Chapter 16-232 WAC
USE RESTRICTED HERBICIDES IN CERTAIN COUNTIES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-232-038 Restricted use herbicides—Application records—Walla Walla County. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-232-038, filed 2/12/88; 87-18-060 (Order 1950), § 16-232-038, filed 9/1/87.] Repealed by 00-24-002, filed 11/22/00, effective 12/23/00. Statutory Authority: Chapters 17.21 and 15.58 RCW.
16-232-040 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-026 (Order 1665), § 16-232-040, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-232-125 Wind conditions. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-030 (Order 1669), § 16-232-125, filed 2/20/80.] Repealed by 87-09-015 (Order 1923), filed 4/6/87. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-232-130 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-030 (Order 1669), § 16-232-130, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-232-230 Distribution, use and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-032 (Order 1671), § 16-232-230, filed 2/20/80.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-232-320 Distribution, use and application. [Statutory Authority: RCW 17.21.030. 82-08-030 (Order 1754), § 16-232-320, filed 3/31/82.] Repealed by 88-09-013 (Order 1973), filed 4/12/88. Statutory Authority: Chapters 15.58 and 17.21 RCW.
16-232-950 Restricted use herbicides—Distribution, use, and application. [Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-09-013 (Order 1973), § 16-232-950, filed 4/12/88.] Repealed by 91-06-019 (Order 2073), filed 2/26/91, effective 3/29/91. Statutory Authority: Chapters 15.58 and 17.21 RCW.

WAC 16-232-001 What are restrictions for pesticide use in Walla Walla County? (1) The area under order includes all lands lying within the boundaries of Walla Walla County. WAC 16-232-005 through 16-232-077 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules

relating to the use of pesticides in chapter 16-228 WAC, and rules relating to the use of use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-001, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-001, filed 11/22/00, effective 12/23/00; 91-06-019 (Order 2073), § 16-232-001, filed 2/26/91, effective 3/29/91; 80-03-026 (Order 1665), § 16-232-001, filed 2/20/80.]

WAC 16-232-005 What are use restricted herbicides in Walla Walla County? All formulations of phenoxy hormone-type herbicides, (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-005, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-005, filed 11/22/00, effective 12/23/00; 80-03-026 (Order 1665), § 16-232-005, filed 2/20/80.]

WAC 16-232-007 What are use restricted pesticides in certain areas of Walla Walla County? The following pesticides are declared to be use restricted pesticides in areas 2B, 4, and 6:

(1) Use restricted herbicides*:

(a) Sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort);

(b) Desiccants and defoliants (such as Paraquat, Diquat, Endothall);

(c) Glyphosate (such as Roundup, Landmaster);

(d) Phenoxy hormone-type herbicides (such as 2,4-D, MCPA);

(e) Dicamba (such as Banvel);

(f) Bromoxynil except that the cutoff dates of April 5, April 15 and May 15 do not apply.

*This is to be used only as a guide and may not include all brand or trade names under which these chemicals are distributed.

(2) All aerial applications of Category I insecticides with the signal words danger/poison on the label, except granular and pellet formulations.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 09-21-006, § 16-232-007, filed 10/8/09, effective 11/8/09; 07-11-041A, § 16-232-007, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-007, filed 11/22/00, effective 12/23/00.]

WAC 16-232-010 What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 1? (1) Area 1 description. (Columbia River Buffer area.) An area starting at the intersection of the common boundary line between Sections 14 and 15, T6N, R32E and the Washington-Oregon state line; thence north along the section lines ten miles more or less to the southeast corner of Section 22, T8N, R32E; thence east along the section lines two miles to the southeast corner of Section 24, T8N, R32E; thence north along the section lines five miles more or less to the intersection with the Northern Pacific Railroad; thence northeasterly seven miles more or less along the railroad, including the right of way, to the intersection with State Route 124 and C.M. Rice Road at the northeast corner of Section 2, T9N, R33E; thence northerly along C.M. Rice Road, including the right of way, to the Snake River; thence southwesterly along the Snake River to a point near the east section line of Section 23 T9N, R31E; thence south approximately twelve miles to the Walla Walla River; thence west along the Walla Walla River until its intersection with the Columbia River and the Walla Walla-Benton County line; thence southwesterly along the Columbia River approximately three and one-half miles to the intersection of the Washington-Oregon state line; thence east along the Washington-Oregon state line to the point of beginning.

