for that type at the present time because so many factors such as the weather and wind directions

affect the results. At least the last results indicated that a nuisance condition still exists.

MR. BURT: Do you know whether or not there has been any changes made at the plant regarding the control of this discharge?

MR. WHITSELL: I don't know.

CHAIRMAN GREEN: Mr. Wiener, would you like to question the witness? Would it be proper to first state your name and whom you represent please, for the record.

CHAIRMAN GREEN: I wonder if you had better come up close to the microphones, Mr. Wiener.

MR. WIENER: My name is Norman J. Wiener, I am attorney representing Cape Arago Lumber Company.

CHAIRMAN GREEN: Could he be sworn in, Mr. Counsel.

MR. BURT: No, he is cross examining the witness.

MR. WIENER: Mr. Whitcell, did you participate in the prior tests personally? In the test prior to the most recent.

MR. WHITSELL: Do you mean in the collection of the fallout samples?

MR. WIENER: Whatever data you have been talking about. Did you personally participate in it.

MR. WHITSELL: Yes, I did.

MR. WIENER: And did you participate in this last collection of data?

MR. WHITSELL: Yes, I did. I personally collected the last samples.

MR. WIENER: How long were you down there?

MR. WHITSELL: In the Bay Area?

MR. WIENER: Yes.

MR. WHITSELL: I was there for approximately a day and a half.

MR. WIENER: How long were you taking these samples, whatever you do?

MR. WHITSELL: The actual collection of the samples requires a very short time. Not over 10 minutes per sample.

MR. WIENER: My specific question is how much time do you spend collecting this.

MR. WHITSELL: Perhaps a total of 20 minutes just collecting.

MR. WIENER: What was the weather like during this 20 minutes.

MR. WHITSELL: Showery. Some showers and sunshine.

MR. WIENER: Wind blowing?

MR. WHITSELL: Yes, the wind was blowing a little bit, not much.

MR. WIENER: What direction, during those 20 minutes.

MR. WHITSELL: At that time, as I recall, the wind was blowing approximately west, northwest.

MR. WIENER: By that you mean it was blowing from the west-northwest to the east-southeast or was it blowing towards - - - which direction?

MR. WHITSELL: What the meteorologist referred to as west-northwest wind.

MR. WIENER: Unfortunately I am not a meteorologist. Does that mean that the wind was blowing from the ocean? Towards the shore?

MR. WHITSELL: That is correct, yes. Those are my observations.

MR. WIENER: Can you estimate the speed of the wind, during that 20 minute period?

MR. WHITSELL: Oh, it was on the order, I would guess, 5 to 10 perhaps 15 miles per hour.

MR. WIENER: This sampling that you do, what does that consist of.

MR. WHITSELL: That consists of the location of a wide mouthed jar, one gallon jar at an elevated sampling station and left in location with water so that the material which falls out of the air falls into the jar. At the end of a known period of time usually in this case about 2 months, we replace the jar with an empty one and the jar complete with sample and water is brought back for analyses in our laboratory.

MR. WIENER: Sorry, I didn't quite understand you. You mean that this jar has been sitting out there two months when you were down there the other day.



MR. WHITSELL: That is right.

MR. WIENER: And you just picked it up, is that right.

MR. WHITSELL: That is correct.

MR. WIENER: Oh, I see, so during this period of time -- when was that jar put there.

MR. WHITSELL: The most recent jars which were collected were placed on March 29.

MR. WIENER: I see. So then your observation here a few moments ago and questioned by Counsel was based upon a fallout over a period from March 29, to June 13. Would that be correct?

MR. WHITSELL: That is correct.

MR. WIENER: Do you know when Cape Arago Lumber Company started up?

MR. WHITSELL: I will refer to the records.

MR. WIENER: It was May 1st. Now do you have any idea as to how much of this you collected was prior to May 1st?

MR. WHITSELL: No, I don't.

MR. WIENER: So your data there is based upon a period which covered both Cape Arago's shutdown and its operation.

MR. WHITSELL: That is correct.

MR. WIENER: You have no way of telling here technically as an engineer what fell since Cape Arago has resumed operation.

