

FROM: AGRICULTURE  
(Name of Agency)

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

The enclosed rules Permanent rules  , being Order No. 1510  
Emergency rules   
relating to (Name of rules or description of subject matter)

the use of herbicides in Benton County.

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

pursuant to Notice No. 7430 ① filed with the code reviser  
on February 24 ② were regularly adopted as permanent rules of  
(date)  
this agency at Olympia on 3/31/77 and are herewith  
(place) (date)  
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. ③

(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  
(place) (date)  
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 #3087 FILE # 27  
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. 1510

(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 BENTON 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 Benton 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. (Prosser to Finley and vicinity). This area includes all lands in Sections 1 through 12, and 15 through 19, T8N, R24E; Sections 5, 6 and 7, T8N, R25E; all of T9N, R24E; Sections 1 through 34, T9N, R25E; Sections 1 through 24, T9N, R26E; all of T9N, R27E; that portion of T10N, R27E and R28E and T8N, R28E, lying south of the Yakima River, and that portion of T8N, R28E lying north of the Burlington Northern Railroad tracks; Sections 29 through 36, T9N, R29E; Sections 1 through 6, 10 through 13, and those portions of Sections 7, 8, 9, 14, 15, 23, and 24, T8N, R29E, lying north and east of the K.I.D. Canal; Sections 4 through 10, 14 through 28, 35, 36 and those portions of 29, 30, 32, 33 and 34, T8N, R30E lying north and east of the K.I.D. Canal, and the Atomic Energy Commission reservation.

AREA 1. (Restrictions). The use or application of low volatile ester formulations of restricted use herbicides is prohibited.

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.

Aircraft applications of restricted use herbicides are prohibited: PROVIDED, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

The loading and/or mixing of restricted use herbicides is prohibited on any airstrip, airfield, or any location within Area 1 and turning and/or low flying over Area 1 is also prohibited when loaded with restricted use herbicides or prior to cleaning equipment following use of these herbicides.

REGULATION 3. AREA 2. (Buffer zone surrounding Prosser, Benton City, Kiona and Kennewick areas). Section 19 through 36, T10N, R24E, R25E and R26E; those portions of Sections 30 and 31, T10N, R27E, lying west of the Yakima River; Sections 13, 14, and 20 through 36, T8N, R24E; Sections 1 through 4, 8 through 12, 15 through 22, T8N, R25E; Sections 35 and 36, T9N, R25E; Sections 1 through 12, T8N, R26E; Sections 25 through 36, T9N, R26E; Sections 1 through 16, 21 through 25, and 36, T8N, R27E; Sections 1, 2, 11, and 12, T7N, R28E; that portion of T8N, R28E lying south of the Burlington Northern Railroad tracks; Sections 1 through 12, T7N, R29E; Sections 15 through 22, 25 through 36 and those portions of Sections 7, 8, 9, 14, 15, 23 and 24 lying south and west of the K.I.D. Canal, T8N, R29E; Sections 1 through 12, T7N, R30E; Sections 31 and those portions of 29, 30, 32, 33 and 34 lying south and west of the K.I.D. Canal, T8N, R30E; and those portions of Sections 5 through 8, T7N, R31E, lying in Benton County.

AREA 2. (Restrictions). The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after April 5 through October 31.

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 0.036 inches.

On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be made using Warning Area Restrictions (see Order 1508, Regulation 11). Aircraft applications shall be prohibited within one mile of commercial vineyards and within  $\frac{1}{4}$  mile of other susceptible crops. On and after November 1 through April 4 of the following year, aircraft applications shall be made using Caution Area Restrictions (see Order 1508, Regulation 11).

REGULATION 4. AREA 3. The remaining portions of Benton County - the Rattlesnake Hills and the Horse Heaven Hills.

AREA 3. (Restrictions). The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after May 1 through October 31.

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 Warning Area Restrictions (see Order 1508, Regulation 11) and aircraft applications of restricted use herbicides on other than growing crops shall be considered through written request to the State Department of Agriculture.

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

REGULATION 6. 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