

EIGHTEENTH MEETING  
OF THE  
OREGON AIR POLLUTION AUTHORITY

December 13, 1956

The eighteenth meeting of the Oregon State Air Pollution Authority was called to order by the Chairman at 2:00 P.M., Thursday, December 13, 1956 in Room 36, State Office Bldg., 1400 S.W. 5th Ave., Portland, Oregon. Those present were Carl E. Green, Chairman, Merle S. West, Vice Chairman, Mr. R. O. Dixon, members, Dr. Gordon C. Edwards representing Dr. Erickson, Kenneth H. Snies, Acting Secretary, Charles D. Burt, Legal Advisor, R. B. Hatchard, Chief of the Air Pollution Control Section and W. J. Whitwell, Associate Engineer, R. D. Nance and R. B. Percy, Chemists, State Board of Health.

MOTION RE: MINUTES OF PREVIOUS MEETING

The minutes of the seventeenth meeting held October 25, 1956 were summarized by the Acting Secretary. The Chairman declared that if there were no corrections or additions the minutes would stand approved as prepared by the Acting Secretary.

CHAPTER V "AIR POLLUTION CONTROL STANDARDS"

The Chairman stated that for the past year the Authority and its staff have been preparing regulations to prevent and control air pollution and that several drafts of the proposed regulations had been distributed for review and comment. He explained that the adoption of regulations had been delayed twice at the request of industrial organizations until the Stanford Research Institute Report and other information regarding air pollution was available for study. He stated that these reports have been released over a month ago and that the Authority wanted to give the proposed regulations final consideration today.

The Chairman asked Mr. Robert McKean, Manager, Columbia Empire Industries Inc., if their organization had statements to present regarding the regulations. Mr. McKean replied that eleven representatives desired to make reports. He said that several years ago when accusations were made regarding industrial sources,

their Association recognized that there was need for an unbiased report by a qualified organization regarding Portland air pollution.

He reported that on page 2 of the Stanford Research Institute report it was stated "that activities of the general public in the Portland area contribute approximately 75% of the compounds (hydrocarbons and oxides of nitrogen) which are thought to cause smog; manufacturing industry the remaining 25%". He stated that industry was glad to have this fact established and expected it would be important to the Authority since it was directly concerned with regulating the public sources also.

He stated that population and industrial growth was a factor to consider and quoted from page 12 of the report "on the basis of expected population and industrial growth, with no further control measures than exist at present, concentrations of smog-forming and other pollutants in the Portland atmosphere will probably increase by about 50% by 1965. Even this increase would not result in as high concentrations of smog-forming material as occur presently in Los Angeles". He concluded that other representatives had information to present at this time.

Herbert J. Weber, Director, Safety, Hygiene & Air Pollution Control Program, American Foundrymen's Society, Des Plaines, Illinois, stated he had studied the Stanford Research Institute's report and noted that atmospheric concentration of pollutants in Portland are only one-sixth of those in Los Angeles. He pointed out that inversions in Portland occur between one and seven o'clock in the morning when most industry is shut down; that allowing for growth the calculated emissions of  $SO_2$  in 1965 would be 15% to 48% of the 1956 calculation for the Los Angeles area. He stated he was aware of the fact that this report was written especially for Portland but wanted to emphasize that the Portland area is the most heavily industrialized area in the state. He felt that the conclusion of the report would apply somewhat to other areas in the state but that there is no need to impose unnecessary restrictions. He pointed out that the foundry industry has always opposed state-wide codes because an emission limit adequate in one community may impose needless control in other communities. He felt it would be

improper to imply the Los Angeles code to perhaps Fresno where the conditions would not be the same.

He stated that the proposed regulations do not provide specific limitations for stack emissions. He asked how would one determine the normal background value when a specific city was already built up and when collection equipment is required what will be an acceptable collection efficiency. He pointed out that these factors are very important when one spends \$30,000 to \$125,000 for a piece of dust collection equipment, that an industry must have a guarantee from the supplier that it will satisfy the Authority. Mr. Weber stated that equipment manufacturers will not guarantee their equipment on the basis of these regulations since they can't guarantee a decrease in accordance with the area concentrations. Mr. Weber concluded that based on the Stanford Research Institute's report, the foundry industry submitted the following recommendations:

1. The Ringelmann Chart should not be used to evaluate emissions from foundries.
2. The amount of particulate fallout and the concentration of suspended particulate matter should be used only as a guide to determine the degree of control needed.
3. The cost for stack emission studies should be borne by the public.
4. The control of industrial sources where particle fallout or concentration of suspended material exceeds stated limits in no case should require a collection efficiency greater than 75% for any existing stack, and 85% for a new source.