MR. WHITSELL: No. The only presumption is that it would have to be higher.

MR. WIENER: Why do you indulge in that presumption?

MR. WHITSELL: Because we have abundant background data, that is data from stations on the coast in other areas where there has not been a cinder fallout problem or where in certain seasons winds have been such that the station did not receive this material and we find results on the order of those mentioned just now, around 5 to 10 tons per square mile per month, perhaps a little higher. Just the order of magnitude which we found during that sampling period mentioned

here when the plant was shut down. Now these results from this last one were on the order of ten times that for a period, a sampling period, during only part of which the plant was operating.

MR. WIENER: All right. Where is this jar kept?

MR. WHITSELL: Station No. 1 is on the roof of a building immediately adjacent to the theater on New Mark Avenue and Station No. 3, is on the roof of a small outer building at the Milburn residence on Broadway.

MR. WIENER: Either of those houses have chimneys?

MR. WHITSELL: Yes, they do.

MR. WIENER: Any other lumber mills in the area of Cape Arago Lumber Company? Any other mill working plants?

MR. WHITSELL: Not at Empire.

MR. WIENER: How far is Cape Arago Lumber Company from the station? Just roughly, half mile?

MR. WHITSELL: I stated the distance previously, it is in the record here already. The one station at the theater is approximately 1300 feet south-southeast and the other one approximately 600 feet southeast of the mill.

MR. WIENER: In your experience, Mr. Whitsell, is cinder and this flyash travel through the air sometime at some distance?

MR. WHITSELL: We know of no instances where measureable quantities of these cinders have traveled more than 1/2 mile.

MR. WIENER: How far is the Coos Bay Lumber plant from here? From the stations.

MR. WHITSELL: From the Empire station? Well, I don't know but it is in excess of three miles.

MR. WIENER: How about Weyerhaeuser Timber Company.

MR. WHITSELL: I will be conservative and say that it surely must be in excess of 2 miles.

MR. WIENER: Immediately to the north of Cape Arago Lumber Company's plant is what? Physically, what is to the north of the plant.

MR. WIENER: Water, isn't it?

MR. WHITSELL: I guess, I am not sure.

MR. WIENER: I will state my question a little differently. Cape Arago Lumber Company is on water is it not?

MR. WHITSELL: Yes.

MR. WIENER: And, the town of Empire is what direction from the mill?

MR. WHITSELL: The town of Empire generally is in a southeasterly direction.

MR. WIENER: What are the prevailing winds down in that country?

MR. WHITSELL: For what time of the year.

MR. WIENER: The general prevailing winds the year around. Aren't they blowing from the southwest to northeast. Isn't that true along both coasts, or do you know.

MR. WHITSELL: No, I don't believe that is true.

MR. WIENER: What would be true.

MR. WHITSELL: It would be more accurate, I believe, to say the prevailing winds during the summer season, for example from June to September vary little according to the year will be predominately from the northwest.

MR. WIENER: Northwest?

MR. WHITSELL: Yes.

MR. WHITSELL: Now during the winter months, the other half of the year, from September to March or a little later, the winds prevail more from the south-east than from any other direction. The winds from the southwest which receive so much attention are those which accompany strong storms and disturbances.

MR. WIENER: What direction do the winds have to be to carry cinders from Cape Arago on the town of Empire.

MR. WHITSELL: They would have to be --- well they could be anything from north-northeast through north through northwest to west.

MR. WIENER: Winds blowing directly from the west carry cinders on the town of Empire?

MR. WHITSELL: On one part, yes, on the northern fringes of the town.

MR. WIENER: It would. All right. The prevailing winds you speak of during the summer months were from the north. Those would carry would they not?

MR. WHITSELL: The northwest winds. Yes, they would. They would carry the material directly across the center of the City of Empire.

MR. WIENER: Did your study you made several years ago show any significant difference between the months as to fallout?

MR. WIENER: Let me refer to the fallout records.

MR. WIENER: As to the periods of the year. What part the winds have in this, if any.

MR. WHITSELL: We began in March 1954. Without naming dates exactly I will try to run through this.

MR. WIENER: Just generally give me your observations.

