

Wash. Ecology mixes canola and crude oils in rail rule

Senate ag chair disappointed

By DON JENKINS
Capital Press

Washington railroads that haul vegetable oils must prepare for spills as extensively as carriers of crude oil, according to a new state rule, a mixing of commodities that a short-line railroad lobbyist calls “bizarrely humorous.”

BNSF Railway, Union Pacific Railroad and seven smaller railroads must plan and drill for “worst-case” spills of all types of oils, according to the rule finalized Aug. 31 by the Department of Ecology.

The rule stemmed from multi-part law that state lawmakers passed in 2014 to regulate crude oil transported by rail, vessels and pipelines. Fears of crude oil explosions were recently reinforced in the Northwest by a fiery derailment in June near Mosier, Ore.

To the apparent surprise of some lawmakers, Ecology early this year proposed applying a section of the law to railroads that don’t haul crude oil, but do transport canola, soybean and other plant or animal-based oils.

Small railroads and some lawmakers protested, but other lawmakers defended Ecology, and the Legislature didn’t act to clarify its intent.

Ecology’s spill preparedness manager Linda Pilkey-Jarvis said Aug. 2 that the department didn’t see a difference in the level of threats posed by crude oil and vegetable oils.

Vegetable oils spilled into water cause immediate and severe harm, she said.

“It can be just as damaging,” Pilkey-Jarvis said. “It’s not innocuous.”



Don Jenkins/Capital Press

Rail tankers stop on tracks in southwestern Washington. The state Department of Ecology has finalized a rule requiring railroads that haul vegetable oils to drill for spills like crude oil carriers.

Ecology has pointed to a warehouse fire last summer in Winlock that released vegetable oil into a creek and killed hundreds of thousands of fish.

Patrick Boss, the lobbyist for short-line railroads, noted that legislative hearings and Ecology documents focused almost entirely on the dangers of crude oil.

“I find it bizarrely humorous how they justify this,” he said. “There’s no spike in vegetable oil coming through the state. There’s no increased risk.”

“It’s completely ridiculous moving forward that food oils are going to be regulated like crude oils,” Boss said.

Boss said he hoped legislators will review the rule next year.

Senate Agriculture Committee Chairwoman Judy Warnick, R-Moses Lake, proposed last session to

move vegetable oils from the rule.

She said she will talk with rail officials before deciding whether to try again during the 2017 session. The new rule takes effect in Oct. 1, but railroad companies will have several months to submit their plans.

“I’m disappointed there wasn’t more of an exclusion for biological oils,” Warnick said.

The rule will require railroad companies to hold spill-response drills. The companies must be able to deploy within hours enough crews and equipment to respond to oils spilling from every tanker, plus the locomotive.

The state rule will be in addition to current federal safety standards.

Tim Kelly, chief operating officer of the Columbia Basin

and Central Washington railroads, said he didn’t see a benefit in the state rule.

“It will make Ecology feel better, but the practicality of it will be somewhat limited,” Kelly said.

Neither railroad hauls crude oil. The Columbia Basin Railroad hauls canola oil. The Central Washington Railroad hauls soybean oil blended into cattle feed and mineral oils for insecticide sprays.

According to Kelly, the cost of complying with Ecology’s rule may exceed in some cases revenue from hauling the oils for farm use.

Ecology estimated the rule will cost railroad companies between \$73,000 and \$256,000 over 20 years, though the department said the new demand for clean-up crews and equipment could drive up costs.

IDWR order targets Raft River Basin ‘expansion’ water rights

By JOHN O’CONNELL
Capital Press

BURLEY, Idaho — Idaho Department of Water Resources Director Gary Spackman has ordered groundwater users within the Raft River Basin to curtail 75 wells covering 6,800 acres irrigated with so-called expansion water rights.

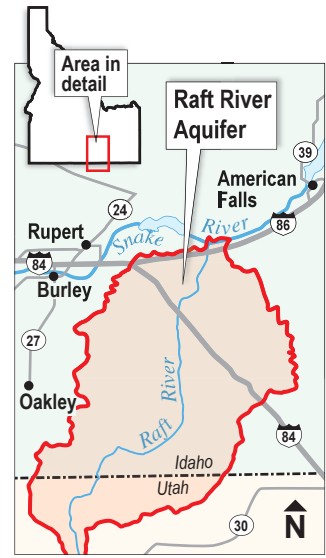
In his Aug. 26 order, Spackman gave affected growers until Nov. 15 to designate a third of their expansion right-irrigated acres to be curtailed during the 2017 growing season, allowing growers to incrementally implement the full curtailment over the course of three seasons.

In 1963, the Raft River drainage was designated as a critical groundwater area due to troubling declines, restricting any new development of water rights. However, some growers who converted from flood irrigation to more efficient sprinkler systems in the ensuing years sought to use the water savings to irrigate other land. The Idaho Supreme Court ruled such expansion water rights were unconstitutional in 1987. The Legislature subsequently passed a bill allowing the growers to continue using them with a June 30, 1985 priority date, until two years after the completion of the Snake River Basin Adjudication, at which time they would be required to submit a management plan to stabilize aquifer levels or forfeit their expansion rights.