Mr. Herbert Vonhof, M and M Woodworking Division, Simpson Logging Company, stated that he felt that the limitations on smoke density are unnecessarily severe as applied particularly to industries which are burning hog fuel. Mr. Vonhof stated he felt these standards to be severe for the following reasons:

1. According to the Stanford Report there is information which indicates there is no air pollution problem in this area at this time and therefore, there is ample time to prevent excess air pollution.

2. Unfortunately hog fuel often results in much more dense smoke discharge than in the regulations. The use of the hog fuel as a fuel is constantly being decreased with the event of natural gas and oil in this area and with the increased utilization of waste wood products, there is not so much burning of hog fuel. However, there are industries which are still dependent upon hog fuel in the boilers. He stated that changing to other types of fuel would impose a severe financial burden on industry.

3. Another important point is that hog fuel represents types of waste which can not be burned efficiently in power generating units and it would be very expensive to haul this material to a dump.

In conclusion Mr. Vonhof stated that he was fearful that under the proposed regulations corrective regulations may become repetitive. He explained that if there is 25% excessive fallout in an area from industry then each contributor would be asked to reduce the discharge and if the area is developing industrially it is logical to expect an increase in emissions which may again require further corrective action that could require the scrapping of the original equipment and obtain new equipment. Mr. Vonhof suggested that the regulations prescribe the stack allowances if and when corrective action is necessary so that an industry can take the action required and know it won't be called upon for further expenses until the industry can write off the original expenses.

Mr. E. G. Huffschtidt, representing Lumber Manufacturers Inc., stated that Mr. Gordon Wilkinson is unable to be present and had requested that the following statement be submitted.

"Our operation is a typical dutch-oven boiler operation, of the same type that is used by a great number of similar operations in this state.

A dutch oven is fed from the top by gravity feed, and is fired every one and one-half hours to four hours depending on the load on the boiler at the time. When fuel is being fed into the port from the top, a cross draft is created across

the top of the fire which results in dense black smoke. The duration of this smoke from the time the port is opened until all smoke dissipates is 12 to 15 minutes. During all other times of operation, there is no smoke as combustion is complete. Further, there is no indication of a fallout problem.

We feel that for this type of an operation, the proposed regulations should adopt provisions to these:

1. An allowance of 15 minutes in every  $1\frac{1}{2}$  hours. This is because it takes about one minute to open the port and start the fuel into the dutch oven, and about 2 minutes for the smoke to dissipate after the port is closed - equaling the 3 minute allowance under the regulations. We need an additional 10 minutes to load the dutch oven.
2. An increase in the Ringelmann reading to cover our smoke during the furnace loading period.
3. The reason for our belief that we need a change in the proposed regulations is that the only estimate we have been able to get on the cost of smoke control equipment was prohibitive.
4. Installation of a gas or oil fired furnace would cost approximately \$6,000 but the cost of fuel and getting rid of the wood waste we are now consuming would cost approximately \$5,000 per month. For instance, the nearest place that we can dump the wood waste is the dump at St. Johns, a 14 mile haul.

If the regulations are passed and enforced as written, our firm will be put out of business. Further, in the 10 years that this plant has operated, there has been only one complaint lodged, and in that case, smoke from the plant was held down to the ground, but the condition did not last for longer than 3 or 4 hours.

Again we would stress that this operation of ours is a typical dutch oven operation which is used throughout the entire state, and our case is not an isolated one. This type of installation is utilized by all sizes of industry - small, medium

and large.

We would urge that your regulations consider this problem, and that some equitable answer is found to it before these regulations are enacted."

Mr. Harvey Pullin, B. P. John Furniture Company stated that his firm too operates a dutch type oven; that they feed wet fuel and dry fuel; that they add fuel to the boilers twice an hour and the smoke lasts 10 to 15 minutes at a time. He stated that the alternatives available to their operation are out of the question; that they would have to install separate heating units which would be prohibitive. He felt their only alternative was to move out of town; that they are now contemplating a plant either in Mississippi or Carolina; that this move would be considered for a subsidiary plant. He stated that his plant management is now in a frame of mind that if the severe regulations are adopted they will consider a permanent removal.