MR. WHITSELL: Well, March 1954 through June. We got five results. All through March 1954 until November 1954 at which point it seemed to taper off a little bit then and November 1954 to January 1955 it was down some, then in January through April 1955 it was up again and we obtained one of the very highest results in June to August 1955. That was at the theater building station and we received another very high result for August through October at that same station. The result at the other station, the Milburn residence, was also high but not as high as that of the others for the same period.

MR. WHITSELL: Then from October 1955 to January 1956 the results were down again well below those encountered during the summer months although both were still a little higher than what we would like to see. Then the last period reported here is for January of this year through March of this year, the shut down period of the plant when the results were low.

MR. WIENER: What were those results during the shut down period?

MR. WHITSELL: Approximately 7 tons per square mile per month at both stations.

MR. WIENER: Now as I understand it we have no way of ascertaining from your

records what the fallout was for the period March 29, to May 1st. Is that correct?

MR. WHITSELL: As separated from the latter part of that sampling period? No we do not, that is correct.

MR. WIENER: Do I also understand you correctly that today you don't have the data available to present to this Authority at this moment. As to your most recent sampling.

MR. WHITSELL: Only those samples which I read cover or indicate one value, I am not sure of the other, covering the entire last sampling.

CHAIRMAN GREEN: May I interject a question.

MR. WHITSELL: Yes.

CHAIRMAN GREEN: The results to which you refer in tons per square mile per month including that entire period amounts to how much.

MR. WHITSELL: For the one station, that one is at the P.D. Milburn residence I recall that it was 220 mg, or 66 tons per square mile per month.

CHAIRMAN GREEN: And the other was in the order of?

MR. WHITSELL: The other was on the order of in excess of 300 mg, which would be in the excess of 90 tons per square mile per month.

CHAIRMAN GREEN: I think it is important to point out that in spite of the shutdown period the total collected amount during that period is well in excess of the accepted standards of tolerance.

MR. WIENER: I am sorry I did not quite understand.

CHAIRMAN GREEN: What I am trying to point out is even including the period of shutdown that the laboratory findings for the entire period are still well in excess to what they should be even in spite of the shutdown period. Proceed.

MR. WIENER: Mr. Whitzell, what or who determines the amount of the proper fallout in the air?

MR. WHITSELL: The so-called limit, if you may use that term, is a limit which seems to have been generally accepted in various parts of the U.S. as a

limit above which we begin to experience nuisance conditions. Now that limit varies a little according to the character of the material that falls out, obviously.

MR. WIENER: What do you mean by nuisance conditions? I don't understand that.

MR. WHITSELL: Well, I wonder if it would be proper for me to call upon our attorney - - -

MR. WIENER: I want facts, that's all I am asking for. Not legal opinions.

MR. WIENER: I'll ask you this. Do you know of anybody in Empire, Oregon or any place immediately adjacent to Cape Arago Lumber Co., whose health was affected by any fallout from this plant?

MR. WHITSELL: I know of none.

MR. WIENER: Do you know of any property that was damaged? Do you personally know of any property that was damaged by any fallout from Cape Arago?

MR. WHITSELL: I don't know that I would be qualified to judge whether property has been damaged.

MR. WIENER: Do you know or don't you?

MR. WHITSELL: I don't know specifically.

MR. WIENER: Mr. Whitsell, are you an engineer?

MR. WHITSELL: Yes.

MR. WIENER: Did you examine Cape Arago's plant here the last 2 weeks?

MR. WHITSELL: I visited the boiler room, walked through the plant.

MR. WIENER: Did you talk to Mr. D. H. Miller, Jr?

MR. WHITSELL: Yes, I did.

MR. WIENER: In your opinion, did they refuse to cooperate with you at that time?

MR. WHITSELL: No.

MR. WIENER: Did he permit you to inspect the plant?

MR. WHITSELL: Yes, he did.

MR. WIENER: And did you inspect the plant.

MR. WHITSELL: Yes, I visited the boiler room. I wouldn't call it an inspection. I am not really a qualified mechanical engineer.

MR. WIENER: I see. Are you qualified to express an opinion as to what is required to correct any fallout situation from a saw mill. Do you personally qualify?

