

FROM: AGRICULTURE  
(Name of Agency)

TO: CODE REVISER  
LEGISLATIVE BLDG. (Southwest Corner, Ground Floor)  
OLYMPIA 98504

The enclosed rules  Permanent rules  Emergency rules, being Order No. 1513

relating to (Name of rules or description of subject matter)

the use of herbicides in Franklin County.

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 7430 <sup>①</sup> filed with the code reviser on February 24 <sup>②</sup> were regularly adopted as permanent rules of this agency at Olympia on 3/31/77 and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW. The effective date of such rules shall be April 30, 1977. <sup>③</sup>

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding in the attached administrative order, that the immediate adoption of these rules 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 the public interest, were regularly adopted as emergency rules of this agency at \_\_\_\_\_ on \_\_\_\_\_ and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter 34.04 RCW and of the Open Public Meetings Act of 1971, chapter 42.30 RCW have been fulfilled.

Dated this thirty-first day of March 1977

STATE OF WASHINGTON  
**FILED**  
MAR 31 1977

AGRICULTURE  
(AGENCY)  
*Ivan Packard*  
By Ivan Packard

CODE REVISER'S OFFICE  
DOCKET # 80910 FILE # 29

Deputy Director  
Title

① Notice number as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use no. of last notice)  
② Stamped date as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use date of last notice)  
③ Unless a later date is specified in this order or is prescribed in another statute, rules are effective 30 days after filing:  
RCW 34.04.040. Leave this space blank except in such special cases.  
[Order 9, filed 9/25/74, eff. 10/25/74] [Form CR-2: Rev. 9/21/74]

STATE OF WASHINGTON  
DEPARTMENT OF AGRICULTURE

ADMINISTRATIVE ORDER NO. 1513

(1) I, GARY STROHMAIER, Director, Department of Agriculture of the State of Washington, by virtue of the authority vested in me under chapters 34.04 RCW, 15.58 RCW and 17.21 RCW after due notice and after carefully and fully considering the oral and written views of the public received in a meeting open to the public held in the Franklin County Public Utility District Auditorium, Pasco, Washington on March 21, 1977

as required by chapters 34.04 and 42.30 RCW, do promulgate and adopt the annexed rules and regulations, to wit:

REGULATIONS RELATING TO THE USE OF HERBICIDES IN FRANKLIN COUNTY.

as permanent rules of this agency.

(2) This order after being first recorded in the order register of this agency shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED

March 31

1977

By

Gary F. Strohmaier  
Gary Strohmaier

DIRECTOR

Title

REGULATION 1. AREA UNDER ORDER, RESTRICTED USE HERBICIDES, PROHIBITED FORMULATIONS, AND DEFINITIONS. (See Eastern Washington Order 1508 for additional regulations.)

AREA UNDER ORDER: All lands lying within the border of Franklin County.

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

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.

REGULATION 2. AREA 1. (Lands generally within the Columbia Basin Irrigation Project). This area includes all lands lying within a boundary line starting at the Columbia River and the east boundary line of Section 25, T9N, R30E; thence north 15 miles more or less to the northeast corner of Section 12, T11N, R30E; thence west one mile more or less to State Highway 17; thence northerly along State Highway 17, fourteen miles more or less to State Highway 260; thence east along State Highway 260 five miles more or less to the Moor Road; thence north two miles more or less to the Burlington Northern Railroad tracks; thence northwesterly four miles more or less along the Burlington Northern tracks to the Adams County line; thence west nineteen miles more or less along the Adams-Grant county line to the northwest corner of Section 6, T14N, R28E; thence south four miles to the southwest corner of Section 19, T14N, R28E; thence west four miles more or less to the Columbia River; thence southerly and easterly along the Columbia River to the Snake River; thence northeasterly along the Snake River to the southern boundary line of Section 1, T11N, R29E; thence east two miles more or less to the Eltopia West Road; thence east along Eltopia West Road to Highway 395; thence south on Highway 395 to the Snake River; and thence northerly and easterly along the Snake River to the east boundary line of section 25, T9N, R30E.

AREA 1. (Restrictions). 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.

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.

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 Order 1508, Regulation 11). On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be allowed using the Danger Area Restrictions (See Order 1508, Regulation 11).

On and after April 5 through October 31, aircraft application of restricted use herbicides shall be prohibited within 1 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  $\frac{1}{2}$  to 1 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  $\frac{1}{2}$  to 1 mile from commercial vineyards will be considered.

REGULATION 3. AREA 1A. This area includes all lands lying within a boundary line starting at the Columbia River and the southern boundary line of Section 1, T11N, R29E; thence east two miles more or less to the Eltopia West Road; thence east along Eltopia West Road to Highway 395; thence south on Highway 395 to the Snake River; and thence down the Snake River to the confluence of the Snake River and the Columbia River, thence northerly and westerly along the Columbia River to the point of beginning.

AREA 1A (Restrictions). 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.

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.

On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited: 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 Order 1508, Regulation 11).

REGULATION 4. AREA 2. This area includes all of the lands in Franklin County lying west and south of a line starting at the northeast corner of Section 34, T14N, R31E; thence south 15 miles more or less to the Eltopia and Eye Road; thence easterly along the Eltopia and Eye Road to the Brass Road; thence easterly along the Brass Road to the Bannenburg Road; thence southeasterly along the Bannenburg Road to the northwest corner of Section 6, T10N, R33E; thence south along the section line to the Snake River; thence southwesterly along the Snake River to the east boundary line of Area 1; thence northerly along the east boundary line of Area 1 to the point of beginning.

AREA 2. (Restrictions). 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 aerial applications of low volatile formulations of restricted use herbicides may be made using the Warning Area Restrictions (see Order 1508, Regulation 11) from April 5 through April 30.

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

On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the Warning Area Restrictions (see Order 1508, Regulation 11).

REGULATION 5. AREA 3. (Dry land area south and east of Connell). An area beginning at the northeast corner of Section 3, T14N, R33E and the Reeder Road; thence south along the Reeder Road to and long the Black Road to the Swanson Road; thence east and south along the Swanson Road to State Highway 260; thence southerly along State Highway 260 to the Munt Road; thence south along the Munt Road to the Largent Road; thence east along the Largent Road to the Pasco-Kahlotus Highway; thence east along the Pasco-Kahlotus Highway to the Walker Road; thence southerly along the Walker Road to the Snake River; thence southerly along the Snake River to the east boundary line of Area 2; thence northerly along the east boundary line of Area 2 and Area 1 to the Franklin-Adams county line; thence east 15 miles more or less along the county line to the point of beginning.

AREA 3. (Restrictions). The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after May 16 through October 31 of each year.

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

On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see Order 1508, Regulation 11).

REGULATION 6. AREA 4. (Dry Land Area) All of the remaining lands in Franklin County lying east of Area 3.

AREA 4. (Restrictions). On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see Order 1508, Regulation 11).

REGULATION 7. RESTRICTIONS ON AIRCRAFT. The loading and/or mixing of restricted use herbicides is restricted to those formulations which may be applied in the area in which the airstrip is located.

REGULATION 8. WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 1, 2, 3, and 4 when the mean sustained wind velocity is over 12 miles per hour throughout the year: PROVIDED, That such applications shall be prohibited in Area 1 and 1A on and after April 5 through October 31 when the mean sustained wind velocity is over 10 miles per hour.

REGULATION 9. The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in Order 1508 and 1470, WAC 16-228-165(1)(o) and (9) and WAC 16-228-175.