



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Agriculture

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: November 21, 2000

(2) Purpose: To revise WACs 16-231, 16-232-16-230 related to the application of pesticides in Benton, Franklin and Walla Walla Counties. These rules will clarify and simplify what needs to be done by applicators in the above referenced counties. There will no longer be a need to look at several sets of rules to determine compliance.

(3) Citation of existing rules affected by this order: WACs 16-231, 16-232, 16-230

Repealed: 16-232-038, 16-230-870

Amended: 16-232-001, 16-232-005, 16-232-010, 16-231-100, 16-231-105, 16-231-107, 16-231-115, 16-231-125, 16-231-140, 16-230-800, 16-230-810, 16-230-813, 16-230-815, 16-230-820, 16-230-825, 16-230-830, 16-230-835, 16-230-840, 16-230-845, 16-230-850, 16-230-855, 16-230-860, 16-230-861, 16-230-862, 16-230-863, 16-230-864, 16-230-866, 16-230-868

(4) Statutory authority for adoption: RCW 17.21 and RCW 15.58

Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 00-19-038 on September 12, 2000 (date).

Describe any changes other than editing from proposed to adopted version:

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date)

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

- Yes
 - No
- If Yes, explain:

(6) Effective date of rule:

Permanent Rules
or Expedited Repeal

- 31 days after filing
- Other (specify) _____*

Emergency Rules

- Immediately
- Later (specify) _____

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)

Jim Jesernig

Signature

Title
Director

Date

11/22/00

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

NOV 22 2000

TIME 3:29 AM

WSR 00-24-002

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of nongovernmental entity:

	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

	New	<u>27</u>	Amended	<u>28</u>	Repealed	<u>2</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	<u>27</u>	Amended	<u>28</u>	Repealed	<u>2</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>27</u>	Amended	<u>28</u>	Repealed	<u>2</u>

AMENDATORY SECTION (Amending Order 2014, filed 7/31/89, effective 8/31/89)

WAC 16-230-800 Application of pesticides in Benton County
~~((and portions of Franklin and Walla Walla counties))~~ --Area under order. The area under order shall include:

~~((1))~~ All lands lying within the boundaries of Benton County ~~(, and~~

~~(2) Portions of Franklin and Walla Walla counties as follows: All lands lying within a boundary line beginning at the intersection of the Esquatzel Diversion Channel drain and the Columbia River thence east along the Esquatzel Channel to its intersection with Road 68, thence southeasterly approximately one mile along Road 68 to its intersection with Fraser Drive near the northeast corner of Section 24, T10N, R28E, thence south approximately one mile along Fraser Drive to its intersection with Selph Landing Road, thence east seven miles along Selph Landing Road to its intersection with Highway 395 near the northeast corner of Section 30, T10N, R30E, thence south two miles along Highway 395 to the southeast corner of Section 31, T10N, R30E, thence east three miles along section lines to the northeast corner of Section 3, T9N, R30E, thence south one mile along the section line to the southeast corner of Section 3, T9N, R30E, thence east seven miles along section lines and a portion of the Pasco-Kahlotus Road to its intersection with the Ice Harbor Dam Road at the northeast corner of Section 11, T9N, R31E, thence southerly approximately four miles along Ice Harbor Dam Road and Ice Harbor Drive to the west section line of Section 25, T9N, R31E, thence south approximately eleven miles along section lines to the Walla Walla River, thence west along the Walla Walla River to the Columbia River and the Walla Walla-Benton County line, thence northwesterly along the Walla Walla-Benton County line to the Benton-Franklin County line, thence northwesterly along the Benton-Franklin County line and the Columbia River to the point of beginning).~~

AMENDATORY SECTION (Amending WSR 92-13-035, filed 6/10/92, effective 7/11/92)

WAC 16-230-810 Application of pesticides in Benton County
~~((and portions of Franklin and Walla Walla counties))~~ --Restricted use pesticides. For the purposes of WAC 16-230-800 through 16-230-870, the following pesticides are declared to be restricted use pesticides:

(1) Restricted use herbicides:

(a) Sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort)

(b) Desiccants and defoliants (such as Paraquat, Diquat, Endothall)

(c) Glyphosate (such as Roundup, Landmaster)

(d) Phenoxy type herbicides (such as 2,4-D, MCPA)

(e) dicamba (such as Banvel)

(f) Bromoxynil (such as Brominal, Bucril, Bronate)

(2) Restricted use insecticides:

(a) All Category I insecticides with the signal words danger/poison on the label, except granular and pellet formulations;

(b) Additionally, all insecticides, except granular and pellet formulations, are declared to be restricted use in Area 1 and Area 1A as described in WAC 16-230-835.

AMENDATORY SECTION (Amending WSR 92-13-035, filed 6/10/92, effective 7/11/92)

WAC 16-230-813 Application of pesticides in Benton County ((and portions of Franklin and Walla Walla counties))--Oil-type carriers. On and after April 5 through October 31, oil-type carriers are prohibited for brush control: Provided, That oil-type carriers may be used in invert systems the entire year.

AMENDATORY SECTION (Amending Order 2014, filed 7/31/89, effective 8/31/89)

WAC 16-230-815 Application of pesticides in Benton County ((and portions of Franklin and Walla Walla counties))--Paraquat and diquat. Aerial application of paraquat and diquat is prohibited in the entire area under order listed in WAC 16-230-800.

AMENDATORY SECTION (Amending Order 2014, filed 7/31/89, effective 8/31/89)

WAC 16-230-820 Application of pesticides in Benton County ((and portions of Franklin and Walla Walla counties))--Sulfonylurea herbicides. Application of sulfonylurea herbicides (such as Glean,

Telar, Finesse, Escort) to fallow land or to land during the time between harvest and emergence above the furrows of the subsequent cereal grain crop is prohibited.

AMENDATORY SECTION (Amending WSR 92-13-035, filed 6/10/92, effective 7/11/92)

WAC 16-230-825 Application of pesticides in Benton County ((and portions of Franklin and Walla Walla counties))--Permits. The following conditions will apply to all permits issued under the authority of WAC 16-230-800 through 16-230-870.

(1) Application for a permit may be made to the Washington State Department of Agriculture, Compliance Branch, ((2015 S. 1st Street)) 21 N. First Avenue Suite 236, Yakima, Washington ((98903)) 98902. Applications may also be taken in person or by facsimile. Permits will not be granted by telephone.

(2) The department may make on-site monitoring of the application a condition of any permit. A representative of the department may condition, deny, or revoke a permit at any time, if the representative determines that the situation at the application site creates an unreasonable risk of drift. In determining whether the situation at the application site creates an unreasonable risk of drift, the representative may consider all relevant factors such as temperature, air inversions, time of day, burning restrictions, wind direction, wind velocity, topography, and type and condition of application equipment.

(3) No permit shall be issued to apply any pesticide unless that permit is consistent with existing department laws and rules.

AMENDATORY SECTION (Amending Order 2014, filed 7/31/89, effective 8/31/89)

WAC 16-230-830 Application of pesticides in Benton County ((and portions of Franklin and Walla Walla counties))--Emergency clause. In the event of an emergency, as declared by the director, the department may issue permits for the use of restricted use pesticides in variation of any restrictions contained in the area under order as defined in WAC 16-230-800. An emergency under this section may be declared if the director determines that the risk and amount of economic harm to any agriculture crop substantially outweighs the risk and amount of damage likely to occur if a variance permit is issued.