MR. WHITSELL: Would you repeat that please?

MR. WIENER: Are your qualifications such that in your opinion you are qualified to express an opinion as to what a large sawmill of the Cape Arago Lumber Company type should do, to correct what you consider to be an improper fallout condition?

MR. BURT: I don't believe that is a proper question, Counsel. I think that he could definitely show what abatement was needed to correct this condition other than his own personal opinion. He wasn't the only person involved in making those recommendations.

CHAIRMAN GREEN: I further think that the statutes under which we operate do not require that our staff make specific and definite recommendations regarding the manner in which the plant shall be operated and how the unit shall be constructed to comply but rather we call attention to certain things that the management or the enterprise must find the answer for themselves.

MR. WIENER: So that the record will be clear, Mr. Green, ORS 449.735 provides "Whenever the Air Pollution Authority determines that a person has violated any of its orders or any of the provisions ORS 449.705 to 449.755 it shall give written notice to such persons specifying the causes of complaint." Now I have yet to find out if you have an opinion as to what the causes of complaint are in this case. If you don't have opinions it is perfectly all right to say you don't have them.

MR. WHITSELL: I think I must be honest in saying I do have an opinion as to what the causes of the complaint are. The people in the area, the ones who

have complained feel that the cinder fallout originating from Cape Arago Lumber Mill was excessive. They feel that it is causing them trouble, dirtiness, some have mentioned fire hazard. I don't know about that.

MR. WIENER: Has there been any fire that you know of that was caused by any fallout from the mill in that area?

MR. WHITSELL: It would only be hearsay, I can't - - - -

MR. WIENER: Well, you don't know then.

MR. WHITSELL: I don't know of any.

MR. WIENER: Did you talk to any of the people in the area?

MR. WHITSELL: Yes, I have.

MR. WIENER: Did you talk to the Mayor?

MR. WHITSELL: Yes.

MR. WIENER: Was it at your suggestion that he directed a letter to this Authority which arrived here today.

MR. WHITSELL: I suggested to the Mayor that if it were not possible for anyone to come to represent the City that then they should send a letter which could become a part of the record and which would express their current feelings on the situation.

MR. WIENER: Do you know how many complaints you have received from people in the Empire area? Numbers.

MR. WHITSELL: I would have to refer to the records for that, I don't know.

MR. WIENER: More than 100 or more than a dozen or more than five?

MR. WHITSELL: I don't recall first hand.

MR. BURT: I don't believe that would have any direct bearing on whether or not there is a nuisance condition existing in Empire due to Cape Arago Lumber Company.

MR. WHITSELL: I don't recall the numbers of complaints which have been directed to us. I think it probably would be more meaningful if that same



question were asked of the City as I understand they received the largest number of complaints and passed this information generally along to us.

MR. WIENER: Do you know if a representative of the city of Empire is here today?

MR. WHITSELL: I don't know whether one is here or not.

MR. WIENER: Now have you or do you know of any other member or representative of the State Air Pollution Authority who received any complaints which have to do with danger of life or injury to property? To your knowledge, that is all I am asking.

MR. WHITSELL: I don't know.

CHAIRMAN GREEN: May I interject a question. Mr. Counsel, could we have read that portion of the State Air Pollution Authority statute which has to do with this matter rather than limiting it to two specific things. Should we review what is covered by the statute?

MR. BURT: In what respect, Mr. Chairman, I - - -

CHAIRMAN GREEN: I believe that the question of cross examination pertaining to injury to health and to property - - - it seems to me there are other aspects we are to consider.

MR. WIENER: Mr. Green and representatives of the Authority. I don't intend to be saying what the law is. All I am doing is cross examining about what I think it is. Certainly the Counsel of the Sanitary Authority can question him about anything he wants. All I'm doing is asking specific questions and whether I am right or wrong is immaterial.

MR. BURT: Mr. Chairman, you may be referring to section of the Acts concerning whatever conditions are such as to require immediate action to protect the public health or welfare. The Authority may take such action as it may deem advisable for immediate or for summary abatement of the - - -

CHAIRMAN GREEN: Also had in mind the general policy of the state.

MR. WIENER: It is 449,710 (2).

