

State of Washington
Department of Agriculture
(agency name)

Administrative Order No. 1585

(1) I, Bob J. Mickelson, director of Washington State Department of Agriculture

do promulgate and adopt at General Administration Bldg., Olympia, WA 98504

the annexed rules relating to: the use of herbicides in Spokane County in WAC 16-230-400, WAC 16-230-410, WAC 16-230-420, WAC 16-230-430, WAC 16-230-440, WAC 16-230-450, WAC 16-230-460, and WAC 16-230-470.

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

This action is taken pursuant to Notice No. WSR 78-09-102 & WSR 78-12-063 filed with the code reviser on 9/5/78 & 12/1/78. Such rules shall take effect: XX 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, _____, 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:

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)¹ 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):

(a) This rule is promulgated pursuant to RCW 15.58 and 17.21 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.

APPROVED AND ADOPTED December 20, 1978

FILED

DEC 20 1978

By Bob J. Mickelson Director

Title

[Form CR-7: Effective 12/1/77]

CODE REVISER'S OFFICE
WSR 79-01-038

NEW SECTION

WAC 16-230-400 AREA UNDER ORDER. All lands lying within the borders of Spokane County.

NEW SECTION

WAC 16-230-410 RESTRICTED USE HERBICIDES. All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides, including 2,4-D, 2,4,5-T, 2,4,5-TP and MCPA are hereby declared to be restricted use herbicides.

NEW SECTION

WAC 16-230-420 AREA 2.

(1) This area includes all lands lying within a boundary line starting at the intersection of U.S. Highway 2 and Wood Road; thence northerly 2 miles more or less along Wood Road to its intersection with Mission Road; thence easterly along Mission Road and the extending section line 4 miles more or less to Deno Road; thence easterly along Deno Road 4 miles more or less to Hayford Road; thence northerly along Hayford Road and the extending section line boundary 8 miles more or less to the northwest corner of Section 6, R42E, T26N; thence easterly 18 miles more or less along the township line between T26N and T27N to the northwest corner of Section 6, R45E, T26N; thence northerly 2 miles more or less along the section boundary line to the northwest corner of Section 30, R45E, T27N; thence easterly 6 miles to the Idaho-Washington Border; thence southerly 14 miles more or less to the township boundary between T25N and T24N; thence westerly 6 miles more or less to the southwest corner of Section 31, R45E, T25N; thence south 1 miles more or less along Chapman Road to the southeast corner of Section 1, R44E, T24N; thence westerly 13 miles more or less to the Cheney-Spokane Road; thence southwesterly 2 miles more or less to the common boundary line between Section 15 and Section 14, R42E, T24N; thence southerly 1.5 miles more or less to the southeast corner of Section 22, R42E, T24N; thence westerly 1.5 miles more or less to the Cheney-Spokane Highway; thence southerly 3 miles more or less along the Cheney-Spokane Highway to the common boundary line between Section 5 and Section 6, R42E, T23N; thence southerly 3 miles more or less to the southeast corner of Section 19, R42E, T23N; thence westerly 3 miles more or less to the southwest corner of Section 23, R41E, T23N; thence northerly along the section line 1.5 miles more or less to the Salnave Road; thence northwesterly along the Salnave Road 7 miles more or less to its intersection with the Medical Lake-Tyler Road; thence northerly .5 mile more or less to Gray Road; thence westerly .5 mile more or less to Ladd Road; thence northerly 6 miles more or less to Thorpe Road; thence easterly 1 mile more or less to Espanola Road; thence northerly 2 miles more or less to the point of beginning.

(2) Area 2 Restrictions:

(a) On and after May 1 through October 15, ground applications of restricted use herbicides shall be made with nozzles having a minimum orifice diameter of 0.036 inches.

(b) For Roadside and Right-of-Way application drift reduction type systems such as directo-spray, raindrop or invert systems must be used.

(c) The use or application of low volatile ester formulations of restricted use herbicides is prohibited from May 1 through October 15; PROVIDED, That the department, upon written request, may issue a permit for the use of low volatile formulations for special weed control.

(d) The application of restricted use herbicides is prohibited from three hours prior to sunset to sunrise the next day; PROVIDED, That lawn and turf residential weed control, using nonvolatile formulations are exempt from the evening cutoff.

(e) The aerial application of restricted use herbicides is prohibited within Area 2; PROVIDED, That the department may issue a special permit, upon written request, for special weed control.

(f) Restricted use herbicides shall not be applied on or after May 1 through October 15 when the temperature is 85° or above at the point of application.

NEW SECTION

WAC 16-230-430 AREA 3.

(1) An area within a distance of one mile of the city limits of incorporated cities and towns and the same distance from the center of any unincorporated town comprised of ten or more inhabited, closely grouped residences within Area 4 exclusive of Area 2.

(2) Area 3 Restrictions:

(a) The aerial application of restricted use herbicides is prohibited within Area 3; PROVIDED, That the department, upon written request, may issue a permit to allow application of restricted use herbicides within 1/2 mile of the city limits of incorporated towns and cities and within 1/2 mile of the center of any unincorporated towns comprised of 10 or more inhabited, closely grouped residences.

(b) On and after May 1 through October 15, aerial application shall be made using the Danger Area Restrictions (see Order 1508, Regulation 11)

NEW SECTION

WAC 16-230-440 AREA 4.

(1) All remaining lands in Spokane County.

(2) Area 4 Restrictions:

(a) On and after May 1 through October 15, ground applications of restricted use herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 15, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see Order 1508, Regulation 11).

NEW SECTION

WAC 16-230-450 FARM OPERATOR TO NOTIFY. The landowner or person in charge of the farming operation shall notify the aerial applicator he hires of any susceptible crops planted or to be planted bordering the field to which restricted use herbicides are to be applied.

NEW SECTION

WAC 16-230-460 COMMERCIAL GREENHOUSE NOTIFICATION. The owners of commercial greenhouses located in the area under order shall be notified in person or by certified mail by aerial applicators and public operators at least 48 hours prior to the application of allowable restricted use herbicides to be applied within 1/2 mile of the above greenhouses.

NEW SECTION

WAC 16-230-470 WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over 12 miles per hour throughout the year.