

# Beach advisories could rise after stricter testing

## EPA tightens water quality standards

By **BRENNA VISSER**  
*The Daily Astorian*

Beachgoers on the North Coast could possibly see an increase in the number of beach advisories issued this summer.

Each summer, selected beaches are monitored for bacteria by the Oregon Beach Monitoring Program. But an increase in bacteria readings on the beach won't necessarily be the cause for the rise in advisories. Rather, a change in national standards may lead to more local alerts.

The U.S. Environmental Protection Agency recently tightened the marine recreational water quality standard used to determine if bacteria levels are unsafe for water contact, according to the Oregon Health Authority.

Since the Oregon Beach Monitoring Program started in 2004, standards for measuring bacteria, known as BAV — beach action value — has



The Daily Astorian/File Photo

The Cannon Beach Public Works Department posted signs to notify beachgoers of a sewage spill in July 2015. The city was fined \$1,800 as a result.

been 158 mpn, or most probable number, a testing method used to estimate the number of colony forming units of bacteria in water samples.

Starting this summer, that value will drop significantly to 70 mpn, Oregon Public Health Division Program Coordinator Tara Chetock said.

Chetock said the beach monitoring program lowered the value after EPA studies showed stricter standards can help reduce illness as a result of accidental ingestion of bacteria contaminated water.

"It's important to note that when the EPA is looking at water quality standards, they

are also looking at places like Miami and California where the water is warmer and more people are in the water all time," Chetock said. "The standard was established considering all beaches."

In general, Chetock said, Oregon beaches are not where people are getting sick, but the

change was made in the interest of public health.

### Too cold

Most periods of the year, water on the North Coast is usually too cold for swimmers.

According to Surfrider Foundation, an environmental nonprofit that tracks water bacteria, there have been no recent self-reported illnesses on the North Coast.

The Oregon Health Authority's Beach Monitoring Program is inviting public comment through May 8 on a list of beaches it is proposing to monitor this summer, which currently lists Seaside, Tolovana and Cannon Beach as suggestions. The three beaches have been tested multiple times and rank highly on the list due to the large number of users in the summer, Chetock said.

Sources of contamination to surface waters include wastewater treatment plants, on-site septic systems, domestic and wild animal manure, and storm runoff, according to the EPA.

In July 2015, a sewage leak led to a high spike in bacteria readings in the Ecola Creek Watershed. In general, Cannon Beach has a history of

high bacteria test results, especially after rain washes waterways out, said Ryan Cruse, field coordinator for Surfrider's Blue Water Task Force.

### Generally clean

While Surfrider cannot issue advisories like the beach management program, Cruse said based on their data Cannon Beach has maintained generally clean readings since 2015.

With the change in EPA regulations however, Cruse said he could see the number of advisories increasing as well as the amount of testing required.

"If the OBMP is ending up with more advisories, they will have to be doing a lot more testing than in the past because they will need to go back and test as soon as they can after an advisory to evaluate whether or not it needs to be kept," Cruse said.

He also noted that Surfrider is concerned with national level budget cuts within the EPA, and what affect that will have on research and public health.

"If funding goes away, there will be a lot less information out there to address these issues," Cruse said.

# Judge orders Port to pay for depositions

## Notes withheld from executive sessions on inn

By **EDWARD STRATTON**  
*The Daily Astorian*

Circuit Court Judge Dawn McIntosh has ordered the Port of Astoria to cover the cost of additional depositions of its staff by Param Hotel Corp., which is suing the agency over operation of the Astoria Riverwalk Inn.

The Port was found to have withheld until recently the notes from executive sessions in which the Riverwalk Inn was discussed in September 2014 and July and August 2015.

Param's lawyer, Colin Hunter, had sought to win the case with a motion for discovery sanctions, claiming the delay in the materials was highly prejudicial and had irreversibly affected his prosecution.

The Port's attorney, Luke Reese, claims the delays were unintentional "confusion between the Port and its attorney as to what had been pro-



Joshua Bessex/The Daily Astorian

The Astoria Riverwalk Inn is the subject of a legal dispute.

duced prior to depositions, which was immediately remedied after the confusion was identified and well before the close of discovery."

McIntosh ordered the Port to provide and pay for the additional deposition of staff in advance of trial set to start later this month, but held off on further judgment until then.

Param filed suit against the Port in late 2015 after the agency chose Astoria Hospitality Ventures, owned by Port

Commissioner Stephen Fulton's brother-in-law William Orr, to take over operation of the lodging from heavily indebted former operator Brad Smithart. In his suit, Hunter claimed the Port had shown bias toward the connected Hospitality Ventures, and had wrongfully voided a contract Param had to take over from Smithart in exchange for paying off his debts.

Orr and his partner Chester Trabucco, who still oper-

ate the hotel and are negotiating with the Port to lease the adjacent Chinook Building, were removed from the case last year. The duo's lobbying of the Port Commission was deemed allowable by Circuit Court Judge Philip Nelson.

Part of Nelson's argument was the lack of any evidence indicating Fulton had "participated as a public official in any discussion or debate about the operation or lease of the hotel property" after a June 2015 meeting. But the withheld executive session notes indicated Fulton was present for discussions about the hotel.

"Though it is difficult to assess to what extent, I do believe (Param) suffered prejudice as a result of the Port's failure to disclose these documents," McIntosh said.

