



RULE-MAKING ORDER
(RCW 34.05.360)

2066

CR-103 (10/1/89)

Agency: Washington State Department of Agriculture

- Permanent Rule
 Emergency Rule

(1) Date of adoption: December 7, 1990

(2) Purpose: Rules affecting the labeling and use of fertilizers, minerals and limes. These rules set minimum equipment requirements for fertigation (the application of commercial fertilizers with irrigation systems) in chapter 16-200 WAC.

(3) Citation of existing rules affected by this order:

- Repealed:
Amended: 16-200-695; 16-200-705
Suspended:

(4) Authority for adoption:

Statute: 15.54.800 RCW
Other Authority:

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR 90-20-143 on October 3, 1990 (date).

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

None.

(5.2) EMERGENCY RULE ONLY

Pursuant to 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:

(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

Emergency Rules

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

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

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
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DEC 07 1990

TIME 10:53

WSR 91-01-015

NAME (TYPE OR PRINT)

C. Alan Pettibone

SIGNATURE

TITLE

Director

DATE

12-7-90

AMENDATORY SECTION (Amending Order 1952, filed 9/17/87)

WAC 16-200-695 DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter unless context otherwise requires:

(1) "Organic" means a material containing carbon and one or more elements (other than hydrogen and oxygen) essential for plant growth. When the term "organic" is utilized in the label or labeling of any commercial fertilizer, it shall be qualified as either "synthetic organic" or "natural organic," with the percentage of each specified.

(2) "Natural organic" means a material derived from either plant or animal products containing carbon and one or more elements (other than hydrogen and oxygen) essential for plant growth.

(3) "Synthetic organic" means a material that is manufactured chemically (by synthesis) from its elements and other chemicals, containing carbon and one or more elements (other than hydrogen and oxygen) essential for plant growth.

(4) "Unit" means one percent (by weight) of a ton.

(5) "AOAC" means the association of official analytical chemists.

(6) "Commercial fertilizer" means any substance containing one or more recognized plant nutrients and which is used for its plant nutrient content and/or which is designated for use or claimed to have value in promoting plant growth, and shall include limes, gypsum, and manipulated animal and vegetable manures. It shall not include unmanipulated animal and vegetable manures and other products exempted by the department by rules.

(7) "Fertigation" means a method of applying commercial fertilizers with irrigation water to fertilize land or plants.

AMENDATORY SECTION (Amending Order 1952, filed 9/17/87)

WAC 16-200-705 PURPOSE. The following ((rules)) sections concerning the ((definitions)) protection of ground water, labeling requirements and examination of fertilizer minerals and limes (WAC 16-200-708 through 16-200-742) are established in this chapter under the authority of the Commercial Fertilizer Act, chapter 15.54 RCW.

NEW SECTION

WAC 16-200-708 UNLAWFUL ACTS. It shall be unlawful for any person to refuse or neglect to comply with the provisions of the applicable sections of chapter 15.54 RCW, the rules adopted thereunder, or any lawful order of the department.

NEW SECTION

WAC 16-200-742 FERTIGATION. The following shall apply to fertigation:

(1) Any irrigation system used for fertigation shall contain the following functional equipment:

(a) A backflow prevention device or system in the water supply line, upstream from the point of fertilizer introduction. Discharge of water into a reservoir tank prior to fertilizer injection is acceptable: PROVIDED, That there is an air gap between the outlet end

of the fill pipe and the top (or overflow rim) of the reservoir tank of at least twice the diameter of the fill pipe;

(b) An automatic, quick-closing check valve in the fertilizer injection pipeline to prevent the flow of the liquid back toward the injection pump;

(c) A normally closed, solenoid-operated valve located on the intake side of the injection pump, connected with the system interlock to prevent fluid from being withdrawn from the supply tank during shutdown;

(d) An interlocking control to automatically shut off the injection pump when the water pump stops or when water pressure decreases to a point where fertilizer distribution is affected;

(e) A metering pump fitted into the system interlock specified in (d) of this subsection.

(2) The department may issue permits exempting specific irrigation systems or locations from requirements of subsection (1) of this section: PROVIDED, That alternative technology is substituted which will adequately fulfill the function of each waived requirement. In evaluating a permit request, the department may consult qualified engineers and Washington State University personnel.