Mr. Chester Sterrett, Portland Chamber of Commerce, Portland Mayor's Air Pollution Committee, stated it was his wish to hold up the regulations for consideration until the next meeting of the Air Pollution Authority. He stated that it seemed academic to him if the regulations were adopted that each one of the cities would have to establish regulations along the lines of the Air Pollution Authority's standards. Mr. Sterrett stated that he talked to a number of industries in the east which he felt he would like to see come here but the competition for new industry is quite intense. Mr. Sterrett stated that after the last hearing he dictated a memo embracing some of his thoughts on the subject which might be considered in the proposed rules and regulations. Mr. Sterrett stated further that he feared if the regulations were put down in black and white that the good will of industry may be lost; that it was necessary to deal with specifics and there would be the risk of including recommendations to follow that would eventually cause industry to move from this area.

He pointed out that the Authority has fallout levels figured for heavy industrial

districts; that in the new county zoning law and new city zoning law that there are three types of industrial areas. He stated as he understood the regulations the 45 tons per square mile per month fallout would only apply to the heavy industry areas and that general and light industrial areas would come under the residential categories.

He further said that he was concerned about the way in which these background levels and fallout requirements were written into the regulations; that in the long run these may cause more trouble and misunderstanding than all of it is worth.

Mr. Porter Yett, Sr., Assoc. General Contractors stated that asphalt paving plants are used state-wide but fortunately they are able to move every 3 to 4 months. He added that in the concentrated area of Portland there are about 7 paving plants operating and there have been no complaints recently. Mr. Yett said it was his understanding that there has been only 3 or 4 asphalt paving companies that have had any serious nuisance reports in the past years. He stated that contractors owning these plants and doing construction work in grading operations have discussed the matter and have no yardstick to depend upon as the dust and soot varies from day to day and county to county in all of Oregon. He stated whatever might be adopted in Portland would not be of help in Bend or Klamath Falls or Roseburg. Therefore, he felt they would be in a predicament should there be any legislation adopted to set restrictions.

Mr. Yett suggested that any regulations which might be found necessary should also be approved by the Oregon State Highway Department.

Mr. Fred Menzel, Rich Manufacturing Company, stated that most of this information he presented today to the Board has been presented at previous meetings. He added that sometime ago his company was advised of a number of complaints south of the plant and that he had contacted several of the equipment companies requesting they submit prices for types of control equipment. He said that these companies refused to give any guarantees of dust control and the type of equipment the

companies recommend range in price from \$14,000 to \$75,000 F. O. B.

Mr. Manzel stated that the estimate cost for his firm would range as high as \$60,000 to install control equipment. He explained that in addition to this each company recommended that his company install burners in the upper stack of the cupola which has been at a cost of approximately \$10,000. He stated with this equipment the discharge still could not pass the Ringelmann Chart standards. He said their estimate of the cost of just stack measurements is about \$6,000 and that the most expensive piece of dust control equipment would remove only 85% at an actual cost of \$73,000. Therefore, Mr. Manzel said, it stands to reason all of the foundries could not stand such an expensive outlay and as a result would cause some small size foundries to close or move out of Oregon. He felt therefore, the standards should be revised.

James K. P. Miller, Morris P. Kirk and Son, Inc., stated that if regulations such as these were adopted alone it would have a tendency to emphasize industrial air pollution problems which is the same approach as was taken initially in Los Angeles. However, Mr. Miller stated, that the problem today is more acute in Los Angeles than when the air pollution district was started. He stated that the approach of looking to industry for the initial effort to control air pollution has given the public the impression that air pollution is an industrial problem. He pointed out that this makes it difficult later to get public support for correcting public sources such as incineration and vehicle discharges. Mr. Miller stated that he thought the Authority intended to develop controls for other segments of the population but he urged that the whole picture be presented to the public at one time and not piece by piece.

He stated that he concurred in Mr. Weber's statements regarding the standards since it would be extremely difficult to appraise the background in Portland and that studies throughout the country indicate this is a difficult problem. He indicated that in Los Angeles the problem is being intensely investigated; that



in the Stanford Research Institute's report the figures indicate that the real culprits are the hydrocarbon vapors and gases in the air coming principally from the public. Mr. Miller further stated that if an industrial emission is controlled there is still the contaminants from public sources to cope with.

