

State of Washington

Department of Agriculture
(agency name)

Administrative Order No. 1667

(1) I, Bob J. Mickelson, director of agriculture of the State of Washington

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

The use of restricted use herbicides within Douglas and Chelan Counties in WAC 16-231-815; WAC 16-231-820; WAC 16-231-825; WAC 16-231-830; WAC 16-231-835; WAC 16-231-840; WAC 16-231-845; WAC 16-231-800; WAC 16-231-805; and WAC 16-231-810.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. 79-10-136 & 80-02-073 filed with the code reviser on Oct. 2, 1979 & Jan. 18, 1980. Such rules shall take effect:

- [x] pursuant to RCW 34.04.040(2).
[] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04. (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

- [x] (a) This rule is promulgated pursuant to RCW 17.21 and 15.58 and is intended to administratively implement that statute.
[] (b) This rule is promulgated pursuant to RCW which directs that the

(agency) has authority to implement the provisions of

(name of act or RCW citation)

- [] (c) This rule is promulgated under the general rule-making authority of the

(agency) as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

STATE OF WASHINGTON APPROVED AND ADOPTED

February 15 1980

FEB 20 1980

By Bob J. Mickelson Director of Agriculture

Title

CODE REVISER'S OFFICE WSR 80-03-028

NEW SECTION

WAC 16-231-800 AREA UNDER ORDER: All lands lying within the boundaries of Douglas and Chelan Counties.

NEW SECTION

WAC 16-231-805 RESTRICTED USE HERBICIDES. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides, including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides.

NEW SECTION

WAC 16-231-810 AREA 1. (1) Area 1 description - Chelan County. An area starting at the southeast corner of Section 32, T21N, R22E; thence west one mile to the southwest corner of Section 32; thence north five miles more or less to the right-of-way of the Malaga Road; thence along and including the Malaga Road right-of-way to the city limits of Wenatchee; thence east to the Columbia River, and along the west bank of the Columbia River to the point of beginning.

(2) Area 1 description - Douglas County. An area on the east bank of the Columbia River, beginning at the southwest corner of Section 33, T21N, R22E; thence east one mile to the southeast corner of Section 33; thence north one mile to the southwest corner of Section 27; thence east one mile to the southeast corner of Section 27; thence north one mile to the southwest corner of Section 23, thence east one mile to the southeast corner of Section 23; thence north one mile to the northeast corner of Section 23; thence west one mile to the northwest corner of Section 23; thence north one mile to the northeast corner of Section 15; thence west one mile to the northwest corner of Section 15; thence north two miles to the northeast corner of Section 4; thence west one mile more or less to and including the right-of-way of State Road 28; thence northwest along the highway right-of-way to the east section line of Section 25, T22N, R21E; thence north five miles more or less to the northeast corner of Section 1, T22N, R21E; thence west eight miles more or less to the east bank of the Columbia River; thence southeasterly along the east bank of the Columbia River to the point of beginning.

(3) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 15 through October 31, aerial applications of restricted use herbicides shall be made using the Danger Area Restrictions (see WAC 16-230-675).

NEW SECTION

WAC 16-231-815 AREA 2. (1) Area 2 description. (Buffer area -- A protective area around Azwell, Manson, and the mouth of the Moses-Coulee.)

(a) Chelan County - Those areas lying within a one mile radius from the center of the towns of Azwell and Manson. Sections 13, 14, 15 and 16, T28N, R21E.

(b) Douglas County - (Moses-Coulee and Bridgeport area.) Sections 1, 2, 3, 10, 11, 12, 13, 14, 24, 25, 26, 34, 35, and 36, N21N, R22E, and Sections 1, 2, 3, 4, 9, 10, 11, 12 and those portions of Sections 13, 14, 15 and 16, T20N, R22E.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after May 1 through October 31.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

NEW SECTION

WAC 16-231-820 AREA 3. (1) Area 3 description. (Buffer area between Rock Island and Palisades.) An area starting at the northwest corner of Section 6, T22N, R22E; thence east along the township line twelve miles to the Douglas-Grant county line; thence southwesterly along the county line to the east boundary line of Area 2; thence north and west along the Area 2 boundary line to the Area 1 boundary line; thence northerly along the Area 1 boundary line to the point of beginning.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after May 1 through October 31.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

NEW SECTION

WAC 16-231-825 AREA 4. (1) Area 4 description. All remaining lands in Douglas County.

(2) Area 4 restrictions. On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

NEW SECTION

WAC 16-231-830 RESTRICTIONS ON AIRCRAFT. The loading and/or mixing of restricted use herbicides is restricted to those formulations which may be applied in the area in which the airstrip is located.

NEW SECTION

WAC 16-231-835 AERIAL APPLICATIONS NEAR VINEYARDS. Aerial application of restricted use herbicides shall be prohibited within one mile of any commercial vineyard in the area under order: PROVIDED, That aerial

application of restricted use herbicides to lands located within one-half mile to one mile from commercial vineyards shall be considered through written request to the Washington State Department of Agriculture.

NEW SECTION

WAC 16-231-840 WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 2, 3 and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year and in Area 1 when the mean sustained wind velocity is over twelve miles per hour on and after November 1 through April 15 of the following year, and over seven miles per hour from April 16 through October 31.

NEW SECTION

WAC 16-231-845 DISTRIBUTION, USE AND APPLICATION. The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-228-165(1)(o) and (9), WAC 16-228-175, and WAC 16-230-600 through WAC 16-230-675.



STATE OF
WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98504

For the purpose of legislative review of agency rules, the following statement is submitted:

- (1) This rule relates to the use and application of restricted use herbicides in eastern Washington counties. Statutory authority is RCW 17.21 and RCW 15.58.
- (2) The sections codified under WAC Chapters 16-230, 16-231 and 16-232 are established to regulate the use of restricted use herbicides to protect susceptible crops from drift of these herbicides.
- (3) Department of Agriculture
Grain and Chemical Division
Art G. Losey
406 General Administration Bldg. AX-41
Olympia, WA 98504
Phone: 753-5062
- (4) Proponents:

Department of Agriculture
- (5) No agency comments