MR. BURT: Do you have your copy that you might read it. Do you have the Act written up in Chapter and Section?

MR. WIENER: To the end that the least possible injury shall be done to human, plant and animal life and property. General legislation operated in uniformity throughout the state is necessary and ORS so and so and so and so shall be liberally construed for accomplishment of these purposes. That is the general policy, language of the statute.

MR. BURT: There is also, Mr. Chairman, Section 6 which we have here relating to the discharge directly of particulate material stating that discharge into the air of solids, liquids or gas so as to cause such injury to human, plant or animal life or to property as to constitute public nuisance is contrary to public policy of the state of Oregon which covers most of these proceedings.

CHAIRMAN GREEN: That's right.

MR. WIENER: I have no further questions.

MR. BURT: May I re-examine Mr. Whitsell.

CHAIRMAN GREEN: Yes, Mr. Burt, proceed.

MR. BURT: Mr. Whitsell, would you state the amounts in tons per square mile on the average that we were reporting in the Cape Arago stations you have had reference to prior to the time they closed their operation.

CHAIRMAN GREEN: Do you have any results already averaged?

MR. WHITSELL: I would have to go through and average these results.

MR. BURT: Well, can you give them per month, Mr. Whitsell, during the period prior to the closing.

MR. WHITSELL: I can read them in order as they are written here. Would that be helpful?

MR. BURT: Yes, that would be helpful.

MR. WHITSELL: For the station at the theater on New Mark Avenue they are as follows in tons per square mile per month. 64, 91, 23, 23, 78, 2,400 and 417.

MR. BURT: That was before the period preceeding the closure of Cape Arago.

MR. WHITSELL: That is right.

MR. BURT: Now do you have any figures on the fallout during the closure of Cape Arago in these same stations?

MR. WHITSELL: Yes, we have one sampling period result. That is from January 11, 1956 to March 29, 1956. The result for both stations was 7 tons per square mile per month.

MR. BURT: And then as I understood you that subsequently to the opening of the plant the same station was giving a reading of 66 tons approximately.

MR. WHITSELL: One of the stations, yes.

CHAIRMAN GREEN: Was it over 90?

MR. WHITSELL: In excess of 90. I don't recall the figure because I hadn't completed the calculations.

MR. BURT: Would it then be a fair statement that during the closure the fallout was approximately 7 and during the periods the plant was operating it was always in excess of 50 or generally in the excess of 50.

MR. WHITSELL: Generally, yes.

MR. BURT: With the exception of two months. I think it was mentioned 23 or 24.

MR. WHITSELL: That is correct.

CHAIRMAN GREEN: Is there an explanation for the two 23 values. Are these in a wind direction or other region?

MR. HATCHARD: Mr. Chairman, we don't have the exact information but I believe it falls within the period of a general shutdown of lumber industry due to labor conditions at least the summer periods are low but I don't think the plant was operating.

MR. WHITSELL: June of 1954 to November 1954 approximately.

MR. BURT: Are there any plants, lumber plants located in the prevailing wind stream between your collection station and Cape Arago Lumber Company.

MR. WHITSELL: There are no other lumber or sawmills between our stations and the Cape Arago Lumber Company.

MR. BURT: Are there any other substantial sources of flyash of this type?

MR. WHITSELL: Not in that area.

CHAIRMAN GREEN: Anything further, Mr. Wiener?

MR. WIENER: I have something further but not with him.

CHAIRMAN GREEN: Yes

CHAIRMAN GREEN: Mr. Secretary, Mr. Legal Counsel I should say, could we proceed next with a summary of this or should we ask for additional presentation of data or matter?

MR. BURT: You might check, Mr. Chairman, with Mr. Hatchard or Mr. Everts if there is any additional data on this subject.

CHAIRMAN GREEN: Mr. Hatchard, is there any other data which you could present?

MR. HATCHARD: Touching on what has been discussed here previously I think some questions were raised regarding what corrections might be expected to be provided at a similar mill and how actively the Cape Arago Lumber Company is concerned with the recommendations from the Authority. There have been many cinder collection systems serving a similar type mill and fallout measurements have shown the corrections brought about because of those installations.