Mr. Fred W. Packwood, Attorney, Columbia Empire Industries, Inc., stated that his group had adopted the policy from the beginning that they do not intend to impose any legal stumbling block or hardship; that it is appreciated that the law is enacted for a purpose and that the Air Pollution Authority is trying to enforce it. He further added that he firmly believed the proposed standards are premature, and that more study and research is needed. He stated that if the standards were not adopted at this time it would not prevent the Air Pollution Authority from going into the study of a specific source of pollution that was causing complaints. Mr. Packwood stated he did not see how the proposed standards can operate as they are and that every heating engineer and every manufacturer of control equipment says the regulations will not work satisfactorily.

Mr. Hatchard stated that the intent of the area fallout regulation was to determine first if there was a problem then bring about control for the individual sources of that problem and that the regulations would be effective using this approach.

Mr. Weber stated that it seemed to him that the salient points would be that he would like to see the Ringelmann Chart used only to measure combustion emissions from a stack. As it is now, he stated, it is used in measuring discharges from vehicles, foundries and others. He stated that the method can not be used for non-combustion sources.

The next point of importance, stated Mr. Weber, is that the particle fallout rate and suspended particulate matter are excellent as a guide only to indicate if a problem exists. He explained that if there was a problem then a stack analyses is needed to decide upon the control needed. Mr. Weber stated he appreciated that the Air Pollution Authority has a job, and industry has a problem and that it was his hope with true cooperation that the Authority will produce a program

that will be a model to others.

Mr. Wendel asked Mr. H. Pullin if he had any suggestions for acceptable standards.

Mr. Pullin stated he was not an expert on this matter but he felt there was a problem of putting specifically in the regulations an allowance for certain substances beyond the control of the people causing the nuisance. He stated he realized the Authority has a responsibility to the public. He further added that the amount of time allowed for smoke issuance and the Ringelmann Chart's evaluation should be reviewed. He felt convinced the Ringelmann Chart is open to serious questioning, and that the time element was too restrictive without regard to particular types of industries.

Mr. Dixon stated that he operates two dutch oven-type boilers and that excessive smoke had been eliminated by controlling the fuel addition rate. He stated that this procedure is not expensive and is very practical.

Mr. Pullin informed Mr. Dixon that this would help but was not a complete solution. He stated that his firm used both wet and dry fuel and that the smoke emitted often was in the early morning before they started feeding dry fuel.

Mr. Dixon stated that according to Mr. Yett no complaints have been received by the Authority regarding dust from highway work, etc., and that this was probably because the public is very patient and long suffering as long as they will be provided with modern highways.

Mr. Yett said that he hoped that some understanding could be agreed upon to regarding the application of the standards to highway construction dust problems.

Mr. Dixon stated that it was his impression that this code is a guide to control and not mandatory by itself and that it is necessary to establish initial regulations.

The Chairman asked Mr. Hatchard to comment on the regulations pertaining to smoke and dust and asked if methods were available to satisfactorily control these discharges.

Mr. Hatchard quoted Dean George Gleason, School of Engineering, Oregon State College, that any discharges from combustion process through a stack can be satisfactorily controlled with known techniques. Mr. Hatchard pointed out that the staff's experience in the investigation of complaints specific problems show that in general satisfactory control measures can be installed, to satisfy the regulations proposed today without severe economic burden to industrial concerns. He stated that there have been several references to dust problems associated with asphalt paving plants and that the Authority had investigated 22 complaints near these plants during the past four years. He explained that in each case the problem was solved either by moving the plant to a remote location or providing control equipment. He stated that the staff has had excellent cooperation from Associated General Contractors and State Highway Commission in bringing about solutions.

Mr. Hatchard reported that the staff had conferred with representatives of several industrial organizations since the October 25, 1956 Authority meeting to consider the proposed regulations. He stated that several changes were made in the regulations as a result of these discussions. He stated that most of the remaining opposition is involved with the administration instead of the wording of the regulations.