(2) Area 1 restrictions.

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

(b) On and after April 5 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of .052 inches or a LP8002 or equivalent nozzle.

(c) On and after April 5 through October 31, aerial applications of use restricted herbicides are prohibited except by written permit issued by the department.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-010, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-010, filed 11/22/00, effective 12/23/00; 88-05-033 (Order 1965), § 16-232-010, filed 2/12/88; 87-09-015 (Order 1923), § 16-232-010, filed 4/6/87; 81-07-041 (Order 1724), § 16-232-010, filed 3/13/81; 80-03-026 (Order 1665), § 16-232-010, filed 2/20/80.]

WAC 16-232-015 What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 2? (1) Area 2 description. (Walla Walla and vicinity, Dixie, Waitsburg, and Prescott areas.) Those areas lying within a one mile radius from the center of the town of Dixie and within one mile of the city limits of the towns of Waitsburg and Prescott and an area starting at the intersection of the common boundary line between Sections 15 and 16, T6N, R36E and the Washington-Oregon state line; thence north along the section line one mile more or less to the southwest corner of Section 3, T6N, R36E; thence east along the section lines two miles to the southeast corner of Section 2, T6N, R36E; thence north along the section lines three miles to the southwest corner of Section 24, T7N, R36E; thence east along the section line one mile to the southeast corner of Section 24, T7N, R36E; thence north along the section line one mile to the southwest corner of Section 18, T7N, R37E; thence east along the section line one mile to the southeast corner of Section 18, T7N, R37E; thence north along the section line one mile to the northeast corner of Section 18, T7N, R37E; thence west along the section lines nine miles to the northwest corner of Section 14, T7N, R35E; thence south along the section line one mile to the northeast corner of Section 22, T7N, R35E; thence west along the section line one mile to the northwest corner of Section 22, T7N, R35E; thence south along the section lines one mile more or less to State Route 12; thence westerly along State Route 12, including the right of way, three miles more or less to the intersection with Detour Road; thence southwesterly along

Detour Road, including the right of way, one-half mile more or less to the intersection with Forest Road; thence south along Forest Road, including the right of way, one mile more or less to the intersection with Frog Hollow Road at the southwest corner of Section 6, T6N, R35E; thence east along Frog Hollow Road, including the right of way, one mile more or less to the intersection with Locher Road; thence south along Locher Road, including the right of way, one mile more or less to the Washington-Oregon state line; thence east along the state line eight miles more or less to the point of beginning.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 15 through October 31.

(b) On and after April 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675). Aircraft applications shall be prohibited on and after April 15 through October 31: Provided, That:

(i) The aerial application of MCPA shall be allowed using warning area restrictions (see WAC 16-230-675).

(ii) Aerial applications of nonvolatile formulations of use restricted herbicides from one-half to one mile of the center of the town of Dixie and from the city limits of Waitsburg, Prescott and Walla Walla shall be considered through written request to the Washington state department of agriculture.

(iii) Those portions of the city of Walla Walla which fall within Sections 13, 14, 22, 23 and 24, T7N, R35E of Walla Walla County are not considered as part of the city limits of Walla Walla for purposes of issuing permits by the department for aerial application of nonvolatile formulations of restricted use pesticides.

(d) Restrictions on the use of airstrips. The loading and/or mixing of use restricted herbicides is prohibited on any airstrip, airfield or any location within Area 2: Provided, That the municipal airport located northeast of Walla Walla shall not be subject to this provision.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-015, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 88-21-098 (Order 1989), § 16-232-015, filed 10/19/88; 88-05-033 (Order 1965), § 16-232-015, filed 2/12/88; 80-03-026 (Order 1665), § 16-232-015, filed 2/20/80.]