AMENDATORY SECTION (Amending WSR 92-13-035, filed 6/10/92, effective 7/11/92)

WAC 16-230-835 Application of pesticides in Benton County

~~((and portions of Franklin and Walla Walla counties))~~ --Area 1. (1)

Area 1 description (North Horse Heaven Hills). An area including all lands lying within a boundary line beginning at the northwest corner of Section 31, T8N, R24E; thence east two miles along section lines to the northwest corner of Section 33, T8N, R24E; thence north one mile along section lines to the northwest corner of Section 28, T8N, R24E; thence east seven miles along section lines to the northwest corner of Section 27, T8N, R25E; thence north two miles along section lines to the northwest corner of Section 15, T8N, R25E; thence east eight miles along section lines to the northwest corner of Section 13, T8N, R26E; thence south two miles along section lines to the northwest corner of Section 25, T8N, R26E; thence east two miles along section lines to the northwest corner of Section 29, T8N, R27E; thence south one mile along section lines to the northwest corner of Section 32, T8N, R27E; thence east three miles along section lines to the northwest corner of Section 35, T8N, R27E; thence south one mile along section lines to the northwest corner of Section 2, T7N, R27E; thence east one mile along section lines to the northwest corner of Section 1, T8N, R27E; thence south two miles along section lines to the northwest corner of Section 13, T7N, R27E; thence east four miles along section lines to the northwest corner of Section 15, T7N, R28E; thence south one mile along section lines to the northwest corner of Section 22, T7N, R28E; thence east ten miles along section lines to the northwest corner of Section 20, T7N, R30E; thence south two miles along section lines to the northwest corner of Section 32, T7N, R30E; thence east seven miles along section lines to the Columbia River in Section 29, T7N, R31E; thence south approximately two miles along the Columbia River to the south section line of Section 5, T6N, R31E; thence west approximately eight miles along section lines to the southwest corner of Section 1, T6N, R29E; thence north two miles along section lines to the southwest corner of Section 25, T7N, R29E; thence west thirteen miles along section lines to the southeast corner of Section 27, T7N, R27E; thence north one mile along the section line to the northeast corner of Section 27, T7N, R27E; thence west one mile along the section line to the northwest corner of Section 27, T7N, R27E; thence north two miles along section lines to the northeast corner of Section 16, T7N, R27E; thence west one mile along the section line to the southeast corner of Section 8, T7N, R27E; thence north one mile along the section line to the northeast corner of Section 8, T7N, R27E; thence west approximately twenty miles along section lines to the Benton-Yakima County line at the southwest corner of Section 6, T7N, R24E; thence north two miles along the county line to the point of beginning.

(2) Area 1 restrictions.

(a) Application by air of restricted use pesticides as defined in WAC 16-230-810 is prohibited: Provided, That the department may

issue written permits for application of insecticides not containing the signal words danger/poison on the label.

(b) The use or application of low volatile ester formulations of restricted use herbicides shall be prohibited on and after April 5 through October 31 of each year: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, all applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset to sunrise the following morning: Provided, That applications of restricted use herbicides shall be exempt from the sunset restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset restrictions: Provided further, That persons licensed to perform applications of restricted use herbicides on small experimental plots for research purposes shall be exempt from the sunset restrictions.

AMENDATORY SECTION (Amending WSR 92-13-035, filed 6/10/92, effective 7/11/92)

WAC 16-230-840 Application of pesticides in Benton County
((and portions of Franklin and Walla Walla counties))--Area 2. (1) Area 2 description. ((Tri-Cities, Benton City area.)) An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence south approximately five miles along section lines to the intersection with the Kennewick Irrigation District (K.I.D.) main canal; thence easterly along the K.I.D. main canal to the Amon pumping station located in Section 7, T8N, R29E; thence southeasterly along the K.I.D. Division Four Canal to the Columbia River in Section 8, T7N, R31E; ((thence south approximately one-half mile along the Columbia River to the south section line of Section 8, T7N, R31E, thence east approximately three miles across the Columbia River to the intersection with U.S. Highway 12 at the south section line of Section 10, T7N, R31E,)) thence northwesterly along ((Highway 12 to its intersection with Interstate 182, thence westerly along Interstate 182 to the west shoreline of the Columbia River, thence northerly approximately six and one-half miles along)) the Columbia River ((to)) until its intersection with the United States Department of Energy Hanford Site south boundary line; thence west approximately one mile and south approximately two and one-half miles along the south boundary line to the southeast corner of Section 27, T10N, R28E; thence west seven miles along section lines to the southwest corner of Section 27, T10N, R27E; thence north one

mile along the section line to the northwest corner of Section 27, T10N, R27E; thence west four miles along section lines to the point of beginning.

(2) Area 2 restrictions.

(a) Application by air of restricted use pesticides as defined in WAC 16-230-810 is prohibited.

(b) The use or application of low volatile ester formulations of restricted use herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of restricted use herbicides shall be exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset and sunrise restrictions: Provided further, That persons licensed to perform applications of restricted use herbicides on small experimental plots for research purposes shall be exempt from the sunset and sunrise restrictions.

AMENDATORY SECTION (Amending WSR 92-13-035, filed 6/10/92, effective 7/11/92)

WAC 16-230-845 Application of pesticides in Benton County ((and portions of Franklin and Walla Walla counties))--Area 3. (1) Area 3 description.

(a) Eastern Yakima Valley. An area including all lands lying within a boundary line beginning at the northwest corner of Section 19, T8N, R24E; thence east four miles along section lines to the southwest corner of Section 14, T8N, R24E; thence north one mile along the section line to the northwest corner of Section 14, T8N, R24E; thence east two miles along section lines to the southwest corner of Section 7, T8N, R25E; thence north one mile along the section line to the northwest corner of Section 7, T8N, R25E; thence east one mile along the section line to the southwest corner of Section 5, T8N, R25E; thence northeast approximately one and four-tenths of a mile diagonally across Section 5 to the northeast corner of Section 5, T8N, R25E; thence east one mile along the section line to the southwest corner of Section 34, T9N, R25E; thence northeast approximately one and four-tenths of a mile diagonally across Section 34 to the northeast corner of Section 34, T9N, R25E; thence east two miles along section lines to the southwest corner of Section 30, T9N, R26E; thence north one mile along the section line to the northwest corner of Section 30, T9N,

R26E; thence east one mile along the section line to the southwest corner of Section 20, T9N, R26E; thence northeast approximately one and four-tenths of a mile diagonally across Section 20 to the northeast corner of Section 20, T9N, R26E; thence east two miles along section lines to the northwest corner of Section 23, T9N, R26E; thence southeast approximately one and four-tenths of a mile diagonally across Section 23 to the southeast corner of Section 23, T9N, R26E; thence north six miles along section lines to the northwest corner of Section 25, T10N, R26E; thence west four miles along section lines to the northwest corner of Section 29, T10N, R26E; thence south one mile along the section line to the southwest corner of Section 29, T10N, R26E; thence west eleven miles along section lines to the southeast corner of Section 29, T10N, R24E; thence north one mile along the section line to the intersection with Anderson Road at the northeast corner of Section 29, T10N, R24E; thence west two miles along Anderson Road and section lines to the Benton-Yakima County line at the northwest corner of Section 30, T10N, R24E; thence south approximately eleven miles along the Benton-Yakima county line to the point of beginning.

(b) Cold Creek Area. An area including all lands lying within a boundary line beginning at the intersection of the Benton-Yakima County line and the Columbia River in Section 7, T13N, R24E; thence south approximately six and one-half miles along the Benton-Yakima County line to the southwest corner of Section 7, T12N, R24E; thence east five miles along section lines to the southeast corner of Section 11, T12N, R24E; thence north approximately seven miles along section lines to the Columbia River; thence west approximately five miles along the Columbia River to the point of beginning.