Mr. Hatchard stated that several references have been made to statements contained in the Stanford Research Institute's report on air pollution which may be misleading. He explained that the staff questioned the validity of comparing Portland to Los Angeles County where there has been ten years of intensive control effort. He stated that in Portland there have been no complaints regarding the presence of the type of smog that cause human eye and throat irritation. He emphasized that Portland does not have this condition at present and that actually these regulations are directed to more elementary forms of air pollution such as smoke and dust emissions. He referred to Figure 1, page 3 of the Stanford Research Institute's report which graphically showed that most of the particulate matter in the Portland atmosphere is discharged from industrial sources.

Mr. Hatchard stated that there had been several statements made objecting to the use of the Ringelmann Chart for certain discharges. He explained that the staff has used the Ringelmann Chart only for primary combustion sources and agree that it should not be used for measurement of foundry dust, vehicle exhaust and others.

The Chairman asked if Mr. Whitsell wished to make a report.

Mr. Whitsell stated that he felt Mr. Hatchard had covered the main points but that he would like to point out that most of the statements made by persons opposing the regulations have been considered by the staff before. However, Mr. Whitsell stated that concern regarding the staff's ability to establish background values had been expressed. He referred to the definition of background in the regulations and stated that over a period of years the staff has accumulated data from area studies and complaint investigations.

Mr. Sterrett asked Mr. Whitsell if we had a situation like that of the Tillamook burn a number of years ago emitting all the ash into the air, would a flyash like this be added to the normal background value or disregarded.

Mr. Whitsell said it would not be disregarded; that we would have to consider it with other factors; and that if it had appreciable effect on the normal background then it would alter the values. Mr. Whitsell stated that it would tend to raise the level of the background value for the particular period but it might not affect the long-term background.

Mr. Miller stated he felt that it is entirely possible that the Air Pollution Authority could get complaints in which the excess of the fallout was not 15 tons per square mile per month. Mr. Miller wished to know what the Authority could do in a case of this kind.

Mr. Whitsell stated the Authority could possibly be placed at a disadvantage but the values in the regulations are a result of the staff's experience with complaints.

Mr. Wendel wished to know if the staff has had conferences with industries.

Mr. Hatchard stated he and Mr. Whitsell have attended a number of meetings and

that the recommendations and suggestions were used to prepare the revised regulations. Mr. Hatchard briefly outlined the sections which were clarified or changed since the last meeting.

The Chairman asked Dr. Edwards if he had any comments to make.

Dr. Edwards stated he was at somewhat of a loss to comment at length since he was substituting for Dr. Erickson and had only a short time to read the Stanford Research Institute's report. Dr. Edwards stated that Mr. Vonhof had said earlier that no serious air pollution problem existed in Portland and that Mr. Menzel likewise made a similar statement to the effect that no major air pollution problem existed.

The Chairman asked Mr. Vonhof if he wished to clarify his remarks.

Mr. Vonhof replied that was his statement which was made on the basis of the Stanford Research Institute's report; but whether a serious problem exists is one of relativity. He stated that the group had been referring to the Los Angeles problem and set it up as a standard and therefore this was the basis for his statement.

Dr. Edwards quoted this section from page 13 of the Stanford Research Institute's report. "However, the fact that the air concentrations presently are 25% as high as those encountered in Los Angeles during periods of intensive smog is ample cause for concern. Projected 1965 air concentrations for Portland show that the values might be 40% as high as those during intense Los Angeles smog (1956)." Again attention should be given to controlling present and future emissions in the Portland area, and on page 16, "particulate matter sampling by the Oregon State Air Pollution Authority under sponsorship of the Public Health Service showed that measured concentrations approximated those from cities of comparable size where air pollution problems are recognized, e.g. Cincinnati, Kansas City, Houston and San Francisco."

The Chairman stated that generally the standard of comparison is something ideal or at least satisfactory for water supply or waste treatment studies and similar

studies but in the Stanford Research Institute's report the comparison of Portland with Los Angeles is comparing Portland to the worst air pollution in the country. He pointed out that this appears to be a negative approach and we must not lose sight of the fact the comparison standard used is far from the ideal. He stated that over the last several years the staff has accumulated much data which has been presented at past meetings and that now the staff has summarized this data into regulations which are real and factual. The Chairman pointed out that the staff has been using this data as a guide in field activities during the past years and that regulations which may be adopted by this Authority can be amended in the future when additional data is available or when problems arise.