WAC 16-232-020 What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 2A? (1) Area 2A description. (Buffer area surrounding Dixie and Walla Walla.) An area, excluding a one mile radius from the center of the town of Dixie, starting at the intersection of the common boundary line between Sections 14 and 15, T6N, R32E and the Washington-Oregon state line; thence north along the section lines six miles more or less to the northwest corner of Section 14, T7N, R32E; thence east along the section lines ten miles to the southwest corner of Section 9, T7N, R34E; thence north along the section line one mile to the northwest corner of Section 9, T7N, R34E; thence east along the section lines two miles to the southwest corner of Section 2, T7N, R34E; thence north along the section line one mile to the northwest corner of Section 2, T7N, R34E; thence east along the section lines two miles to the southwest corner of Section 31, T8N, R35E; thence north along the section lines six miles to the northwest corner of Section 6, T8N, R35E; thence east along the section lines and the Columbia-Walla Walla County line twenty-four miles to the northeast corner of Section 1, T8N, R38E; thence south along the Columbia-Walla Walla County line fourteen miles more or less to the Washington-Oregon state line; thence west along the state line fifteen miles to the common boundary line between Sections 15 and 16, T6N, R36E; thence north along the section line one mile more or less to the northwest corner of Section 10, T6N, R38E; thence east along the section lines two miles to the southwest corner of Section 1, T6N, R36E; thence north along the section lines three miles to the northwest corner of Section 25, T7N, R36E; thence east along the section line one mile to the southwest corner of Section 19, T7N, R37E; thence north along the section line one mile to the northwest corner of Section 19, T7N, R37E; thence east along the section line one mile to the northeast corner of Section 19, T7N, R37E; thence north along the section line one mile to the southwest corner of Section 8, T7N, R37E; thence west along the section lines nine miles to the northeast corner of Section 15, T7N, R35E; thence south along the section line one mile to the southeast corner of Section 15, T7N, R35E; thence west along the section line one mile to the southwest corner of Section 15, T7N, R35E; thence south along the section lines one mile more or less to State Route 12; thence westerly along State Route 12, excluding the right of way, three miles more or less to the intersection with Detour Road; thence southwesterly along Detour Road, excluding the right of way, one-half mile more or less to the intersection with Forest Road; thence south along Forest Road, excluding the right of way, one mile more or less to the intersection with Frog Hollow Road at the southwest corner of Section 6, T6N, R35E; thence east along Frog Hollow Road, excluding the right of way, one mile more or less to the intersection with Locher Road; thence south along Locher Road, excluding the right of way, one mile more or less to the Washington-Oregon state line; thence west along the state line fifteen miles more or less to the point of beginning.

(2) Area 2A restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 15 through October 31: Provided, That 2,4-DB is allowed on alfalfa seed crops at any time.

(b) On and after April 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 15 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-020, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-232-020, filed 2/12/88; 80-03-026 (Order 1665), § 16-232-020, filed 2/20/80.]

WAC 16-232-025 What are the boundaries and restrictions on use restricted herbicides—Walla Walla

County—Area 3? (1) Area 3 description. All of the remaining lands within the border of Walla Walla County.

(2) Area 3 restrictions.

(a) The use and application of low volatile formulations of use restricted herbicides is prohibited on and after May 15 through October 31.

(b) On and after May 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 15 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-025, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-232-025, filed 2/12/88; 80-03-026 (Order 1665), § 16-232-025, filed 2/20/80.]

WAC 16-232-027 What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 3A? (1) Area 3A description. An area beginning at the southwest corner of Section 11, T7N, R32E; thence east along the section lines six miles more or less to the intersection with the Touchet North Road at the southeast corner of Section 10, T7N, R33E; thence northerly along the Touchet North Road, including the right of way, to the intersection with State Route 124; thence west one-half mile more or less along State Route 124, excluding the right of way, to the intersection with the Northern Pacific Railroad at the northwest corner of Section 1, T9N, R33E; thence southwesterly seven miles more or less along the railroad, excluding the right of way, to the intersection with the common boundary line between Section 25, T9N, R32E and Section 30, T9N, R33E; thence south along the section lines five miles more or less to the northeast corner of Section 25, T8N, R32E; thence west along the section lines two miles to the northwest corner of Section 26, T8N, R32E; thence south along the section lines four miles to the point of beginning.

