

State of Washington

Agriculture

(agency name)

Administrative Order No. 1678

(1) I, Bob J. Mickelson, director of Department of Agriculture

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to: The use of restricted use herbicides within Spokane County in the amending of WAC 16-230-420, WAC 16-230-430 and WAC 16-230-440

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules. WSR 80-02-077

This action is taken pursuant to Notice No. WSR 79-10-132 and filed with the code reviser on October 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.

APPROVED AND ADOPTED February 15 19 80

By Bob J. Mickelson Director, Department of Agriculture Title

STATE OF WASHINGTON
FILED
FEB 20 1980
CODE REVISER'S OFFICE
80-03-039

AMENDATORY SECTION (Amending Order 1585, filed December 20, 1978)

WAC 16-230-420 AREA 2. (1) This area includes all lands lying within a boundary line starting at the intersection of ((U.S. Highway 2 and Wood Road; thence northerly 2 miles more or less along Wood Road to its intersection with Mission Road; thence easterly along Mission Road and the extending section line 4 miles more or less to Deno Road; thence easterly along Deno Road 4 miles more or less to Hayford Road; thence northerly along Hayford Road and the extending section line boundary 8 miles more or less to the northwest corner of Section 6, R42E, T26N; thence easterly 18 miles more or less along the township line between T26N and T27N to the northwest corner of Section 6, R45E, T26N; thence northerly 2 miles more or less along the section boundary line to the northwest corner of Section 30, R45E, T27N; thence easterly 6 miles to the Idaho-Washington Border; thence southerly 14 miles more or less to the township boundary between T25N and T24N; thence westerly 6 miles more or less to the southwest corner of Section 31, R45E, T25N; then south 1 miles more or less along Chapman Road to the southeast corner of Section 1, R44E, T24N; thence westerly 13 miles more or less to the Cheney-Spokane Road; thence southwesterly 2 miles more or less to the common boundary line between Section 15 and Section 14, R42E, T24N; thence southerly 1.5 miles more or less to the southeast corner of Section 22, R42E, T24N; thence westerly 1.5 miles more or less along the Cheney-Spokane Highway; thence southerly 3 miles more or less to the Cheney-Spokane Highway to the common boundary line between Section 5 and Section 6, R42E, T23N; thence southerly 3 miles more or less to the southeast corner of Section 19, R42E, T23N; thence westerly 3 miles more or less to the southwest corner of Section 23, R41E, T23N; thence northerly along the section line 1.5 miles more or less to the Salnave Road; thence northwesterly along the Salnave Road 7 miles more or less to its intersection with the Medical Lake-Tyler Road; thence northerly .5 mile more or less to Gray Road; thence westerly .5 mile more or less to Ladd Road; thence northerly 6 miles more or less to Thorpe Road; thence easterly 1 mile more or less to Espanola Road; thence northerly 2 miles more or less to the point of beginning)) State Highway 2 and Christianson Road; thence north two miles more or less to the northwest corner of Section 17, T25N, R41E; thence east five miles more or less to Hayford Road; thence north eight miles more or less to the northwest corner of Section 6, T26N, R41E; thence east ten miles more or less to the northeast corner of Section 3, T26N, R43E; thence south five miles more or less to the northeast corner of Section 34, T26N, R43E; thence east fourteen miles more or less to the Idaho-Washington border; thence south seven miles more or less to the common boundary line between T24N and 25N; thence west six miles more or less to Chapman Road; thence south one mile more or less along Chapman Road to the common boundary line between Sections 1 and 12, T24N, R44E; thence east thirteen miles more or less to the Cheney-Spokane Road; thence southwesterly along the Cheney-Spokane Road two miles more or less to the common boundary line between Sections 14 and 15, T24N, R42E; thence south one and one-half miles more or less to the southeast corner of Section 22, T24N, R42E; thence west one and one-half miles more or less to the Cheney-Spokane Highway; thence southerly one mile more or less along the Cheney-Spokane Highway to the common boundary line between Section 28 and 33, T24N, R42E; thence east six miles more or less to Interstate 90; thence southerly three miles more or less to the intersection of Interstate 90 and Salnave Road; thence northwesterly along the Salnave Road three miles more or less to its intersection with the Medical Lake-Tyler Road; thence north four miles more or less to the intersection of Hallet and Richey Road; thence east one mile more or less along Hallet Road to the intersection of Hallet Road and Brooks Road; thence north three miles more or less on Brooks Road to the intersection of Brooks Road and Highway 2; thence east one mile more or less along Highway 2 to the point of beginning.

