

State of Washington

DEPARTMENT OF AGRICULTURE

(agency name)

Administrative Order No. 1740

(1) I, M. Keith Ellis, director of Washington State Department of Agriculture

do promulgate and adopt at Olympia, WA (place)

the annexed rules relating to: Adding new sections to Chapter 16.224 RCW for the purpose of regulating outside storing of grain. WAC 16-224-020 and 16-224-030.

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

This action is taken pursuant to Notice No. filed with the code reviser on. Such rules shall take effect: [] pursuant to RCW 34.04.040(2). [] at a later date, such date being

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

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

Permanent enclosed storage capacity is not great enough to accommodate the anticipated crop. In order to protect producers whose grain must be stored outside due to the lack of space, such outside storage space must be prepared, inspected, and licensed prior to its use. Licenses are due by July 1, as harvest will be starting shortly thereafter. Country grain storage facilities are approximately 30% full with a near record crop being forecast.

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

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

[X] (a) This rule is promulgated pursuant to RCW 22.09 and is intended to administratively implement that statute. [] (b) This rule is promulgated pursuant to RCW which directs that the

(agency) has authority to implement the provisions of (name of act or RCW citation)

[] (c) This rule is promulgated under the general rule-making authority of the (agency) as authorized in RCW

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

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

STATE OF WASHINGTON APPROVED AND ADOPTED June 2 1981

JUN 2 1981

By M. Keith Ellis Director of Agriculture Title

CODE REVISER'S OFFICE WSR 81-12-034

NEW SECTION

WAC 16-224-020 DEFINITION. "Permanent enclosed storage space" means a structure that has a foundation and both rigid walls and roof.

NEW SECTION

WAC 16-224-030 OUTSIDE STORAGE. The department of agriculture will allow the storing of grain outside the warehouseman's permanent enclosed storage space under the following conditions: (1) When the warehouseman has no permanent enclosed storage space available.

(2) Outside storage must be on ground properly landscaped to provide adequate drainage and must be approved by the department prior to its use.

(3) Stockpiles created by a licensed warehouseman at a location not filled through his permanent enclosed storage facility will have a separate letter designation and license fee.

(4) For outside storage up to thirty-three and one-third percent of the warehouseman's permanent enclosed storage capacity, a net worth of twenty cents per bushel must be maintained in addition to the net worth requirements of WAC 16-212-130.

(5) A warehouseman may request the department of agriculture to approve his outside storage in excess of thirty-three and one-third percent of his permanent enclosed storage capacity and must maintain a net worth of thirty cents per bushel on this excess unless it contains aeration and is covered with a covering approved by the department of agriculture: PROVIDED, That if the excess contains aeration and is covered with a covering approved by the department of agriculture the net worth requirement will be twenty cents per bushel.

(6) All outside storage must be properly crowned and removed from the sides of building no later than October 15 of the crop year.

(7) Violation of this regulation will be considered a violation of Title 22 RCW and may result in the suspension of the warehouseman's license.