(c) Horse Heaven Hills southwest buffer zone. An area near Patterson starting at the southeast corner of Section 7, T5N, R26E following section lines north five miles to the northeast corner of Section 19, T6N, R26E; thence west two miles to the northwest corner of Section 24, T6N, R25E; thence south one-half mile along section line; thence west two miles to the common boundary of Sections 21 and 22, T6N, R25E; thence north one-half mile to the northeast corner of Section 21, T6N, R25E; thence west three miles to the northwest corner of Section 19, T6N, R25E; thence south three miles to the southwest corner of Section 31, T6N, R25E; thence east three miles to the southeast corner of Section 33, T6N, R25E; thence south three miles to the southeast corner of Section 16, T5N, R25E; thence west one mile to the northwest corner of Section 21, T5N, R25E; thence south one mile to the southwest corner of Section 21, T5N, R25E; thence east two miles to the southeast corner of Section 22, T5N, R25E; thence north one mile to the northeast corner of Section 22, T5N, R25E; thence east two miles to the southeast corner of Section 13, T5N, R25E; thence north one mile to the northeast corner of Section 13, T5N, R25E; thence east one mile to the point of origin.

(2) Area 3 restrictions.

(a) Application by air of restricted use herbicides as defined in WAC 16-230-810 is prohibited.

(b) The use or application of low volatile ester formulations

of restricted use herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of restricted use herbicides shall be exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset and sunrise restrictions: Provided further, That persons licensed to perform applications of the restricted use herbicides on small experimental plots for research purposes shall be exempt from the sunset and sunrise restrictions.

AMENDATORY SECTION (Amending WSR 92-13-035, filed 6/10/92, effective 7/11/92)

WAC 16-230-850 Application of pesticides in Benton County
((and portions of Franklin and Walla Walla counties))--Area 4. (1)
Area 4 description.

(a) Tri-cities northwest buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence north two miles along section lines to the northwest corner of Section 13, T10N, R26E; thence east one mile along the section line to the northeast corner of Section 13, T10N, R26E; thence north approximately one-half mile along the section line to the United States Department of Energy Hanford Site south boundary line; thence easterly approximately ten miles and south approximately two and one-half miles along the south boundary line to the south section line of Section 27, T10N, R28E; thence west approximately six and three-fourths miles along section lines to the southwest corner of Section 27, T10N, R27E; thence north one mile along the section line to the northwest corner of Section 27, T10N, R27E; thence west four miles along section lines to the point of beginning.

(b) Tri-cities northeast buffer zone. An area including all lands lying within a boundary line beginning at the intersection of the Esquatzel Diversion Channel drain and the Columbia River; thence east along the Esquatzel Channel to its intersection with Road 68; thence southeasterly approximately one mile along Road 68 to its intersection with Fraser Drive near the northeast corner of Section 24, T10N, R28E; thence south approximately four miles along section lines and portions of Fraser Drive and Dent Road to the southwest corner of Section 6, T9N, R29E; thence east approximately eight and one-half miles along section lines and a portion of

Foster Wells Road to its intersection with the Bonneville Power Administration power line in Section 4, T9N, R30E; thence southeasterly approximately seven miles along the power line to its intersection with SR 124 in Section 32, T9N, R31E; thence easterly approximately two and one-half miles along SR 124 to the east section line of Section 34, T9N, R31E near the intersection of SR 124 and the Union Pacific Railroad; thence south approximately three miles along section lines to the southeast corner of Section 15, T8N, R31E; thence west approximately one-fourth mile along the section line to the Union Pacific Railroad; thence southerly approximately four and one-half miles along the railroad to its intersection with U.S. Highway 12 near the Boise Cascade paper mill; thence northwesterly along Highway 12 to its intersection with Interstate 182; thence westerly along I-182 to the west shoreline of the Columbia River; thence northerly approximately six and one-half miles along the Columbia River to the U.S. Department of Energy Hanford Site south boundary line in Section 14, T10N, R28E; thence east approximately one-half mile across the Columbia River to its east shoreline; thence northerly approximately one-half mile to the point of beginning.

(2) Area 4 restrictions.

(a) Application by air of restricted use pesticides as defined in WAC 16-230-810 may be made by written permit only.

(b) The use or application of low volatile ester formulations of restricted use herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year all applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of restricted use herbicides shall be exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset and sunrise restrictions: Provided further, That persons licensed to perform applications of the restricted use herbicides on small experimental plots for research purposes shall be exempt from the sunset and sunrise restrictions.

AMENDATORY SECTION (Amending WSR 92-13-035, filed 6/10/92, effective 7/11/92)

WAC 16-230-855 Application of pesticides in Benton County
((and portions of Franklin and Walla Walla counties))--Area 5. (1)
Area 5 description.

(a) Cold Creek buffer zone. An area including all lands lying

within a boundary line beginning at the southwest corner of Section 7, T12N, R24E; thence east five miles along section lines to the southeast corner of Section 11, T12N, R24E; thence north approximately seven miles along section lines to the Columbia River; thence easterly approximately two miles along the Columbia River to the east section line of Section 6, T13N, R25E, near the Vernita Bridge; thence south approximately eight and one-half miles along section lines to the southeast corner of Section 18, T12N, R25E; thence west seven miles along section lines to the Benton-Yakima County line at the southwest corner of Section 18, T12N, R24E; thence north one mile along the county line to the point of beginning.

(b) Roza buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 25, T10N, R26E; thence west four miles along section lines to the northwest corner of Section 29, T10N, R26E; thence south one mile along the section line to the southwest corner of Section 29, T10N, R26E; thence west eleven miles along section lines to the southeast corner of Section 29, T10N, R24E; thence north one mile along the section line to the intersection with Anderson Road at the northeast corner of Section 29, T10N, R24E; thence west two miles along Anderson Road and section lines to the Benton-Yakima County line at the northwest corner of Section 30, T10N, R24E; thence north two miles along the county line to the northwest corner of Section 18, T10N, R24E; thence east four miles along section lines to the northeast corner of Section 15, T10N, R24E; thence south one mile along the section line to the southeast corner of Section 15, T10, R24E; thence east seven miles along section lines to the southwest corner of Section 13, T10N, R25E; thence north one mile along the section line to the northwest corner of Section 13, T10N, R25E; thence east six miles along section lines to the northwest corner of Section 13, T10N, R26E; thence south two miles along section lines to the point of beginning.

(c) Horse Heaven Hill southwest buffer zone. An area including all lands lying within a boundary line beginning at the northwest corner of Section 13, T6N, R24E; thence south five miles along section lines to the southwest corner of Section 1, T5N, R24E; thence east three miles along the section lines to the northeast corner of Section 8, T5N, R25E; thence south one mile along the section line to the southeast corner of Section 8, T5N, R25E; thence west one mile along the section line to the southwest corner of Section 8, T5N, R25E; thence south approximately five miles to the Washington Oregon border; thence northeasterly along the Washington Oregon border until its intersection with the eastern section line of Section 8, T5N, R26E; thence north approximately six miles along section lines to the northeast corner of Section 17, T6N, R26E; thence west nine miles to the point of beginning.

(2) Area 5 restrictions.

(a) Application by air of restricted use herbicides as defined by WAC 16-230-810 may be made by written permit only.

(b) The use or application of low volatile ester formulations of restricted use herbicides shall be prohibited on and after April

5 through October 31 of each year: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year all applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of restricted use herbicides shall be exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset and sunrise restrictions: Provided further, That persons licensed to perform applications of the restricted use herbicides on small experimental plots for research purposes shall be exempt from the sunset and sunrise restrictions.

AMENDATORY SECTION (Amending WSR 92-13-035, filed 6/10/92, effective 7/11/92)

WAC 16-230-860 Application of pesticides in Benton County
((and portions of Franklin and Walla Walla counties))--Area 6. (1) Area 6 description. All remaining lands in the area under order.

(2) Area 6 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides shall be prohibited on and after April 5 through October 31 of each year: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(b) On and after April 5 through October 31 of each year all applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset to sunrise the following morning: Provided, That applications of restricted use herbicides shall be exempt from the sunset restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset restrictions: Provided further, That persons licensed to perform applications of restricted use herbicides on small experimental plots for research purposes shall be exempt from the sunset restrictions.

