



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Department of Agriculture

- Permanent Rule
- Emergency Rule

(1) Date of adoption: 6/30/1995

(2) Purpose: The amendment modifies areas in Walla Walla County where permits are required prior to application of desiccants and defoliant. The area requiring permits has been reduced in size. This change allows the department to use staff resources more effectively while still continuing the needed drift protection.

(3) Citation of existing rules affected by this order: WAC 16-230-190

- Repealed:
- Amended: WAC 16-230-190
- Suspended:

(4) Authority for adoption:

Statute: RCW 17.21.030(b)(c); and RCW 15.58040(h)

Other Authority:

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR 95-10-054 on May 3, 1995 (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

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

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

Emergency Rules

- Immediately
- Later (specify):

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JUN 30 1995

TIME: 12:40
MSR: 915-14-010

Name (Type or Print)

Jim Jesernig

Signature

Title
Director

Date
June 30, 1995

AMENDATORY SECTION (Amending Order 2081, filed 4/2/91, effective 5/3/91)

WAC 16-230-190 Restrictions on the use of desiccants and defoliant in Walla Walla County. The following restrictions shall apply in Walla Walla County:

(1) Area 1 description - town of Walla Walla and vicinity: This area includes all lands lying within the town of Walla Walla and vicinity beginning at the Washington-Oregon border and the west section line of Section 15, T6N, R34E; thence north along section lines and McDonald Road approximately seven miles to the southwest corner of Section 3, T7N, ~~((R34E))~~ R36E; thence east along section lines approximately twenty miles to the southeast corner of Section ~~((2))~~ 1, T7N, R37E; thence south approximately seven miles to the Washington-Oregon border; thence west approximately ~~((twenty))~~ fifteen miles to point of beginning.

(2) Area 1 restrictions:

During the period of February 15 through November 1 of any year, any aerial ~~((or ground))~~ application of restricted use desiccants and defoliant shall have prior approval by obtaining a written permit from the Washington state department of agriculture.

(3) Area 2 description - southern portion of Walla Walla County: This area includes all lands lying within an area encompassed by a line beginning at the Washington-Oregon border and the west section line of Section 18, T6N, R33E; thence north along section lines approximately eight miles to the ~~((intersection with Nine Mile Road in Section 6, T7N, R33E; thence northeast along Nine Mile Road and Dodd Road approximately four miles to the intersection with the Touchet North Road in Section 23, T8N, R33E; thence northerly along the Touchet North Road approximately two miles to the Touchet River near the southeast corner of Section 11, T8N, R33E; thence northeasterly along the Touchet River approximately three miles to the north section line of Section 6, T8N, R34E; thence east along section lines approximately twenty two miles to the northeast corner of Section 2, T8N, R37E; thence south along section lines approximately seven miles to the southeast corner of Section 2, T7N, R37E; thence west along section lines approximately twenty miles to the southwest corner of Section 3, T7N, R34E; thence south along section lines approximately seven miles to the Washington-Oregon border))~~ northwest corner of Section 7, T7N, R33E; thence west along section lines approximately nine miles to the southeast corner of Section 4, T7N, R34E; thence south along section lines approximately eight miles to the Washington-Oregon border; thence west along the border approximately nine miles to the point of beginning.

(4) Area 2 restrictions:

(a) Paraquat restrictions:

~~((+))~~ During the period of February 15 through November 1 of any year, any aerial application of Paraquat or any mixture containing Paraquat shall have prior approval by obtaining a written permit from the Washington state department of agriculture.

~~((ii) Any application of Paraquat or any mixture containing Paraquat is hereby prohibited from three hours prior to sunset until the temperature the following morning has risen at least 10 degrees above the night low temperature.))~~

(b) Diquat restrictions:

During the period of February 15 through November 1 of any year, any application of Diquat or any mixture containing Diquat is hereby restricted to ground apparatus only.