(2) Area 3A restrictions.

(a) The use and application of low volatile formulations of use restricted herbicides is prohibited on and after April 15 through October 31.

(b) On and after April 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 15 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-027, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-05-033 (Order 1965), § 16-232-027, filed 2/12/88.]

WAC 16-232-030 What are the restrictions on aerial applications near vineyards? (1) Aerial applications of use restricted herbicides are prohibited within one mile of any commercial vineyard: Provided, That aerial application of use restricted herbicides to lands located within one-half to one mile from commercial vineyards will be considered through written request of the Washington state department of agriculture.

(2) Commercial vineyard means a parcel of land from which the grape crop is intended to be sold to a processor, or intended to be used for commercial wine making, or intended for the commercial fresh market.

[Statutory Authority: Chapters 15.58, 17.21, and 34.05 RCW. 10-15-015, § 16-232-030, filed 7/8/10, effective 8/8/10; 07-11-041A, § 16-232-030, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-026 (Order 1665), § 16-232-030, filed 2/20/80.]

WAC 16-232-035 What are the restrictions on use restricted herbicides in Walla Walla County due to wind conditions? The use or application of use restricted herbicides is prohibited in Areas 1, 2, 2A, 3, and 3A when the mean sustained wind velocity is over twelve miles per hour throughout the year: Provided, That such applications are prohibited in Areas 1 and 2 on and after April 1 through October 31 when the mean sustained wind velocity is over seven miles per hour: Provided further, That applications of use restricted herbicides are allowed in winds up to and including twenty miles per hour when allowed by the label and when an approved hooded boom sprayer is used. Hooded boom sprayers shall be approved by the department of agriculture. The department will consider the recommendations of the pesticide advisory board 2,4-D ad hoc committee in determining the criteria of what constitutes an approved hooded boom sprayer. Approval will be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-035, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 88-09-013 (Order 1973), § 16-232-035, filed 4/12/88; 87-09-015 (Order 1923), § 16-232-035, filed 4/6/87; 80-03-026 (Order 1665), § 16-232-035, filed 2/20/80.]

WAC 16-232-041 What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 2B? (1) Area 2B description. An area including all lands lying within a boundary line beginning at the intersection of the Union Pacific Railroad and U.S. Highway 12 in Section 10, T7N, R31E; thence southerly along Highway 12 approximately three miles until its intersection with the Walla Walla River; thence west along the Walla Walla River until its intersection with the Columbia River and the Walla Walla-Benton County line; thence northwesterly along the Columbia River approximately ten miles until its intersection with the Snake River; thence northeasterly along the Snake River until its intersection with Highway 12 in Section 35, T9N, R30E; thence southeasterly along Highway 12 to the point of beginning.

(2) Area 2B restrictions.

(a) Application by air of use restricted pesticides as defined in WAC 16-232-007 is prohibited.

(b) The use or application of low volatile ester formulations of use restricted herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, applications of use restricted herbicides are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applica-

tions of granular and pellet formulations of the use restricted herbicides are exempt from the sunset and sunrise restrictions: Provided further, That applications of use restricted herbicides on small experimental plots for research purposes are exempt from the sunset and sunrise restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-041, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-041, filed 11/22/00, effective 12/23/00.]

WAC 16-232-044 What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 4? (1) Area 4 description. An area including all lands lying within a boundary line beginning at the intersection of the Snake River and the Bonneville Power Administration power line near the east section line of Section 25, T9N, R30E; thence southeasterly along the Bonneville Power Administration power line until its intersection with SR 124 in Section 32, T9N, R31E; thence approximately two and one-half miles along SR 124 to the east section line of Section 34, T9N, R31E; thence south approximately three miles along section lines to the southeast corner of Section 15, T8N, R31E; thence west approximately one-fourth mile along the section line to the Union Pacific Railroad; thence southerly approximately four and one-half miles along the railroad until its intersection with U.S. Highway 12 near the Boise Cascade paper mill; thence northwesterly along Highway 12 to the point of its intersection with the Snake River in Section 35, T9N, R30E; thence northeasterly along the Snake River to the point of beginning.