(c) On and after April 5 through October 31 of each year, aerial applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning.

AMENDATORY SECTION (Amending WSR 92-13-035, filed 6/10/92, effective 7/11/92)

WAC 16-230-861 Application of pesticides in Benton County
((and portions of Franklin and Walla Walla counties))--Wind conditions. The use or application of all herbicides and class 1 and 2 insecticides are prohibited in the area under order listed in WAC 16-230-800 when the mean sustained wind velocity is over ten miles per hour throughout the year: Provided, That applications shall be allowed in higher velocity winds when an approved ground apparatus is used. Ground apparatus shall be approved by the department prior to application. Approval shall be based on research data: Provided further, That applications of granular and pellet formulations of restricted use pesticides defined in WAC 16-230-810 as well as applications made to structures shall be exempt from the wind restrictions.

AMENDATORY SECTION (Amending WSR 92-13-035, filed 6/10/92, effective 7/11/92)

WAC 16-230-862 Application of pesticides in Benton County
((and portions of Franklin and Walla Walla counties))--Area 1A.
(1) Area 1A description. All lands lying within a boundary line beginning at the northwest corner of Section 31, T8N, R24E; thence east two miles along section lines to the northwest corner of Section 33, T8N, R24E; thence north one mile along section lines to the northwest corner of Section 28, T8N, R24E; thence east seven miles along section lines to the northwest corner of Section 27, T8N, R25E; thence north two miles along section lines to the northwest corner of Section 15, T8N, R25E; thence east eight miles along section lines to the northwest corner of Section 13, T8N, R26E; thence south two miles along section lines to the northwest corner of Section 25, T8N, R26E; thence east two miles along section lines to the northwest corner of Section 29, T8N, R27E; thence south one mile along section lines to the northwest corner of Section 32, T8N, R27E; thence east three miles along section lines to the northwest corner of Section 35, T8N, R27E; thence south one mile along section lines to the northwest corner of Section 2, T7N, R27E; thence east one mile along section lines to the northwest corner of Section 1, T8N, R27E; thence south two miles along section lines to the northwest corner of Section 13, T7N, R27E; thence east four miles along section lines to the northwest corner of Section 15, T7N, R28E; thence south one mile along section lines to the northwest corner of Section 22, T7N, R28E; thence east ten miles along section lines to the northwest corner of Section 20, T7N, R30E; thence south two miles along section lines to the northwest corner of Section 32, T7N, R30E; thence east seven miles along section lines to the Columbia River

in Section 29, T7N, R31E; thence north approximately three miles to the Kennewick Irrigation District (K.I.D.) Division Four Canal in Section 8, T7N, R31E; thence westerly along the K.I.D. Division Four Canal to the intersection with the K.I.D. Main Irrigation Canal at the Amon Pumping Station located in Section 7, T8N, R29E; thence westerly along the K.I.D. Main Irrigation Canal to its intersection with the east section line of Section 14, T9N, R26E; thence south approximately one mile along the section line to the northwest corner of Section 25, T9N, R26E; thence northwest approximately one and four tenths miles diagonally across Section 23 to the northwest corner of Section 23, T9N, R26E; thence west two miles along section lines to the northwest corner of Section 21, T9N, R26E; thence southwest approximately one and four tenths miles diagonally across Section 20 to the northwest corner of Section 29, T9N, R26E; thence west one mile along section lines to the northwest corner of Section 30, T9N, R26E; thence south one mile along section lines to the northwest corner of Section 31, T9N, R26E; thence west two miles along section lines to the northwest corner of Section 35, T9N, R25E; thence southwest approximately one and four tenths miles diagonally across Section 34 to the northwest corner of Section 3, T8N, R25E; thence west one mile along section lines to the northwest corner of Section 4, T8N, R25E; thence southwest approximately one and four tenths miles diagonally across Section 5 to the northwest corner of Section 8, T8N, R25E; thence west one mile along section lines to the northwest corner of Section 7, T8N, R25E; thence south one mile along section lines to the northwest corner of Section 18, T8N, R25E; thence west two miles along section lines to the northwest corner of Section 14, T8N, R24E; thence south one mile along section lines to the northwest corner of Section 23, T8N, R24E; thence west four miles to the northwest corner of Section 19, T8N, R24E; thence south two miles along the county line to the point of beginning.

(2) Area 1A restrictions.

(a) Application by air of restricted use pesticides as defined in WAC 16-230-810 is prohibited: Provided, That the department may issue written permits for application of insecticides not containing the signal words danger/poison on the label.

(b) The use or application of low volatile ester formulations of restricted use herbicides shall be prohibited on and after April 5 through October 31 of each year: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of restricted use herbicides shall be exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset and sunrise restrictions: Provided further,

That persons licensed to perform applications of restricted use herbicides on small experimental plots for research purposes shall be exempt from the sunset and sunrise restrictions.

AMENDATORY SECTION (Amending WSR 92-13-035, filed 6/10/92, effective 7/11/92)

WAC 16-230-863 Application of pesticides in Benton County ((and portions of Franklin and Walla Walla counties))--Restricted use herbicides ground apparatus nozzle requirements. Ground applications of restricted use herbicides in the area under order listed in WAC 16-230-800 shall be made, throughout the year, using nozzles having a single orifice and minimum diameter of .052 inches or a LP 8002 nozzle. Pressure shall not exceed twenty-five pounds per square inch at the nozzle for .052 and other orifice openings and pressure shall not exceed fifteen pounds per square inch at the nozzle for LP 8002 or equivalent nozzle. Pressure up to fifty pounds per square inch at the nozzle may be used for equipment with handguns and up to ninety pounds per square inch at the nozzle manifold for an inert system: Provided, That the department may issue a permit for other nozzles and pressure combinations that are equal or better. Prior to issuing such permits, the request shall be reviewed by a scientific committee established by the director: Provided further, That when Glyphosate is the only restricted use herbicide being used during an application for weed control in reduced tillage cropping any nozzles may be used that delivers at a minimum ten gallons of water carrier or greater per treated acre at a pressure not exceeding twenty-five pounds per square inch at the nozzle: Provided further, That Glyphosate applications using a .052 nozzle at twenty-five pounds of pressure or less at the nozzle, and a LP 8002 nozzle at fifteen pounds of pressure or less at the nozzle shall be exempt from the ten-gallon minimum volume: Provided further, That pressurized handsized household devices used to apply restricted use herbicides, or any equipment, device, or contrivance of which the person who is applying the pesticide is the source of power or energy in making such herbicide applications shall be exempt from nozzle requirements.

AMENDATORY SECTION (Amending WSR 92-13-035, filed 6/10/92, effective 7/11/92)

WAC 16-230-864 Application of pesticides in Benton County ((and portions of Franklin and Walla Walla counties))--Restricted use herbicides, aircraft boom length, pressure, and nozzle

requirements. The aerial application of restricted use herbicides in the area under order listed in WAC 16-230-800 shall be made in accordance with the following requirements:

(1) The working boom length on fixed wing aircraft shall not exceed three-fourths of the wing span and the working boom length on a helicopter shall not exceed six-sevenths of the total rotor length where the rotor length exceeds forty feet.

(2) Pressure for aerial equipment shall not exceed twenty-five psi at the nozzles.

(3) Nozzles for aircraft:

(a) Fixed wing:

(i) Minimum nozzle orifice of .075 inches (no core plate) provided, that RD8 nozzles with orifice size of 0.125 inches and No. 46 core plates may be used. Nozzles shall be directed downward and backward one hundred seventy degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

(b) Helicopter:

(i) Minimum nozzle orifice of .063 inches (no core plate) provided, that RD8 nozzles with orifice size of .125 inches and core plate No. 46 may be used. Nozzles shall be directed downward and backward ninety degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

AMENDATORY SECTION (Amending WSR 92-13-035, filed 6/10/92, effective 7/11/92)

WAC 16-230-866 Application of pesticides in Benton County ((and portions of Franklin and Walla Walla counties))--Restricted use herbicides--Temperature conditions. All phenoxy compounds and Banvel shall not be applied when the temperature is above eighty-five degrees F. or above at the point of application: Provided, That application at the rate of fifty gallons or more per acre using nozzles having a minimum orifice diameter of .072 inches shall be exempt from the eighty-five degrees F. temperature requirement: Provided further, That when using the invert system, applications may continue up to ninety-five degrees F. with a maximum wind velocity of fifteen miles per hour and with water carrier at twelve or more gallons per acre.

