

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

DEPARTMENT OF AGRICULTURE

(agency name)

Administrative Order No. 1820

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

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

WAC 16-224 regarding Contemporary Grain Storage

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

This action is taken pursuant to Notice No. WSR 84-06-058, WSR 84-09-069 filed with the code reviser on 3/7, 4/18/84. These rules shall take effect:

- [X] thirty days after they are filed with the code reviser 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 this 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 the emergency is:

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 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 22.09 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(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 APPROVED AND ADOPTED FILED

April 25

19 84

APR 26 1984

By

Director

Title

CODE REVISER'S OFFICE WSR 84-10-021

AMENDATORY SECTION (Amending Order 1687, filed 5/30/80)

WAC 16-224-010 COMBINING CERTAIN WAREHOUSES INTO STATIONS. The department of agriculture will allow the following warehouses to combine certain warehouses into stations as follows:

(1) ACM Feed & Grain, Inc., is combining ~~((Mabten;))~~ Prosser, and Hogue Ranch into one station - Prosser 722.

(2) Almira Farmers Warehouse Company is combining North Almira, South Almira, Highland, Govan, Almira, Hanson, and Hartline into one station - Almira 179.

(3) Almota Elevator Company is combining Port Almota, Union Center, and Mockonema into one station - Port Almota 187.

(4) Auvil-Warner Company, Inc., is combining Belmont, ((Oakesdale)) Sokulk, and Warner Siding into one station - Belmont 245.

(5) BNP Lentil Company is combining Farmington, Oakesdale, Pigeon Hollow Farm, and Garfield into one station - Farmington 43.

~~((4))~~ (6) Berger & Plate, Inc., is combining Tekoa, Tilma, ~~((Seltice;))~~ and Garfield ~~((7--and--Tensed))~~ into one station - Tekoa 471.

(7) CENEX is combining Othello, Eltopia, and Venner into one station - Othello 820.

~~((5))~~ (8) Central Washington Grain Growers, Inc., is combining Almira, Hanson, Hartline, Coulee City, Grand Coulee, Withrow, Supplee, Waterville, Douglas, Alstown, Mansfield, ~~((and))~~ Brewster, and Wenatchee into one station - Waterville 852.

~~((6))~~ (9) Cheney Grain Growers, Inc., is combining Cheney and Rodna into one station - Cheney 330.

~~((7))~~ (10) Columbia Bean & Produce ~~((Co-))~~ Company, Inc., is combining Wheeler, Block 89, Royal Slope, Homestead, Quincy, ~~((and))~~ Bruce, Toppenish, Basin City, and Mattawa into one station - Wheeler 282.

~~((8))~~ (11) Columbia Producers, Inc., is combining Warden ~~((and))~~, Royal City, Whiting Farm, and Howard Kisler Farm into one station - Warden 19.

~~((9))~~ (12) Davenport Union Warehouse Company is combining Davenport, Mondovi, Omas, ~~((and))~~ Hunters, and Ritzville into one station - Davenport 289.

~~((10))~~ (13) Edwall Grain Growers, Inc., is combining Edwall, Canby, Waukon, Sprague, and Edens into one station - Edwall 4.

~~((11))~~ (14) Empire Seed Company is combining Othello, Royal Camp, and Royal City into one station - Othello 256.

(15) Eppich Grain Inc., is combining Royal Slope and Basin City into one station - Royal Slope 28.

~~((12))~~ (16) Fairfield Grain Growers, Inc., is combining Fairfield, and Waverly into one station - Fairfield 525.

~~((13))~~ (17) Fuhrman's Feed & Farm Supply ~~((Co-))~~ Company is combining Kettle Falls, Colville, ~~((and))~~ Chewelah, and Nelson Barn into one station - Kettle Falls 46.

~~((14))~~ (18) Full Circle, Inc., is combining Wheeler, Warden, Quincy, Bruce, ~~((and))~~ Royal City, and Trinidad into one station - Wheeler 887.

~~((15))~~ (19) The Garfield Union Warehouse Company is combining Garfield, Grinnell, Walters, Crabtree, Elberton, and ~~((Sokulk))~~ Eden into one station - Garfield 24.

~~((16))~~ (20) Inland Empire Milling Company is combining Pine City, St. John, and Pleasant Valley into one station - St. John 706.

~~((17))~~ (21) Inland Empire Pea Growers ~~((Assoc-))~~ Association, Inc., is combining Oakesdale, Garfield, Latah, Spangle, Waverly, West Fairfield, Fairfield, and Spokane into one station - Spokane 220.