(2) Area 4 restrictions.

(a) Application by air of use restricted pesticides as defined in WAC 16-232-007 may be made by written permit only.

(b) The use or application of low volatile ester formulations of use restricted herbicides is prohibited: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(c) On and after April 5 through October 31 of each year, all applications of use restricted herbicides shall be prohibited daily from three hours prior to sunset until two hours after sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset and sunrise restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset and sunrise restrictions: Provided further, That applications of the use restricted herbicides on small experimental plots for research purposes are exempt from the sunset and sunrise restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-044, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-044, filed 11/22/00, effective 12/23/00.]

WAC 16-232-047 What are the boundaries and restrictions on use restricted herbicides—Walla Walla County—Area 6? (1) Area 6 description. An area including all lands lying within a boundary line beginning at the Snake River and the east section line of Section 23, T9N, R31E; thence south approximately twelve miles along section lines to the Walla Walla River; thence west along the Walla Walla River until its intersection with the Columbia River and the Walla Walla-Benton County line; thence northwesterly along the Columbia River approximately two miles to the southern section line of Section 8, T7N, R31E; thence east approximately two miles along the section line until its intersection with U.S. Highway 12 in Section 10, T7N, R31E; thence northwesterly along U.S. Highway 12, approximately three-quarters of a mile until its intersection with the Union Pacific Railroad; thence northerly approximately four miles along the railroad until its intersection with the southern section line in Section 15, T8N, R31E; thence east approximately one-quarter mile along the section line to the southeast corner of Section 15, T8N, R31E; thence north approximately three miles until its intersection with SR 124; thence west along SR 124 approximately two and one-half miles until its intersection with the Bonneville Power Administration power line in Section 32, T9N, R31E; thence northwesterly along the power line until its intersection with the Snake River in Section 25, T9N, R30E; thence northeasterly along the Snake River to the point of beginning.

(2) Area 6 restrictions.

(a) The use or application of low volatile ester formulations of use restricted herbicides shall be prohibited on and after April 5 through October 31 of each year: Provided, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(b) On and after April 5 through October 31 of each year, all applications of use restricted herbicides are prohibited daily from three hours prior to sunset to sunrise the following morning: Provided, That applications of use restricted herbicides are exempt from the sunset restrictions when using an application rate of forty gallons of water carrier or greater per treated acre at twenty pounds of pressure or less at the nozzle: Provided further, That applications of granular and pellet formulations of the use restricted herbicides are exempt from the sunset restrictions: Provided further, That applications of use restricted herbicides on small experimental plots for research purposes are exempt from the sunset restrictions.

(c) On and after April 5 through October 31 of each year, aerial applications of use restricted herbicides are prohibited daily from three hours prior to sunset until two hours after sunrise the following morning.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-047, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-047, filed 11/22/00, effective 12/23/00.]

WAC 16-232-050 When are oil-type carriers prohibited in Walla Walla County? On and after April 5 through October 31, oil-type carriers are prohibited for brush control in areas 2B, 4, and 6: Provided, That oil-type carriers may be used in invert systems the entire year.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-050, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-050, filed 11/22/00, effective 12/23/00.]

WAC 16-232-053 Can Paraquat or Diquat be applied by air in Walla Walla County? Aerial application of Paraquat and Diquat is prohibited in areas 2B, 4, and 6.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-053, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-053, filed 11/22/00, effective 12/23/00.]

WAC 16-232-056 Can sulfonylurea herbicides be applied in Walla Walla County? Application of sulfonylurea herbicides (such as Glean, Telar, Finesse, Escort) to fallow land or to land during the time between harvest and emergence above the furrows of the subsequent cereal grain crop is prohibited in areas 2B, 4, and 6.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-056, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-056, filed 11/22/00, effective 12/23/00.]