WAC 16-230-868 Application of pesticides in Benton County ((and portions of Franklin and Walla Walla counties))--Restricted use herbicide weather conditions. Restricted use herbicides shall not be applied throughout the year in the entire area under order when there is a temperature inversion present or weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops, and plantings through physical drift or volatilization: Provided, That applications of restricted use herbicides shall be exempt from the inversion requirements when using one hundred gallons or greater of water carrier per treated acre while using no greater than fifteen pounds of pressure per square inch at the nozzle.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-230-870

Other rules.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

WAC 16-232-001 Restricted use herbicides--Walla Walla County--Area under order. (1) The area under order shall include all lands lying within the boundaries of Walla Walla County. WAC 16-232-005 through (~~16-232-038~~) 16-232-077 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-675.

AMENDATORY SECTION (Amending Order 1665, filed 2/20/80)

WAC 16-232-005 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 in areas 1, 2, 2A, 3, and 3A are by this order declared to be restricted use herbicides.

NEW SECTION

WAC 16-232-007 Application of pesticides in Walla Walla County--Restricted use pesticides. The following pesticides are declared to be restricted use pesticides in areas 2B, 4, and 6:

(1) Restricted use herbicides:

(a) Sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort);

(b) Desiccants and defoliant (such as Paraquat, Diquat, Endothall);

(c) Glyphosate (such as Roundup, Landmaster);

(d) Phenoxy type herbicides (such as 2,4-D, MCPA);

(e) Dicamba (such as Banvel);

(f) Bromoxynil (such as Brominal, Bucril, Bronate).

(2) Restricted use insecticides:

All Category I insecticides with the signal words danger/poison on the label, except granular and pellet formulations.

AMENDATORY SECTION (Amending Order 1965, filed 2/12/88)

WAC 16-232-010 Restricted use herbicides--Walla Walla County--Area 1. (1) Area 1 description. (Columbia River Buffer area.) An area starting at the intersection of the common boundary line between Sections 14 and 15, T6N, R32E and the Washington-Oregon state line; thence north along the section lines ten miles more or less to the southeast corner of Section 22, T8N, R32E; thence east along the section lines two miles to the southeast corner of Section 24, T8N, R32E; thence north along the section lines five miles more or less to the intersection with the Northern Pacific Railroad; thence northeasterly seven miles more or less along the railroad, including the right of way, to the intersection with State Route 124 and C.M. Rice Road at the northeast corner of Section 2, T9N, R33E; thence northerly along C.M. Rice Road, including the right of way, to the Snake River; thence southwesterly along the Snake River to ~~((the Columbia River, thence southerly along the Columbia River to the Washington-Oregon state line, thence east along the state line nine miles more or less))~~ a point near the east section line of Section 23 T9N, R31E; thence south approximately twelve miles to the Walla Walla River; thence west along the Walla Walla River until its intersection with the Columbia River and the Walla Walla-Benton County line; thence southwesterly along the Columbia River approximately three and one-half miles to the intersection of the Washington-Oregon state line; thence east along the Washington-Oregon state line to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides is prohibited on and after April 5 through October 31.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of .052 inches or a LP8002 or equivalent nozzle.

(c) On and after April 5 through October 31, aerial applications shall be prohibited except by written permit issued by the department.

NEW SECTION

WAC 16-232-041 Restricted use herbicides--Walla Walla County--Area 2B. (1) Area 2B description. An area including all lands lying within a boundary line beginning at the intersection of the Union Pacific Railroad and U.S. Highway 12 in Section 10, T7N, R31E; thence southerly along Highway 12 approximately three miles until its intersection with the Walla Walla River; thence west along the Walla Walla River until its intersection with the

Columbia River and the Walla Walla-Benton County line; thence northwesterly along the Columbia River approximately ten miles until its intersection with the Snake River; thence northeasterly along the Snake River until its intersection with Highway 12 in Section 35, T9N, R30E; thence southeasterly along Highway 12 to the point of beginning.

(2) Area 2B restrictions.

(a) Application by air of restricted use pesticides as defined in WAC 16-232-007 is prohibited.

(b) The use or application of low volatile ester formulations of restricted use herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of restricted use herbicides shall be exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset and sunrise restrictions: Provided further, That persons licensed to perform applications of restricted use herbicides on small experimental plots for research purposes shall be exempt from the sunset and sunrise restrictions.

NEW SECTION

WAC 16-232-044 Restricted use herbicides--Walla Walla County--Area 4. (1) Area 4 description. An area including all lands lying within a boundary line beginning at the intersection of the Snake River and the Bonneville Power Administration power line near the east section line of Section 25, T9N, R30E; thence southeasterly along the Bonneville Power Administration power line until its intersection with SR 124 in Section 32, T9N, R31E; thence approximately two and one-half miles along SR 124 to the east section line of Section 34, T9N, R31E; thence south approximately three miles along section lines to the southeast corner of Section 15, T8N, R31E; thence west approximately one-fourth mile along the section line to the Union Pacific Railroad; thence southerly approximately four and one-half miles along the railroad until its intersection with U.S. Highway 12 near the Boise Cascade paper mill; thence northwesterly along Highway 12 to the point of its intersection with the Snake River in Section 35, T9N, R30E; thence northeasterly along the Snake River to the point of beginning.

(2) Area 4 restrictions.

(a) Application by air of restricted use pesticides as defined

in WAC 16-232-007 may be made by written permit only.

(b) The use or application of low volatile ester formulations of restricted use herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, all applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of restricted use herbicides shall be exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset and sunrise restrictions: Provided further, That persons licensed to perform applications of the restricted use herbicides on small experimental plots for research purposes shall be exempt from the sunset and sunrise restrictions.

NEW SECTION

WAC 16-232-047 Restricted use herbicides--Walla Walla County--Area 6. (1) Area 6 description. An area including all lands lying within a boundary line beginning at the Snake River and the east section line of Section 23, T9N, R31E; thence south approximately twelve miles along section lines to the Walla Walla River; thence west along the Walla Walla River until its intersection with the Columbia River and the Walla Walla-Benton County line; thence northwesterly along the Columbia River approximately two miles to the southern section line of Section 8, T7N, R31E; thence east approximately two miles along the section line until its intersection with U.S. Highway 12 in Section 10, T7N, R31E; thence northwesterly along U.S. Highway 12, approximately three-quarters of a mile until its intersection with the Union Pacific Railroad; thence northerly approximately four miles along the railroad until its intersection with the southern section line in Section 15, T8N, R31E; thence east approximately one-quarter mile along the section line to the southeast corner of Section 15, T8N, R31E; thence north approximately three miles until its intersection with SR 124; thence west along SR 124 approximately two and one-half miles until its intersection with the Bonneville Power Administration power line in Section 32, T9N, R31E; thence northwesterly along the power line until its intersection with the Snake River in Section 25, T9N, R30E; thence northeasterly along the Snake River to the point of beginning.

(2) Area 6 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides shall be prohibited on and after April

5 through October 31 of each year: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(b) On and after April 5 through October 31 of each year, all applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset to sunrise the following morning: Provided, That applications of restricted use herbicides shall be exempt from the sunset restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset restrictions: Provided further, That persons licensed to perform applications of restricted use herbicides on small experimental plots for research purposes shall be exempt from the sunset restrictions.