McIntosh, who took over mid-case after Nelson retired, said she was unsure whether the materials would have swayed his decision to dismiss Orr and Trabucco, but that their absence had affected Param's analysis of whether to appeal the dismissal and its decision to settle with the pair.

# Railroad considers options for old caboose

By **AARON WEST**  
*The Bulletin*

BEND — Moving thousands of pounds of cargo isn't typically an issue for the trains that use the City of Prineville Railway, but what about when the cargo is the train itself?

That's the question the city-owned railroad is trying to answer. Railway Director Matt Wiederholt said railway staff members are considering their options for moving a 30-ton caboose to the Bowman Museum in downtown Prineville. The trip between the railway and the museum is less than a mile — practically nothing compared to the long trips the 70-year-old railway car used to make in its heyday. But since the city's orange caboose will have to be taken off the storage tracks where it currently sits and transported on the highway to make it

there, the journey seems a little bit longer than it actually is.

"We're just trying to figure out how to get it down there," Wiederholt said. "Hopefully we'll have it done in the next couple months or so. It's a little challenging, but it's doable."

The caboose, which Wiederholt said the Prineville Railway bought in the 1970s, has seen a lot of use over the years, but it's been out of work for nearly a decade.

Originally used for hauling and housing railroad employees, the caboose is outfitted with a generator, a stove, a desk and bunk beds for the crew members, conductors and brakemen who used to have to travel with a train. When federal safety laws that had required the use of cabooses and large railroad crews were relaxed in the 1980s, Wiederholt said, Prineville's caboose was moved over to

the Prineville Freight Junction — via tracks, not the highway — to be used as office space. After that it was used to give kids rides, but it was retired in the mid-2000s.

Rather than let the caboose sit on storage tracks at the railway, where Wiederholt said it would slowly deteriorate, the decision was made to donate it to the city museum. The 100-year anniversary of the railway is coming up in 2018, and Wiederholt said the caboose would make a great historical exhibit at the Bowman Museum.

"It's worth more historically at the museum than it would be if we scrapped it or sold it to someone who would use it as a hunting cabin," he said.

Which brings the Prineville Railway staff back to the ques-

tion at hand: How should they transport the caboose?

The issue isn't actually the freight car's weight, but its height. For a train car, 60,000 pounds is "fairly light," Wiederholt said, but at 13 feet, 8 inches tall, the caboose's height would exceed 14 feet — the maximum height allowed on Oregon roads — when it's loaded onto the back of a truck.

"The height is giving us some challenges," he said.

Probably what's going to happen, Wiederholt speculated, is that the railway will use a crane it has to lift the caboose so its wheels can be removed and it can be loaded on the back of a lowboy trailer. Then the trip to the museum can be made without smashing into the top of any bridges or power lines.

# Washington state urges sunscreen bill

By **ALEXIS MYERS**  
*Associated Press*

OLYMPIA, Wash. — Washington state lawmakers are pushing forward with a proposal that allows students to use sunscreen at school without a note from a doctor and parent, a rule that six other states also are considering to help protect children from developing skin cancer.

The law is in place for Washington students from kindergarten to 12th grades because the Food and Drug Administration lists sunscreen as a drug product. School employees also are banned from applying it on a student.

Senate Bill 5404 would exempt sunblock from being classified as a medication so children could use it on campus, at school-sponsored events or during field trips. The state House unanimously passed the measure last week, and it now heads back to the Senate for agreement on changes that were made.

Republican state Sen. Ann Rivers of La Center, sponsor of the legislation, said her colleagues and constituents shared stories of some children coming back from field trips "burnt like a French fry."

"Every now and then, we come across a bill where we end up asking ourselves, 'Really, do we really need a bill for this?' It's just kind of a no-brainer," Rivers said.

When asked about the legislation, Mona Johnson, director of student support for the Office of Superintendent of Public Instruction, said sunscreen had not been

a significant issue until River's bill emerged.

"This issue was a surprise to us," Johnson said. "It's not something we've had lots of people be concerned about or lots of educators be concerned about it."

She said the superintendent's office supports the legislation as long as school administrators and nurses do, too.

At least four states have laws requiring schools to allow students to use sunscreen, according to the National Conference of State Legislatures. They are California, New York, Utah and Oregon.

Alabama, Arizona, Georgia, Louisiana, Massachusetts and Rhode Island are considering similar legislation. A bill introduced in Congress last year to allow sunscreen in schools didn't go anywhere, the NCSL said.

Betsy Janes of the American Cancer Society Cancer Action Network said some states do not have sun protection laws because it might not be a problem there or it hasn't become one yet.

But there's a common misconception that people are less likely to get skin cancer in cloudier states, such as Washington, Janes said. Some of the highest rates of melanoma — the deadliest form of skin cancer — occur in the cloudiest states, including Washington and Oregon, according to the Center for Disease Control and Prevention.

Skin cancer is progressive and starts when a person is young and is more at risk of sun exposure, Janes said.

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*Thank You*  
from the  
*Westerholm Family*

It's going on 2 months now since my dad passed away in February. The family, mom especially, has been absolutely overwhelmed by all the love, support, and generosity that everyone has shown. From flowers, cards, and financial support to hugs, food, and a simple text to say how much dad will be missed.

The family wanted to announce that we will be having a celebration of life at the Knappa High School commons on June 17th from 11-2. Please bring your memories and photographs to share. The stories and pictures that have been given here and during visits have truly been cherished.

Thank you all so much.

*Connie Westerholm,  
Gerritt and Family,  
Jason and Family*