(22) Johnson Union Warehouse Company, Inc., is combining Johnston, Colton, and Chambers into one station - Johnston 645.

(23) Kittitas Farm Storage Company is combining Kittitas, Ellensburg, and Thrall into one station - Kittitas 250.

~~((18))~~ (24) Lacrosse Grain Growers, Inc., is combining Lacrosse, Pampa, Gordon, Hooper, Schreck, Hay, and Dusty into one station - Lacrosse 131.

- ((49)) (25) Lamont Grain Growers, Inc., is combining Lamont and Revere into one station - Lamont 476.
- (26) Lentils, Inc., is combining Warner Siding and Oakesdale into one station - Warner Siding 32.
- ((20)) (27) Logan Feed, Inc., is combining Wapato, Harrah, and Toppenish into one station - Toppenish 104.
- ((24)) (28) Oakesdale Grain Growers, Inc., is combining Oakesdale, Seabury, Fairbanks, Warner, Farmington, and Seltice into one station - Oakesdale 71.
- ((22)) (29) Odessa Trading Company is combining Odessa, ((Hemo7)) Ruff, Batum, Moody, ((and)) Schmierer, and Warden into one station - Odessa 342.
- ((23)) (30) Odessa Union Warehouse Co-op is combining Odessa, Irby, Lamona, Lauer, Reiman, Jantz, Schoonover, Packard, Harrington, Mohler, Downs, Davenport, Egypt, Rocklyn, and Ephrata into one station - Odessa 305.
- ((24)) (31) Pendleton Grain Growers, Inc., is combining Prosser, Whitstran, and Wycoff Farms into one station - Prosser 648.
- (32) The Pillsbury Company is combining Basin City, Merrills Corner, and Toppenish into one station - Basin City 23.
- ((25)) (33) Pomeroy Grain Growers, Inc., is combining Pomeroy, Zumwalt, ((Houser7)) Dodge, and Central Ferry into one station - Pomeroy 400.
- ((26)) (34) Pomeroy Warehouse & Feed ((Co7)) Company, is combining Pomeroy ((and)), Gould City, and Central Ferry into one station - Pomeroy 853.
- (35) Prairie Grain Company is combining Vista and Pasco into one station - Vista 688.
- ((27)) (36) Quincy Farm Chemicals, Inc., is combining Quincy, and ((Murphy's-Corner)) Royal Slope into one station - Quincy 29.
- ((28)) (37) Reardan Grain Growers, Inc., is combining Reardan, Gravelle, Eleanor, Hite, ((and)) Espanola, and Spokane into one station - Reardan 455.
- ((29)) (38) Ritzville Warehouse Company, Inc., is combining Ritzville, Tokio, Ralston, Marcellus, Bengel, ((and-Meier)) Maier, and Keystone into one station - Ritzville 295.
- ((30)) (39) Rockford Grain Growers, Inc., is combining Mead, Rockford, ((ValleyFeed7)) Freeman, Mt. Hope, Worley, and Setters into one station - Rockford 196.
- ((34)) (40) Rosalia Producers, Inc., is combining Rosalia, Plaza, Spring Valley, McCoy, Balder, Spangle, Squaw Canyon, ((and)) Pine City, and Central Ferry into one station - Rosalia 415.
- ((32)) (41) St. John Grain Growers, Inc., is combining St. John, Ewan, Willada, Juno, Sunset, and Pleasant Valley into one station - St. John 534.
- ((33)) (42) Spokane Seed Company is combining Spokane, Colfax, Plaza, and ((Worley)) Setters into one station - Spokane 452.
- ((34)) (43) Sunnyside Grain ((Co7)) Inc., is combining Sunnyside ((and)), Mabton, and Ashue Siding into one station - Sunnyside 2.
- ((35)) (44) Union Elevator & Warehouse Company, Inc., is combining Lind, Pizarro, Schrag, Paha, Pence, Bauer, ((and)) R. H. Phillips, and Beatrice into one station - Lind 474.
- ((36)) (45) Uniontown Co-operative Association is combining Uniontown ((and)), Leon, and Wilbur Gulch into one station - Uniontown 430.
- ((37)) (46) United Grain Growers, Inc., is combining Harrington, Mohler, Downs, Bluestem, Wilbur, Sherman, Wheatridge, Govan ((and)), Creston, Richardson Farm, and Phillips Ranch into one station - Harrington 807.
- ((38)) (47) Walla Walla Grain Growers, Inc., is combining Walla Walla, Baker-Langdon, Dixie, Port Kelly, Sapolil, Tracy, Valley Grove, Spring Valley, Reser, Miller, ((Whitman7)) Gardena, Clyde, Eureka, Pleasant View, Sheffler, Smith Springs, Rulo, Dry Creek, Ennis, ((and)) Paddock, and Wallula into one station - Walla Walla 462.

