

State of Washington

Department of Agriculture

(agency name)

Administrative Order No. 1724

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

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

restricted use herbicides in Walla Walla County in WAC 16-230-010 and WAC 16-230-045.

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules. This action is taken pursuant to Notice No. WSR 81-03-069 filed with the code reviser on January 21, 1981. Such rules shall take effect: [X] 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):

[X] (a) This rule is promulgated pursuant to RCW 17.21 & 15.58 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 FILED APPROVED AND ADOPTED March 13, 1981 MAR 13 1981 CODE REVISER'S OFFICE WSR 81-07-041

By M. Keith Ellis Director of Agriculture Title

AMENDATORY SECTION (Amending Order 1665, filed February 20, 1980)

WAC 16-232-010 AREA 1. (1) Area 1 description. (Columbia River Buffer Area.) An area starting at the intersection of the Northern Pacific Railroad and the Washington-Oregon state line, Section 15, T6N, R32E; thence north nineteen miles more or less to the Snake River; thence westerly along the Snake River and southerly along the Columbia River to the Washington-Oregon state line; thence east to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides is prohibited on and after April 5 through October 31.

(b) 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 0.031 inches.

(c) On and after April 5 through ~~((October 31))~~ ^{mw} April 30 aerial applications of restricted use herbicides shall be made using the ~~((Caution))~~ Danger Area Restrictions (see WAC 16-230-675).

7 (d) On and after May 1 through October 31, aerial applications shall be prohibited except by written permit issued by the department.

NEW SECTION

WAC 16-232-045 RESTRICTIONS ON AIRCRAFT APPLICATION. Height of discharge requirements by aircraft of restricted use herbicides: The nozzles must be closed while either descending onto or ascending from the target field, and also ascending or descending over an obstacle or obstruction within the target field that would alter the height of application more than ten feet. ^{mw}