(2) Area 2 restrictions ((+)).

(a) On and after May 1 through October 15, ground applications of restricted use herbicides shall be made with nozzles having a minimum orifice diameter of 0.036 inches.

(b) For Roadside and Right-of-Way application drift reduction type systems such as directo-spray, raindrop or invert systems must be used.

(c) The use or application of low volatile ester formulations of restricted use herbicides is prohibited from May 1 through October 15((+)) : PROVIDED, That the department, upon written request, may issue a permit for the use of low volatile formulations for special weed control.

(d) The application of restricted use herbicides is prohibited from three hours prior to sunset to sunrise the next day((+)) : PROVIDED, That lawn and turf residential weed control, using nonvolatile formulations are exempt from the evening cutoff.

(e) The aerial application of restricted use herbicides is prohibited within Area 2((+)) : PROVIDED, That the department may issue a special permit, upon written request, for special weed control.

(f) Restricted use herbicides shall not be applied on or after May 1 through October 15 when the temperature is 85° or above at the point of application.

(g) Ground applications of restricted use herbicides shall be allowed when using No. 2RD or 2RA raindrop nozzles: PROVIDED, That the mean sustained wind velocity is fifteen miles per hour or less.

AMENDATORY SECTION (Amending Order 1585, filed December 20, 1978)

WAC 16-230-430 AREA 3. (1) An area within a distance of ((one))two-thirds of a mile of the city limits of incorporated cities and towns and the same distance from the center of any unincorporated town comprised of ten or more inhabited, closely grouped residences within Area 4 exclusive of Area 2.

(2) Area 3 restrictions((+)).

(a) The aerial application of restricted use herbicides is prohibited within Area 3((+)) : PROVIDED, That the department, upon written request, may issue a permit to allow aerial applications of nonvolatile formulations of restricted use herbicides ((within)) up to ((1/2)) one-half mile of the city limits of incorporated towns and cities and ((within)) up to ((1/2)) one-half mile of the center of any unincorporated towns comprised of ((10)) ten or more inhabited closely grouped residences.

(b) On and after May 1 through October 15, aerial applications shall be made using the Danger Area Restrictions ((~~see Order 15087 Regulation 11~~)) (see WAC 16-230-675).

(c) Ground applications of restricted use herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

(d) Ground applications of restricted use herbicides shall be allowed when using No. 2RD or 2RA raindrop nozzles: PROVIDED, That the mean sustained wind velocity is fifteen miles per hour or less.

AMENDATORY SECTION (Amending Order 1585, filed December 20, 1978)

WAC 16-230-440 AREA 4. (1) All remaining lands in Spokane County.

(2) Area 4 restrictions((+)).

(a) On and after May 1 through October 15, ground applications of restricted use herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 15, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions ((~~see Order 15087-Regulation 11~~)) (see WAC 16-230-675).

(c) Ground applications of restricted use herbicides shall be allowed when using No. 2RD or 2RA raindrop nozzles: PROVIDED, That the mean sustained wind velocity is fifteen miles per hour or less.



STATE OF
WASHINGTON

DEPARTMENT OF AGRICULTURE

406 General Administration Building, Olympia, Washington 98504

Dixy Lee Ray
Governor

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