((439)) (48) Washtucna Grain Growers, Inc., is combining Washtucna, Sperry, Fletcher, and Sand Hills into one station - Washtucna 653.

((440)) Western Farmers Association is combining Sprague, Keystone, Quincy, Trinidad, Othello, Eltopia, Verner, Moses Lake, and Ellensburg into one station - Sprague 690.

((441)) (49) Wheat Growers of Endicott, Inc., is combining Endicott, Thera, and Winona into one station - Endicott 524.

((442)) (50) Whitman County Growers, Inc., is combining Cashup, Glenwood, Manning, Mockonema, Steptoe, Thornton, Colfax, Albion, ((Bushy)) Ewartsville, Fallon, Parvin, ((Union Center)) Whelan, Pullman, ((and)) Kitzmiller, and Gravel Pit into one station - Colfax 74.

((443)) Wickes Agriculture is combining Merrills Corner, Basin City, Toppenish, and Stanfield into one station - Merrills Corner 23.

((444)) (51) Wilson Creek Union Grain & Trading Company is combining Stratford and Wilson Creek into one station - Wilson Creek 354.

((445)) E. F. Zwiesler Company, Inc., is combining Ashue Siding and Harrah into one station - Ashue Siding 76.)

AMENDATORY SECTION (Amending Order 1802, filed 7/19/83)

WAC 16-224-030 CONTEMPORARY GRAIN STORAGE. (1) Grain may be stored outside the warehouseman's permanent enclosed storage space only under the following conditions:

(a) ((When)) The warehouseman has ((no)) insufficient permanent enclosed storage space available.

(b) ((The)) outside storage ((must)) shall be on ground properly landscaped to provide adequate drainage ((and must)). Prior to its use, the storage space shall be approved by the department ((prior to its use)).

(c) ((Stockpiles created by a licensed warehouseman at a location)) outside storage not filled through ((his/her)) the warehouseman's permanent enclosed storage facility ((must)) shall have a separate letter designation and license fee.

(d) ((For outside storage up to thirty-three and one-third percent of the warehouseman's permanent enclosed storage capacity, a net worth of twenty-five cents per bushel must be maintained)) The warehouseman shall maintain a net worth of twenty-five cents per bushel in addition to the net worth requirements of WAC 16-212-130 for outside storage which will be picked up and/or covered and aerated prior to November 1 of the crop year.

(e) A warehouseman may request the department of agriculture to license and approve ((his/her)) outside storage ((in excess of thirty-three and one-third percent of his/her permanent enclosed)) that may not be picked up and/or covered and aerated by November 1: PROVIDED, That this amount of outside storage ((capacity)) may not exceed fifty percent of the warehouseman's licensed permanent enclosed storage space. The ((warehouseman)) department shall ((maintain a)) grant the request if it determines, after a review of the premises, that it is properly landscaped and that the warehouseman maintains a net worth of ((thirty-five)) seventy-five cents per bushel ((on this excess unless it contains adequate aeration and is covered with a covering approved by the department of agriculture, in which case the net worth requirement will be twenty-five cents per bushel)) for uncovered outside storage, in addition to the net worth requirements of WAC 16-212-130. A warehouseman may file a written request with the department for up to a thirty day extension from the November 1 date, if filed by October 15. This request shall indicate the amount and condition of the grain for which the extension is requested, the amount of rainfall received in the area since harvest along with other information that may be necessary to assist the department in evaluating the request. Given the circumstances presented, the department shall grant the

request if it determines the extension does not pose an unreasonable risk of deterioration to the grain.

(f) All outside storage ~~((must))~~ shall be properly crowned and ~~((must-not-be-in))~~ groomed and free from contact with the side of any building or elevator after October 15 of the crop year.

(2) Violation of this ~~((regulation))~~ rule constitutes a violation of chapter 22.09 RCW and may result in ~~((the))~~ finer and a suspension of the warehouseman's license.