The Chairman assured the groups present that the members and staff have given serious consideration to the regulations.

Mr. West said that as he read and studied the Stanford Research Institute's report it seemed the difference in the problem from that of Los Angeles is largely meteorological.

The Chairman again emphasized the report indicated that there is a problem.

Mr. West said that practically all of the complaints which the Authority has received have come from locations within cities and that he believed that it is the policy of the Authority to encourage cities to take care of their own problems and that these regulations should serve as a guide for the cities in setting up local air pollution control programs.

Mr. Dixon added his opinion that the Authority has been operating for four years and is charged with the responsibility for adopting appropriate rules and regulations and he believed that it is time the Authority established some guide posts to assist local efforts.

Mr. Wendel stated that he concurred with Mr. Dixon's thoughts in that we must establish regulations which would become standards when considering cases which will come before the Authority.

Mr. Vonhof wished to make himself clear that he and his group are concerned with the general problem of the industries; that the paragraph Dr. Edwards quoted indicated there is cause for concern and no industrial representative will deny it. He stated that they are mainly concerned with the degree of corrective action proposed at this time.

The Chairman asked if a motion would be in order now.

Mr. Wendel suggested that the Secretary read the duties of the Authority.

The Secretary read Section 449.755 of the Statute.

Mr. Packwood requested the Chairman have the Secretary read from Section 449.730, sub-section (1) as he felt that is the key section to the Authority's action.

The Chairman asked the members if they wished to consider the regulations for adoption.

Mr. Wendel asked if most of the differences now existing could be reconciled if more time were provided.

Mr. Hatchard replied that the staff is confident that this will eventually happen when the regulations have been in effect for a period of time. He stated that the staff is very cognizant of the fact that the Authority represents the communities of Oregon, the cities, industrial and commercial groups as well as the public and that in the long range interest of each group we recommend the adoption of the regulations. He explained that it is essential that the State agency provide all concerned with appropriate standards applicable to particular problems.

Mr. Hatchard stated that the staff was happy to report that in conferences with the city officials it was found they share the same viewpoint; and that these regulations would stimulate the formation of local programs. He also pointed out that the fundamental objectives of the state statute will not be realized unless there is full cooperation by all parts of the community.

Mr. Vonhof stated that the Columbia Empire Industries Association, technical sub-committee, had met several times with the staff to discuss the regulations and reach an agreement, that the most important part of these discussions has been over-looked for we have not been discussing the points in agreement.

Mr. Miller stated that one of the big problems is determining the allowable discharge from a stack which is not included in the regulations.

Mr. Hatchard explained how the area concentration levels are related to the control of individual sources and how agreement is worked out between the staff and the person responsible for an excessive discharge. He stated that this approach is preferable to an arbitrary limitation required by regulations.

Mr. Miller asked what was more arbitrary than the opinion of one of the men on the Air Pollution Authority's staff who decides how much industry has to collect.

Mr. Miller asked what efficiency was expected by the staff and when decided why couldn't this be written in the standards.

Mr. Hatchard replied that regulations specifying collection efficiency would apply state-wide and could result in requiring too much or too little control since there would be no consideration of important local factors such as the number of discharge sources in the problem area, prevailing wind, elevations or unique characteristics of a particular discharge.

Mr. Hatchard explained that this is not an unusual problem; that the staff has arrived at general recommendations to persons responsible for correcting a particular source and that the ranges of collection efficiency recommended usually fall within what is accepted as good engineering practice. It was admitted that the staff has found special problems and that solutions have been developed by giving special attention to the unusual situation. Mr. Hatchard stated that the only difficulty with this approach is the small staff available. He stated plans and specifications have been carefully checked when sent in but frequently the plans do not come by request, and that the plans are needed to be certain the control provided is satisfactory.



The Chairman asked if it were not true that in the past the staff has consulted and conferred with industries having a discharge problem.

Mr. Hatchard stated it certainly was.

Mr. D. J. McNeil of Electric Steel Foundry wished to read Section 2.1 "Smoke Discharge". He stated that as far as the foundry industry is concerned it was felt the use of the Ringelmann Chart will be used regarding emissions other than smoke.