CHAIRMAN GREEN: Wasn't it nearby at North Bend?

MR. HATCHARD: Yes sir.

MR. BURT: Do you know, Mr. Hatchard, any specific complaints causing damage?

MR. HATCHARD: Yes.

MR. BURT: Before you answer I am just asking you if you know of any. If you know of some we will swear you in as a witness.

CHAIRMAN GREEN: Come up, Mr. Hatchard, and be sworn in as a witness.

MR. BURT: Do you solemnly swear that the testimony which will be given before this hearing is the truth, the whole truth and nothing but the truth, so help you God.

MR. HATCHARD: I do.

MR. BURT: State your name and your position.

MR. HATCHARD: Richard E. Hatchard, Chief of the Air Pollution Control Section, Oregon Air Pollution Authority.

MR. BURT: Mr. Hatchard, relative to this damage reported by residents in the area of the Cape Arago Lumber Co., Empire, Oregon, do you know of any specific instances of damage in that area due to particulate, due to fallout of particulate matter.

MR. HATCHARD: One specific complaint - - - would it be better if I referred to the Authority files?

MR. BURT: Well, whether you read it or summarize it, it will be up to you if you know about it.

MR. HATCHARD: This is from H. C. Eckley, P.O. Box 760 North Bend, Oregon. Regarding the fallout from the Cape Arago Lumber Mill at Empire. He is objecting to the excessive fallout on his properties and the difficulty that he has had during the past 5 years in attempting to sell his property and urging that corrective action be taken.

MR. BURT: Has he cited specific instances of damage, the type of damage.

MR. HATCHARD: Only indirectly in saying "that I had several people interested in buying the place during a period of 5 years the story is always the same, too much sawdust from the mill. Something will have to be done about it and quick. My place is located at 442 Pennsylvania Ave., two blocks or more from the burner."

MR. HATCHARD: Mr. Burt, you recall in the Chronology that we operated those stations for practically a year. We supplied a report to the City of Empire expressing the Authority's intention of discontinuing. In response to that letter the City then requested that the Authority continue their study stating that the City Council of Empire wanted the Authority to take appropriate action to reduce the cinder fallout. It was followed again by a request from the City

Council of Empire in September of last year protesting the continuance of excessive fallouts citing again that it is a concern to their residents.

MR. BURT: Have you ever observed personally any of the manifestations of the fallout matter?

MR. HATCHARD: Yes, I have serviced the stations on two occasions and the observations would be that which one would make in servicing the station which is on the roof of the building, the collection of burned and unburned sawdust and flyash which comes from a lumber mill operation, both a steam plant or waste burner, clogging of roof drains and deposits on the properties around there which require repeated cleaning operations. It is really one of the excessive labor involved in cleaning buildings.

MR. WIENER: I will have to object to this type of testimony regarding the general effects of cinders and flyash instead of specific investigation in Empire.

MR. BURT: Have you seen any manifestations of damage, when I say that have you actually seen these clogged drains and gutters and roofs?

MR. HATCHARD: I apparently didn't make it clear. I was speaking of Empire, I was speaking of servicing stations in Empire and I was speaking of conditions as they exist in Empire at the stations we have operated since March of 1954.

MR. BURT: Have you seen these clogged drains yourself?

MR. HATCHARD: Yes, in cases when fallouts were as high during the periods that have been referred to earlier but not when the fallout was 22, definitely not.

MR. WIENER: Mr. Hatchard, what is the date of that letter from Mr. Eckley?

MR. HATCHARD: Date of the letter is April 19, 1956.

MR. WIENER: Does that refer to the fallout of sawdust?

MR. HATCHARD: Yes.

MR. WIENER: Do you know if Cape Arago Lumber Company was in operation in April 19, 1956.

MR. HATCHARD: Yes, there is no question that the mill was shut down until May 1st, except for the planer mill operation.

MR. WIENER: All right that answers the question.

MR. MILLER: Mr. Hatchard, when were you last there?

MR. HATCHARD: March 29th, I believe, and previous periods.

MR. MILLER: You haven't been there since the mill resumed operation?

MR. HATCHARD: NO sir.

