

318155 Davenport Residents Tell Of Problems Arising From Dust

About 60 appeared at a public meeting in Davenport's Pacific school called by District Attorney Charles L. Moore, last night, to help him determine if dust emitted by the Santa Cruz Portland Cement company in Davenport constitutes a public nuisance.

But only a handful, all maintaining the dust is a public nuisance and displaying a number of exhibits to prove it, actually spoke while the others sat by in a grim-faced silence. Robert L. Kinzie Jr., superintendent of the cement company and Attorney Robert Bennett, member of the law firm of Lucas, Wyckoff and Miller which represents the company in pending litigation, appeared but offered no fuel to the controversy.

Moore served as moderator and announced at the beginning, "I take at this time no position in this matter. The purpose of this meeting is to inform me of the facts."

He then explained that he had been petitioned to declare the company's discharge of cement dust a public nuisance and to take abatement procedures. The question, he said, is whether it is a public nuisance.

Alvin Gregory, a former supervisor spoke first, giving a definition of nuisance. "Everyone knows what public means," he said, "and on that basis I would contend this situation is a public nuisance."

Gregory then launched a detailed description of about 20 grievances in the conduct of private life which can be, according to his argument, directly contributable to the cement dust.

Gregory charged the dust forms a thick crust on the top of the ground causing more cultivation to be required in the case of gardening and more watering in the case of lawns. "The dust is a drying agent," he said.

He said the dust collects on leafy fruits and vegetables, causing them to have to be washed much more carefully. He also contended that flowers have to be washed free of the dust before being displayed in the home "ruining their color and fragrance." The dust causes heavy wear on lawnmowers, he continued.

He said it is almost impossible for people to keep the interiors of their homes neat because of the dust. It gets under the shingles and seeps into the buildings, according to the former official, and also enters the homes through window sills and other openings. He said it congeals on the windowpanes. He said the dust gets into bedding and clothing. He said it is almost impossible for residents of Davenport to leave their cars in the open because of the dust. All this and much more he related in contending a nuisance exists.

He said the dust is the reason a lot of Davenport people have moved from the area. "There are now eight or nine vacant houses here," he said, "and it has reached the point where our friends don't even like to visit us here because of the dust."

He also said that like everyone else the people in Davenport like to enjoy summer weather on patios or elsewhere in the open. "Because of the dust that is almost impossible," he concluded.

Charles J. Bella, owner of the Oceanview hotel, said he is having great difficulties because of the dust. He displayed a heavily congealed window which he said had come from the upper part of his hotel. "It is difficult to get people to go so high to work," he said, "and even if they would the windows would still be very difficult to clean."

He said he had been told to use muriatic acid to clean up after the dust, but added that would be like handing an H-bomb to a layman. "I don't know anything about that acid," he said, "and don't watch to touch it."

He also read portions of the January 27 report of the de-

partment of public health of California which concluded the dust does not create a health hazard but might possibly work interference to the comfortable enjoyment of life and property by Davenport residents.

Francis Gregory, a school trustee, poured out a 15-pound bag of dust which he said had been collected from cars greased at his garage in one day.

Gregory said, "I have lived in Davenport all my life and would hate to move out but because of the dust community activity is dying and if the activity is dying the community is dying. It looks to me 'like we are being told what to do in the sense that the dust restricts our day-to-day activities."

"I believe we have a right to be squawking," he said, "and believe further that if any of the company officials lived here they would be squawking too."

Gregory cited a list of businesses and industries that might locate in Davenport if it were not for the dust.

Alvin Gregory returned to the floor to point out that several businesses and homes have been destroyed by fire in recent years. "They have not been rebuilt," he said.

Elio Orlando pointed out that the home he built three years ago is now covered with dust and he pointed out a congealed-dust filled drain as an example of the harm worked. He also displayed a slice of lawn showing the dust penetrating the ground to a depth of six inches. "I know the company has its own difficulties," he said, "but there are corrective machines for this situation. If they need a collection I'll help them take one up," he said.

Mrs. Alvin Gregory pointed out that housewives have a problem with their washing which they can't leave out overnight and she noted that a mechanic working to repair her television set recently said the set's trouble could be attributed to the dust.

Representatives of the Tambellini farms spoke on the difficulties of growing sprouts and artichokes—crops they raise—with the dust problem, and contended it is almost impossible to grow strawberries or lettuce.

Bennett told the audience of pending litigation in the superior court in which the company is being sued for damages attributable to the dust and in which an injunctive action is sought. "Because of that," he said, "we had to advise company officials to say nothing about the technical matters involved here until that court action is concluded. "However, he said, "we are extremely and sincerely interested in the problem."

Moore said that the company attorneys had agreed to submit him a confidential statement on the matter which he will "consider in evidence."

Tuesday Moore invited members of the board of supervisors to attend the session called by him after the board refused his request that they call the meeting. Supervisor Francis Silliman attended.