That two-year deadline has now arrived.

Though growers in the Raft River Basin submitted a management plan, Spackman determined it was “not adequate to bring withdrawals into balance with recharge.”

Todd Webb, chairman of the Raft River Groundwater District, said about 1,800 expansion acres proposed for cur-



Capital Press graphic

tailment aren’t being irrigated, anyway. Webb personally irrigates 590 expansion acres.

A Burley consultant the district hired to study the aquifer concluded the annual rate of depletion is about 50,000 acre-feet. Webb said his district’s growers proposed to offset about 40,000 acre-feet of decline in their management plan by drying 11,426 acres of irrigated land, conducting managed aquifer recharge and asking growers to reduce their water use by a combined 9,000 acre-feet.

“We’ve gone back and forth with the department on this issue at length, and basically cutting acres doesn’t solve any problems whatsoever,” Webb said. “What needs to happen is we need to cut (water) volume.”

IDWR Water Compliance Bureau Chief Tim Luke said IDWR estimates the aquifer’s annual decline is as much as 108,000 acre-feet, based on a recent update of a 1966 U.S. Geological Survey water study. Luke further noted that 7,700 acres the Raft River management plan proposed for curtailment have been idled since 2011, so offering them poses no net gain.

West Nile on the rise in Umatilla County

By GEORGE PLAVERN
EO Media Group

PENDLETON, Ore. — Though summer is winding down, West Nile virus remains a concern in west Umatilla County.

Not only have 23 samples of mosquitoes tested positive for the disease so far this year, but two horses near Umatilla also became infected within the last week. Neither horse was vaccinated, and one had to be euthanized, said Randy Gerard with the West Umatilla Mosquito Control District.

Gerard said residents still need to protect themselves from mosquito bites, despite cooler weather over the holiday weekend.

“I don’t want people to let their guard down,” he said.

West Nile was first detected in Umatilla County this year on June 28, about a month earlier than usual. High temperatures hastened the cycle of mosquitoes in

the area, which Gerard said has kept the district busy all season.

“It seems like once you get that initial detection, you’ll be fighting it the rest of the summer,” he said.

Another six mosquito samples are currently being tested at the Oregon State University Veterinary Diagnostic Lab in Corvallis, which could bump up the number of positive tests. Neighboring Morrow County has had a total of seven positive samples, and another eight samples tested positive in Baker County.

West Nile is primarily a bird disease, with magpies, blue jays and crows especially susceptible. Mosquitoes become vectors by feeding on dead or infected birds and passing the virus along to humans and horses when they bite.

Gerard said horse owners are encouraged to check with their veterinarians for information on vaccinations.

“We’ve been asking people

to vaccinate their horses going on 10 years now,” he said. “It really helps.”

Most people who become infected with West Nile do not become ill, though one in five may experience mild flu-like symptoms such as fever, headache and body aches. In rare cases, West Nile can cause what’s known as encephalitis, or inflammation of the brain. Anyone experiencing severe or unusual headaches should seek immediate medical care.

Tips to reduce the risk of exposure to West Nile include:

- Get rid of old tires or other containers where water can accumulate and serve as a breeding ground for mosquitoes.
- Flush or replace the water in horse troughs weekly.
- Flush or add mosquito fish to ornamental ponds.
- Avoid outdoor activities at dusk and dawn, when mosquitoes are most active.
- Wear long-sleeve shirts and pants when in mosquito-infested areas.

- Use insect repellent while outdoors.
- Screen doors and windows.

3rd Annual Paint the Paper Pink



Call Classifieds for
More Information
800-882-6789



Capital Press
The West’s Ag Weekly

WESTERN PACKAGING

Your Future is Our Future...

WE SPECIALIZE IN BULK BAGS!

<p>BAGS:</p> <ul style="list-style-type: none"> • Seed Bags • Fertilizer Bags • Feed Bags • Potato Bags • Printed Bags • Plain Bags • Bulk Bags • Totes • Woven Polypropylene • Bopp • Polyethylene • Pocket Bags • Roll Stock & More! 	<p>HAY PRESS SUPPORT:</p> <ul style="list-style-type: none"> • Hay Sleeves • Strap • Totes • Printed or Plain • Stretch Film (ALL GAUGES) <p>WAREHOUSE PACKAGING:</p> <ul style="list-style-type: none"> • Stretch Film • Pallet Sheets • Pallet Covers 	<p>LOCATIONS:</p> <p>Albany, Oregon (MAIN OFFICE) Ellensburg, Washington</p> <p>CONTACT INFORMATION:</p> <p>Phone: 855-928-3856 Fax: 541-497-6262 info@westernpackaging.com</p> <p>CUSTOMER SERVICE IS OUR TOP PRIORITY!</p>
--	---	---

www.westernpackaging.com