Mr. McNeil said that the phrase, "smoke from fuel burning equipment" is one of the factors which bothers a good number of people. He stated that the Ringelmann Chart should only be used to measure smoke from fuel burning equipment. He wished to know if it were not within the power of the Authority to change the regulations from time to time as circumstances develop. He stated that Mr. Weber expressed the statement concerning the foundry industry that control of stack emissions could remove 75% of the discharge without undue economic hardship. He said that he hoped the Authority would not expect 90% collection efficiency at this time although he advised that in future years improvements in control equipment will be made so that higher efficiencies will be economically feasible. He stated he saw no reason why industry could not have some definite limits. He said he believed from all discussions and contact with the staff that the work is being done impersonally and entirely fair.

The Chairman asked if there was any question regarding the use of the Ringelmann Chart for only smoke from fuel burning sources.

Mr. Hatchard replied that there was none since the staff agreed with the limitation.

Mr. Burt added that he believed the provisions in Section 2.1 are more a question of engineering than anything else; that from a legal point of view these regulations do not set up standards that every industry must immediately comply with. The Authority should set up a general standard; that industries in the

area who have a problem should get together with the staff and correct their individual problems. Mr. Burt emphasized that a violation of these regulations, assuming they were adopted, would <sup>not</sup> immediately determine that an industry was in violation of the state law. Mr. Burt concurred with the Chairman by saying the standards are more for the convenience of Air Pollution Authority than for anyone else.

Mr. Miller asked the Chairman what is the legal power of the Authority.

The Chairman stated that after an order has been adopted by the Authority it is possible for any person or groups affected to appeal the order in the circuit court.

Mr. Burt read Section 449.705 of the statute for clarification and stated that the Circuit Court would thoroughly review any order that was appealed and that if the Circuit Court thought the Authority's order was unreasonable it would be overruled. If the order were not overruled and not complied with then there would be basis for the Authority to obtain an injunction.

Mr. Wendel stated he did not remember an instance where an order was adopted except where good faith has been lacking; that he recalled only few instances where orders were necessary.

The Chairman stated it was time to consider a motion regarding the standards.

Mr. Dixon wished to ask that under the definition of smoke in Section 4.3, would it apply to gases emitted from a foundry.

The Chairman read from Chapter 5, Section 1.8 to clarify this question.

Mr. Menzel said it was then his understanding that the Board would not consider the discharge from a cupola with the standards based on the Ringelmann Chart.

The Chairman stated Mr. Menzel understood this point correctly.

Mr. Wendel said the Authority must have some starting place and now would seem the proper time to adopt these regulations.

The Chairman read from page 22, "Lime Dust", the major heading Chemical Substance, 2.4 a, and stated that later other substances added in addition to lime.

MOTION RE: ADOPTION OF AIR POLLUTION CONTROL STANDARDS

It was MOVED by Mr. Wendel and seconded by Mr. Dixon and carried that the Authority adopt the Rules and Regulations Pertaining to Air Pollution Control Standards.

CHAPTER I - III ADMINISTRATIVE PROCEDURES

The Chairman asked if the members had any comments or corrections regarding Chapter I, Administrative Procedures.

Mr. Dixon asked if the procedures will meet all of the requirements in the statute.

Mr. Burt stated he believed the regulations met all requirements of the statute.

Mr. Dixon wished to know if Mr. Burt had any further additions or corrections.

Mr. Burt stated there was one in Chapter I, Section 1.5, the definition of The Act. Mr. Burt stated it would be appropriate to add the words "and amendments thereto", to include any subsequent changes by the Legislature.

Mr. Wendel asked about the enforcement provisions in this Act.

Mr. Burt explained that the enforcement provisions were included in the Statute and would apply after a Public Hearing was held.

MOTION RE: ADOPTION OF RULES AND REGULATIONS PERTAINING TO PRACTICE AND PROCEDURE

It was MOVED by Mr. Dixon and seconded by Mr. West and carried that Chapter I <sup>III</sup> of the Rules and Regulations Pertaining to Administrative Procedures be adopted by the Authority with the addition of the phrase, "and amendments thereto." in Section 1.5.

CHAPTER V PUBLIC HEARINGS

The Chairman requested Attorney Burt to discuss the Public Hearings regulations.