(c) On and after April 5 through October 31 of each year, aerial applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning.

NEW SECTION

WAC 16-232-050 Application of pesticides in Walla Walla County--Areas 2B, 4, and 6--Oil-type carriers. On and after April 5 through October 31, oil-type carriers are prohibited for brush control in areas 2B, 4, and 6: Provided, That oil-type carriers may be used in invert systems the entire year.

NEW SECTION

WAC 16-232-053 Application of pesticides in Walla Walla County--Areas 2B, 4, and 6--Paraquat and diquat. Aerial application of paraquat and diquat is prohibited in areas 2B, 4, and 6.

NEW SECTION

WAC 16-232-056 Application of pesticides in Walla Walla County--Areas 2B, 4, and 6--Sulfonylurea herbicides. Application of sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort) to fallow land or to land during the time between harvest and emergence above the furrows of the subsequent cereal grain crop is prohibited in areas 2B, 4, and 6.

NEW SECTION

WAC 16-232-059 Application of pesticides in Walla Walla County--Areas 2B, 4, and 6--Permits. The following conditions will apply to all permits issued in areas 2B, 4, and 6.

(1) Application for a permit may be made to the Washington State Department of Agriculture, Compliance Branch, 21 N. 1st Avenue Suite 236 Yakima, Washington 98902. Applications may also be taken in person or by facsimile. Permits will not be granted by telephone.

(2) The department may make on-site monitoring of the application a condition of any permit. A representative of the department may condition, deny, or revoke a permit at any time, if the representative determines that the situation at the application site creates an unreasonable risk of drift. In determining whether the situation at the application site creates an unreasonable risk of drift, the representative may consider all relevant factors such as temperature, air inversions, time of day, burning restrictions, wind direction, wind velocity, topography, and type and condition of application equipment.

(3) No permit shall be issued to apply any pesticide unless that permit is consistent with existing department laws and rules.

NEW SECTION

WAC 16-232-062 Application of pesticides in Walla Walla County--Areas 2B, 4, and 6--Emergency clause. In the event of an emergency, as declared by the director, the department may issue permits for the use of restricted use pesticides in variation of any restrictions contained in areas 2B, 4, and 6. An emergency under this section may be declared if the director determines that the risk and amount of economic harm to any agriculture crop substantially outweighs the risk and amount of damage likely to occur if a variance permit is issued.

NEW SECTION

WAC 16-232-065 Application of pesticides in Walla Walla County--Areas 2B, 4, and 6--Wind conditions. The use or application of all herbicides and class 1 and 2 insecticides are prohibited in areas 2B, 4, and 6 when the mean sustained wind velocity is over ten miles per hour throughout the year: Provided, That applications shall be allowed in higher velocity winds when an approved ground apparatus is used. Ground apparatus shall be approved by the department prior to application. Approval shall be based on research data: Provided further, That applications of granular and pellet formulations of restricted use pesticides defined in WAC 16-232-007 as well as applications made to structures shall be exempt from the wind restrictions.

NEW SECTION

WAC 16-232-068 Application of pesticides in Walla Walla County--Areas 2B, 4, and 6--Restricted use herbicides ground apparatus nozzle requirements. Ground applications of restricted use herbicides in areas 2B, 4, and 6 shall be made, throughout the year, using nozzles having a single orifice and minimum diameter of .052 inches or a LP 8002 nozzle. Pressure shall not exceed twenty-five pounds per square inch at the nozzle for .052 and other orifice openings and pressure shall not exceed fifteen pounds per square inch at the nozzle for LP 8002 or equivalent nozzle. Pressure up to fifty pounds per square inch at the nozzle may be used for equipment with handguns and up to ninety pounds per square inch at the nozzle manifold for an inert system: Provided, That the department may issue a permit for other nozzles and pressure combinations that are equal or better. Prior to issuing such permits, the request shall be reviewed by a scientific committee established by the director: Provided further, That when Glyphosate is the only restricted use herbicide being used during an application for weed control in reduced tillage cropping any nozzles may be used that delivers at a minimum ten gallons of water carrier or greater per treated acre at a pressure not exceeding twenty-five pounds per square inch at the nozzle: Provided further, That Glyphosate applications using a .052 nozzle at twenty-five pounds of pressure or less at the nozzle, and a LP 8002 nozzle at fifteen pounds of pressure or less at the nozzle shall be exempt from the ten-gallon minimum volume: Provided further, That pressurized handsized household devices used to apply restricted use herbicides, or any equipment, device, or contrivance of which the person who is applying the pesticide is the source of power or energy in making such herbicide applications shall be exempt from nozzle requirements.

NEW SECTION

WAC 16-232-071 Application of pesticides in Walla Walla County--Areas 2B, 4, and 6--Restricted use herbicides, aircraft boom length, pressure, and nozzle requirements. The aerial application of restricted use herbicides in areas 2B, 4, and 6 shall be made in accordance with the following requirements:

(1) The working boom length on fixed wing aircraft shall not exceed three-fourths of the wing span and the working boom length on a helicopter shall not exceed six-sevenths of the total rotor length where the rotor length exceeds forty feet.

(2) Pressure for aerial equipment shall not exceed twenty-five psi at the nozzles.

(3) Nozzles for aircraft:

(a) Fixed wing:

(i) Minimum nozzle orifice of .075 inches (no core plate): Provided, That RD8 nozzles with orifice size of 0.125 inches and No. 46 core plates may be used. Nozzles shall be directed downward and backward one hundred seventy degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

(b) Helicopter:

(i) Minimum nozzle orifice of .063 inches (no core plate): Provided, That RD8 nozzles with orifice size of .125 inches and core plate No. 46 may be used. Nozzles shall be directed downward and backward ninety degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

NEW SECTION

WAC 16-232-074 Application of pesticides in Walla Walla County--Areas 2B, 4, and 6--Restricted use herbicides--Temperature conditions. All phenoxy compounds and Banvel shall not be applied when the temperature is above eighty-five degrees F. or above at the point of application: Provided, That application at the rate of fifty gallons or more per acre using nozzles having a minimum orifice diameter of .072 inches shall be exempt from the eighty-five degrees F. temperature requirement: Provided further, That when using the invert system, applications may continue up to ninety-five degrees F. with a maximum wind velocity of fifteen miles per hour and with water carrier at twelve or more gallons per acre.

NEW SECTION

WAC 16-232-077 Application of pesticides in Walla Walla county--Restricted use herbicide weather conditions. Restricted use herbicides shall not be applied throughout the year in the entire area under order when there is a temperature inversion present or weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops, and plantings through physical drift or volatilization: Provided, That applications of restricted use herbicides shall be exempt from the inversion requirements when using one hundred gallons or greater of water carrier per treated acre while using no greater than fifteen pounds of pressure per square inch at the nozzle.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-232-038

Restricted use herbicides--
Application records--Walla Walla
County.

AMENDATORY SECTION (Amending Order 2073, filed 2/26/91, effective 3/29/91)

WAC 16-231-100 Restricted use herbicides--Franklin County--Area under order. (1) The area under order shall include all lands lying within the boundaries of Franklin County. WAC 16-231-110 through ((16-231-145)) 16-231-183 shall apply to the area under order.

(2) The distribution, use, and application of restricted use herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to restricted use herbicides in WAC 16-230-600 through 16-230-680.

AMENDATORY SECTION (Amending Order 1676, filed 2/20/80)

WAC 16-231-105 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 in Areas 1, 1A, 2, 3, and 4 are by this order declared to be restricted use herbicides.