CHAIRMAN GREEN: Counsel, is it proper to ask if anyone else wishes to be heard in this matter, now? This gentleman, are you Mr. Miller? Mr. Burt, would you place the witness under oath.

MR. BURT: Do you solemnly swear that the evidence that you will give before this hearing will be the whole truth and nothing but the truth. So help you God.

MR. MILLER: I do.

CHAIRMAN GREEN: Your name please.

MR. MILLER: David H. Miller. I am Vice President of Cape Arago Lumber Co.

MR. WIENER: How long have you, or your family or your business connections operated Cape Arago Lumber Company.

MR. MILLER: I started at Cape Arago Lumber Company on May 7, 1950.

MR. WIENER: How long is the mill which is now occupied by Cape Arago Lumber Company been at that particular site.

MR. MILLER: Over 70 years.

MR. WIENER: Is it a saw mill?

MR. MILLER: Yes sir.

MR. WIENER: Describe in general its location for the members of the board here who are not familiar where it is.

MR. MILLER: It is on the harbor of Coos Bay. Our plant is built on the water so that ships may dock. With reference to the city of Empire, we are possibly 3 blocks from the heart of town.

MR. WIENER: Are there other mills in the general area?

MR. MILLER: The only mill is below us, The Coos Bay Pulp Corporation.

MR. WIENER: How far is that from you? Air miles.

MR. MILLER: Possibly a mile and a half.

MR. WIENER: Within a radius of 5 to 10 miles are there a number of mills?

MR. MILLER: Yes.

MR. WIENER: Name some of them.

MR. MILLER: Weyerhaeuser Timber Company, Coos Bay Lumber, Evans Products,

Menasha Plywood Company, Irwin-Lyons.

MR. WIENER: Do those operate and burn fuel?

MR. MILLER: I believe they all burn sawdust.

MR. WIENER: How many people are employed by you?

MR. MILLER: About 150.

MR. WIENER: Do most of those people live in Empire?

MR. MILLER: Some live in Empire, some North Bend, some Charleston. Pretty well divided up.

MR. WIENER: Do you know some of your employees personally?

MR. MILLER: I believe I know them all personally.

MR. WIENER: Have any of these people made complaints to you about the flyash or cinder conditions?

MR. MILLER: I would say it would be pretty hard for an employee to complain. I don't think they would even if they felt like complaining. I want to be truthful.

MR. WIENER: Have you ever received any complaints?

MR. MILLER: I have in the past years, yes, I have had people call me up about the cinders in the summer months in June to September it is bad, in other words the wind takes it right over the town. In your other months you have your rain, your wind and takes it right off the bay.

MR. WIENER: During what dates was your mill shut down?

MR. MILLER: Except for the planer, the mill was shut down from November 7, 1955 to May 1st, 1956.



MR. WIENER: Have you made corrections to reduce the cinders discharged from the mill?

MR. MILLER: Yes we have installed new screens in the waste burner and repaired the conveyor and tried to improve the air inlet system. At the steam plant we have reduced the steam load to reduce the cinders. Also, we are studying the installation of a chipper to produce chips for sale to pulp plants.

(Recording machine failed at this point of the meeting)

During subsequent questioning Mr. Miller indicated that his company would make additional changes at the mill if it were reasonably certain that the cinder discharge would be reduced. He also stated that they would investigate the installations made at other similar steam plants.

CHAIRMAN GREEN: What is the desire of the Authority members after hearing this discussion?

MOTION: RE: EMPIRE CAPE ARAGO LUMBER COMPANY

It was MOVED by Mr. Dixon and seconded by Dr. Erickson and carried:

1. That the Authority continue the hearing.
2. That the management of Cape Arago Lumber Company obtain technical assistance to advise them regarding the correction of the excessive cinder and flyash discharge.
3. That they cooperate with the Air Pollution Authority's staff.
4. That we receive a statement of progress toward solution of the problem within 90 days.
5. That the staff advise the Authority of specific recommendations for further action or consideration in the matter.

The Chairman asked if the progress report could be put in the hands of the Authority members not later than 90 days from today, June 22, 1956.

Dr. Erickson stated he had hoped for a progress report sooner than that if possible.