Mr. Burt stated that Chapter IV, Sections on Public Hearings, are basically a set of rules which cover the procedure to be followed during a hearing. He

explained that the rules are written so that any person who appears at a hearing will know what procedures will be used and that he will have an opportunity to prepare his presentation and bring legal counsel along. Mr. Burt explained that regulations are included which will produce a written record of the hearing which is essential for appeal or enforcement actions.

The Chairman stated that he had one suggestion regarding the definition of the examiner on Page 9 of Chapter IV. Mr. Green proposed the addition (Item 1.1 page 9) to read, "the term examiner shall designate the Chairman of the Air Pollution Authority or the Authority or the members of the Authority as designated by the Chairman".

MOTION RE: CHAPTER V PUBLIC HEARINGS

It was MOVED by Mr. West and seconded by Mr. Wendel and carried that the Authority adopt the Rules and Regulations Pertaining to Public Hearing Procedures including the change in the definition of the examiner to read, "the term examiner shall designate the Chairman of the Air Pollution Authority or the officer designated by the Air Pollution Authority to conduct hearings and to act as Hearings Officer pursuant to Section 449.735, Sub-section (4) O.R.S."

NEW COMPLAINTS

North Albany: Regarding odor from the Western Kraft Corporation's mill.

The Secretary read a letter from Mr. Dale L. Turnidge, dated November 19, 1956 regarding the continued presence of oppressive fumes from the Western Kraft Mill north of Albany. The Secretary stated that a reply was sent to Mr. Turnidge dated November 28, 1956 advising him of the status of the Authority's studies and recommendations to the Western Kraft Corporation.

The Chairman asked Mr. Hatchard if any further action had been taken on this complaint.

Mr. Hatchard replied that District Engineer Merryman had conferred with Mr. Turnidge to explain in more detail what odor control installations had been completed and what further corrections were being planned.

The Chairman directed the staff to continue the investigations and cooperative work with the Western Kraft Corporation to bring about reduction of the odors.

Oswego: Regarding cement dust deposition.

The Secretary read a letter dated September 29, 1956 from R. Bradley Jones regarding the continued presence of cement dust in the city of Oswego. The Secretary stated that Mr. Jones had been advised that the study would be resumed in Oswego when other investigations now under way are completed.

~~The Chairman asked if a date had been set for resuming the sampling.~~

Mr. Hatchard replied that the staff is planning to resume the study during January.

Portland: Regarding odors from the Chipman Chemical Co., 6200 NW St. Helens Road.

The Secretary read a letter dated November 28, 1956 from Mrs. Fred D. Glennon requesting an investigation of a strong odor near the Chipman Chemical Company.

The Secretary advised since the source of the odor is within the city of Portland the complaint was transmitted to the Portland Health Bureau and Mrs. Glennon was notified that the city would make an investigation.

PUBLIC HEALTH SERVICE Demonstration Projects Program, Public Law-159

The Chairman requested Mr. Hatchard to discuss the new Public Health Service Demonstration Projects Program under provisions of Public Law-159.

Mr. Hatchard stated that recently Public Health Service had established a grant-in-aid program for demonstration projects related to air pollution and its control. He explained that these projects are for the purposes of evaluating or demonstrating the effectiveness of various methods of preventing or controlling air pollution problems, of assessing the type, extent and effects of air pollution and of planning, organizing and operate a program for the control of air pollution. He reported that an instruction manual had been sent to city officials and others who may be interested in the program. One application has been submitted to

the Authority from Oregon State College Engineering Experiment Station which concerned a grant request to support the waste wood burner research project.

Mr. Hatchard advised that the Authority had endorsed this application and urged the Public Health Service to make the grant of \$9,218. Mr. Hatchard reported that this grant request had reached Public Health Service in time to be considered with the first group of projects and it was hoped approval would be given in time so that the project could begin at Oregon State College in March 1957.

There are several potential projects in Oregon which could be organized and submitted to Public Health Service for approval. Mr. Hatchard reported that these projects should be planned on the basis of participation by the local, state and federal agencies. He pointed out that the new Harvey Aluminum Company's plant in The Dalles creates a need for additional area surveys. Another project could be an extension of air sampling and investigations in the city of Portland.

The Chairman suggested that the staff investigate the desirability of submitting applications for these projects and present a report at the next meeting.

The date for the next meeting was set at the call of the Chairman.

There being no further business the meeting adjourned at 5:00 P. M.

Respectfully submitted,

K. H. Spies,  
Acting Secretary