NEW SECTION

WAC 16-231-107 Application of pesticides in Franklin County--Restricted use pesticides. The following pesticides are declared to be restricted use pesticides in Areas 2B, 4, and 6:

(1) Restricted use herbicides:

(a) Sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort);

(b) Desiccants and defoliants (such as Paraquat, Diquat, Endothall);

(c) Glyphosate (such as Roundup, Landmaster);

(d) Phenoxy type herbicides (such as 2,4-D, MCPA);

(e) dicamba (such as Banvel);

(f) Bromoxynil (such as Brominal, Buctril, Bronate).

(2) Restricted use insecticides:

All Category I insecticides with the signal words danger/poison on the label, except granular and pellet formulations.

AMENDATORY SECTION (Amending Order 1965, filed 2/12/88)

WAC 16-231-115 Restricted use herbicides--Franklin County--
Area 1. (1) Area 1 description.

(a) This area includes all lands lying within a boundary line starting at the northwest corner of Section 6, T14N, R28E; thence east along the Adams-Franklin County line thirteen miles more or less to the intersection with State Route 17; thence southeasterly along State Route 17, including the right of way, to the intersection with Highway 395 at the town of Mesa; thence southerly along Highway 395, including the right of way, seven miles more or less to the intersection with the common boundary between Sections 2 and 11, T11N, R30E at the town of Eltopia; thence east along the section line, one mile more or less to the northeast corner of Section 12, T11N, R30E; thence south along the section lines ((fifteen)) twelve miles more or less to the ((Snake River, thence southwesterly along the Snake River to its confluence)) southeast corner of Section 1, T10N, R30E; thence west two miles along section lines to the southeast corner of Section 3, T9N, R30E; thence north one mile along section lines to the northeast corner of Section 3, T9N, R30E; thence west along section lines three miles to the southeast corner of Section 31, T10N, R30E; thence north two miles along Highway 395 to the intersection with the Selph Landing Road near the northeast corner of Section 30, T10N, R30E; thence seven miles west along Selph Landing Road to the northwest corner of Section 30, T10N, R29E; thence north along section lines and portions of Fraser Drive until the intersection with Road 68, thence northwesterly along Road 68 until its intersection with the Esquatzel Channel; thence west along the Esquatzel Channel until its intersection with the Columbia River; thence northwesterly along the Columbia River to the Grant-Franklin County line at the north section line of Section 29, T14N, R27E; thence east along the Grant-Franklin County line four miles more or less to the northwest corner of Section 30, T14N, R28E; thence north along the Grant-Franklin County line four miles to the point of beginning.

(b) Also including Levey (Ice Harbor Dam area): This area includes all lands lying within a two-mile radius of Levey within Franklin County.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31 of each year: Provided, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: Provided, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited except by written permit issued by the department: Provided, That on and after November 1 through April 4 of the following year, aircraft applications of restricted use herbicides shall be allowed using the caution area restrictions (see WAC 16-230-675).

(d) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: Provided, That on and after April 5 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: Provided further, That on and after April 5 through April 30 written requests to apply 2,4 DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

AMENDATORY SECTION (Amending Order 1965, filed 2/12/88)

WAC 16-231-125 Restricted use herbicides--Franklin County--
Area 2. (1) Area 2 description. This area includes all of the lands lying inside a boundary line starting at the intersection of State Routes 17 and 260 located at the northwest corner of Section 36, T14N, R30E; thence east along State Route 260, excluding the right of way, five miles more or less to the northeast corner of Section 34, T14N, R31E; thence south along the section lines fifteen miles more or less to the Eltopia and Eye Road; thence easterly along the Eltopia and Eye Road, including the right of way, to the Brass Road; thence easterly along the Brass Road, including the right of way, to the Bannenburg Road; thence southeasterly along the Bannenburg Road, including the right of way, to the northwest corner of Section 6, T10N, R33E; thence south along the section line one mile more or less to the Snake River; thence southwesterly along the Snake River to the east section line of Section ((25)) 23, T9N, R31E; thence northerly along section lines approximately two miles until the intersection with the Pasco Kahlotus Road at the northeast corner of Section 11, T9N, R31E; thence west approximately five miles along section lines and a portion of the Pasco Kahlotus Road to the intersection of the southeast corner of Section 1, T9N, R30E; thence north along the section lines ((fifteen)) twelve miles more or less to the southeast corner of Section 1, T11N, R30E; thence west along the section line one mile more or less to Highway 395; thence northerly along Highway 395, excluding the right of way, seven miles more or less to its intersection with State Route 17 at the town of Mesa; thence northerly along State Route 17, excluding the right of way, seven miles more or less to the point of beginning, excluding lands in Franklin County within a two-mile radius of the town of Levey.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31 of each year.

(b) On and after April 5 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 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited except by written permit issued by the Washington state department of agriculture.

AMENDATORY SECTION (Amending Order 1676, filed 2/20/80)

WAC 16-231-140 Restrictions on aircraft. The loading and/or mixing of restricted use herbicides in Areas 1, 1A, 2, 3, and 4 is restricted to those formulations which may be applied in the area in which the airstrip is located.

NEW SECTION

WAC 16-231-149 Restricted use herbicides--Franklin County--Area 2A. (1) Area 2A description. An area including all lands lying in a boundary line beginning at the Columbia River and Interstate 182 near the east section line of Section 13, T9N, R28E; thence along Interstate 182 until its intersection with U.S. Highway 12; thence southeasterly along Highway 12 until its intersection with the Snake River in Section 35, T9N, R30E; thence southwesterly along the Snake River until its intersection with the Columbia River; thence northwesterly along the Columbia River to the point of beginning.

(2) Area 2A restrictions.

(a) Application by air of restricted use pesticides as defined in WAC 16-231-107 is prohibited.

(b) The use or application of low volatile ester formulations of restricted use herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of restricted use herbicides shall be exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at

the nozzle: Provided further, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset and sunrise restrictions: Provided further, That persons licensed to perform applications of restricted use herbicides on small experimental plots for research purposes shall be exempt from the sunset and sunrise restrictions.

NEW SECTION

WAC 16-231-153 Restricted use herbicides--Franklin County--
Area 4A. (1) Area 4A description. An area including all lands lying within a boundary line beginning at the intersection of the Esquatzel Diversion Channel drain and the Columbia River; thence east along the Esquatzel Channel to its intersection with Road 68; thence southeasterly approximately one mile along Road 68 to its intersection with Fraser Drive near the northeast corner of Section 24, T10N, R28E; thence south approximately four miles along section lines and portions of Fraser Drive and Dent Road to the southwest corner of Section 6, T9N, R29E; thence east approximately eight and one-half miles along section lines and a portion of Foster Wells Road to its intersection with the Bonneville Power Administration power line in Section 4, T9N, R30E; thence southeasterly along the power line until its intersection with the Snake River near the east line of Section 25, T9N, R30E; thence southwesterly along the Snake River until its intersection with U.S. Highway 12 in Section 35, T9N, R30E; thence northwesterly along Highway 12 until its intersection with Interstate 182; thence westerly along Interstate 182 until its intersection with the Columbia River along the east section line of Section 13, T9N, R28E; thence northerly along the Columbia River to the point of beginning.

(2) Area 4A restrictions.

(a) Application by air of restricted use pesticides as defined in WAC 16-231-107 may be made by written permit only.

(b) The use or application of low volatile ester formulations of restricted use herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, all applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of restricted use herbicides shall be exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset and sunrise restrictions: Provided further, That persons licensed to perform applications of the restricted use

herbicides on small experimental plots for research purposes shall be exempt from the sunset and sunrise restrictions.

NEW SECTION

WAC 16-231-156 Restricted use herbicides--Franklin County--
Area 6. (1) Area 6 description. An area including all lands lying within a boundary line beginning at the northwest corner of Section 30, T10N, R29E; thence east seven miles along Selph Landing Road until its intersection with Highway 395 near the northeast corner of Section 30, T10N, R30E; thence south two miles along Highway 395 to the southeast corner of Section 31, T10N, R30E; thence east three miles along section lines to the northeast corner of Section 3, T9N, R30E; thence south one mile along section lines to the southeast corner of Section 3, T9N, R30E; thence east seven miles along section lines and a portion of the Pasco-Kahlotus Road until its intersection with the Ice Harbor Dam Road at the northeast corner of Section 11, T9N, R31E; thence southerly approximately two miles along section lines until the intersection with the Snake River; thence southwesterly along the Snake River until its intersection with the Bonneville Power Administration power line in Section 25, T9N, R30E; thence northwesterly along the power line until its intersection with Foster Wells Road in Section 4, T9N, R30E; thence west approximately eight and one-half miles along section lines and portions of the Foster Wells Road to the southwest corner of Section 6, T9N, R29E; thence north along section lines approximately three miles to the point of beginning.

(2) Area 6 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides shall be prohibited on and after April 5 through October 31 of each year: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(b) On and after April 5 through October 31 of each year, all applications of restricted use herbicides shall be prohibited daily from three hours prior to sunset to sunrise the following morning: Provided, That applications of restricted use herbicides shall be exempt from the sunset restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the restricted use herbicides shall be exempt from the sunset restrictions: Provided further, That persons licensed to perform applications of restricted use herbicides on small experimental plots for research purposes shall be exempt from the sunset restrictions.

(c) On and after April 5 through October 31 of each year, aerial applications of restricted use herbicides shall be

prohibited daily from three hours prior to sunset until two hours after sunrise the following morning.

NEW SECTION

WAC 16-231-159 Application of pesticides in Franklin County-- Areas 2A, 4A, and 6--Paraquat and diquat. Aerial application of paraquat and diquat is prohibited in Areas 2A, 4A, and 6.

NEW SECTION

WAC 16-231-162 Application of pesticides in Franklin County-- Areas 2A, 4A, and 6--Sulfonylurea herbicides. Application of sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort) to fallow land or to land during the time between harvest and emergence above the furrows of the subsequent cereal grain crop is prohibited in Areas 2A, 4A, and 6.

NEW SECTION

WAC 16-231-165 Application of pesticides in Franklin County-- Areas 2A, 4A, and 6--Permits. The following conditions will apply to all permits issued in Areas 2A, 4A, and 6.

(1) Application for a permit may be made to the Washington State Department of Agriculture, Compliance Branch, 21 N. 1st Avenue Suite 236, Yakima, Washington 98902. Applications may also be taken in person or by facsimile. Permits will not be granted by telephone.

(2) The department may make on-site monitoring of the application a condition of any permit. A representative of the department may condition, deny, or revoke a permit at any time, if the representative determines that the situation at the application site creates an unreasonable risk of drift. In determining whether the situation at the application site creates an unreasonable risk of drift, the representative may consider all relevant factors such as temperature, air inversions, time of day, burning restrictions, wind direction, wind velocity, topography, and type and condition of application equipment.

(3) No permit shall be issued to apply any pesticide unless that permit is consistent with existing department laws and rules.

NEW SECTION

WAC 16-231-168 Application of pesticides in Franklin County-- Areas 2A, 4A, and 6--Emergency clause. In the event of an emergency, as declared by the director, the department may issue permits for the use of restricted use pesticides in variation of any restrictions contained in Areas 2A, 4A, and 6. An emergency under this section may be declared if the director determines that the risk and amount of economic harm to any agriculture crop substantially outweighs the risk and amount of damage likely to occur if a variance permit is issued.

NEW SECTION

WAC 16-231-171 Application of pesticides in Franklin County-- Areas 2A, 4A, and 6--Wind conditions. The use or application of all herbicides and class 1 and 2 insecticides are prohibited in Areas 2A, 4A, and 6 when the mean sustained wind velocity is over ten miles per hour throughout the year: Provided, That applications shall be allowed in higher velocity winds when an approved ground apparatus is used. Ground apparatus shall be approved by the department prior to application. Approval shall be based on research data: Provided further, That applications of granular and pellet formulations of restricted use pesticides defined in WAC 16-231-107 as well as applications made to structures shall be exempt from the wind restrictions.

NEW SECTION

WAC 16-231-174 Application of pesticides in Franklin County-- Areas 2A, 4A, and 6--Restricted use herbicides ground apparatus nozzle requirements. Ground applications of restricted use herbicides in Areas 2A, 4A, and 6 shall be made, throughout the year, using nozzles having a single orifice and minimum diameter of .052 inches or a LP 8002 nozzle. Pressure shall not exceed twenty-five pounds per square inch at the nozzle for .052 and other orifice openings and pressure shall not exceed fifteen pounds per square inch at the nozzle for LP 8002 or equivalent nozzle. Pressure up to fifty pounds per square inch at the nozzle may be

used for equipment with handguns and up to ninety pounds per square inch at the nozzle manifold for an inert system: Provided, That the department may issue a permit for other nozzles and pressure combinations that are equal or better. Prior to issuing such permits, the request shall be reviewed by a scientific committee established by the director: Provided further, That when Glyphosate is the only restricted use herbicide being used during an application for weed control in reduced tillage cropping any nozzles may be used that delivers at a minimum ten gallons of water carrier or greater per treated acre at a pressure not exceeding twenty-five pounds per square inch at the nozzle: Provided further, That Glyphosate applications using a .052 nozzle at twenty-five pounds of pressure or less at the nozzle, and a LP 8002 nozzle at fifteen pounds of pressure or less at the nozzle shall be exempt from the ten-gallon minimum volume: Provided further, That pressurized handsized household devices used to apply restricted use herbicides, or any equipment, device, or contrivance of which the person who is applying the pesticide is the source of power or energy in making such herbicide applications shall be exempt from nozzle requirements.

NEW SECTION

WAC 16-231-177 Application of pesticides in Franklin County-- Areas 2A, 4A, and 6--Restricted use herbicides, aircraft boom length, pressure, and nozzle requirements. The aerial application of restricted use herbicides in Areas 2A, 4A, and 6 shall be made in accordance with the following requirements:

(1) The working boom length on fixed wing aircraft shall not exceed three-fourths of the wing span and the working boom length on a helicopter shall not exceed six-sevenths of the total rotor length where the rotor length exceeds forty feet.

(2) Pressure for aerial equipment shall not exceed twenty-five psi at the nozzles.

(3) Nozzles for aircraft:

(a) Fixed wing:

(i) Minimum nozzle orifice of .075 inches (no core plate): Provided, That RD8 nozzles with orifice size of 0.125 inches and No. 46 core plates may be used. Nozzles shall be directed downward and backward one hundred seventy degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

(b) Helicopter:

(i) Minimum nozzle orifice of .063 inches (no core plate): Provided, That RD8 nozzles with orifice size of .125 inches and core plate No. 46 may be used. Nozzles shall be directed downward and backward ninety degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

NEW SECTION

WAC 16-231-180 Application of pesticides in Franklin County-- Areas 2A, 4A, and 6--Restricted use herbicides--Temperature conditions. All phenoxy compounds and Banvel shall not be applied when the temperature is above eighty-five degrees F. or above at the point of application: Provided, That application at the rate of fifty gallons or more per acre using nozzles having a minimum orifice diameter of .072 inches shall be exempt from the eighty-five degrees F. temperature requirement: Provided further, That when using the invert system, applications may continue up to ninety-five degrees F. with a maximum wind velocity of fifteen miles per hour and with water carrier at twelve or more gallons per acre.

NEW SECTION

WAC 16-231-183 Application of pesticides in Franklin County-- Restricted use herbicide weather conditions. Restricted use herbicides shall not be applied throughout the year in the entire area under order when there is a temperature inversion present or weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops, and plantings through physical drift or volatilization: Provided, That applications of restricted use herbicides shall be exempt from the inversion requirements when using one hundred gallons or greater of water carrier per treated acre while using no greater than fifteen pounds of pressure per square inch at the nozzle.