WAC 16-232-059 What are the conditions applying to permits in Walla Walla County? The following conditions will apply to all permits issued in areas 2B, 4, and 6.

(1) Application for a permit may be made to the Washington State Department of Agriculture, Compliance Branch, 21 N. 1st Avenue Suite 236 Yakima, Washington 98902. Applications may also be taken in person or by facsimile. Permits will not be granted by telephone.

(2) The department may make on-site monitoring of the application a condition of any permit. A representative of the department may condition, deny, or revoke a permit at any time, if the representative determines that the situation at the application site creates an unreasonable risk of drift. In determining whether the situation at the application site creates an unreasonable risk of drift, the representative may consider all relevant factors such as temperature, air inversions, time of day, burning restrictions, wind direction, wind velocity, topography, and type and condition of application equipment.

(3) No permit will be issued to apply any pesticide unless that permit is consistent with existing department laws and rules.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-059, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-059, filed 11/22/00, effective 12/23/00.]

WAC 16-232-062 Can use restricted pesticides be applied in an emergency? In the event of an emergency, as declared by the director, the department may issue permits for the use of use restricted pesticides in variation of any restrictions contained in areas 2B, 4, and 6. An emergency under this section may be declared if the director determines that the risk and amount of economic harm to any agriculture crop substantially outweighs the risk and amount of damage likely to occur if a variance permit is issued.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-062, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-062, filed 11/22/00, effective 12/23/00.]

WAC 16-232-065 What are the restrictions on applications in Walla Walla County due to wind? The use or application of all herbicides and class 1 and 2 insecticides are prohibited in areas 2B, 4, and 6 when the mean sustained wind velocity is over ten miles per hour throughout the year: Provided, That applications are allowed in higher velocity winds when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department prior to application. Approval shall be based on research data: Provided further, That applications of granular and pellet formulations of use restricted pesticides defined in WAC 16-232-007 as well as applications made to structures are exempt from the wind restrictions.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-065, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-065, filed 11/22/00, effective 12/23/00.]

WAC 16-232-068 Application of pesticides in Walla Walla County—Areas 2B, 4, and 6—Use restricted herbicides ground apparatus nozzle requirements. Ground applications of restricted use herbicides in areas 2B, 4, and 6 shall be made, throughout the year, using nozzles having a single orifice and minimum diameter of .052 inches or a LP 8002 nozzle. Pressure shall not exceed twenty-five pounds per square inch at the nozzle for .052 and other orifice openings and pressure shall not exceed fifteen pounds per square inch at the nozzle for LP 8002 or equivalent nozzle. Pressure up to fifty pounds per square inch at the nozzle may be used for equipment with handguns and up to ninety pounds per square inch at the nozzle manifold for an inert system: Provided, That the department may issue a permit for other nozzles and pressure combinations that are equal or better. Prior to issuing such permits, the request shall be reviewed by a scientific committee established by the director: Provided further, That when Glyphosate is the only restricted use herbicide being used during an application for weed control in reduced tillage cropping any nozzles may be used that delivers at a minimum ten gallons of water carrier or greater per treated acre at a pressure not exceeding twenty-five pounds per square inch at the nozzle: Provided further, That Glyphosate applications using a .052 nozzle at twenty-five pounds of pressure or less at the nozzle, and a LP 8002 nozzle at fifteen pounds of pressure or less at the nozzle shall be exempt from the ten-gallon minimum volume: Provided further, That pressurized handsized household devices used to apply restricted use herbicides, or any equipment, device, or contrivance of which the person who is applying the pesticide is the source of power or energy in making such herbicide applications shall be exempt from nozzle requirements.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-068, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-068, filed 11/22/00, effective 12/23/00.]

WAC 16-232-071 Application of pesticides in Walla Walla County—Areas 2B, 4, and 6—Use restricted herbicides, aircraft boom length, pressure, and nozzle requirements. The aerial application of restricted use herbicides in areas 2B, 4, and 6 shall be made in accordance with the following requirements:

(1) The working boom length on fixed wing aircraft shall not exceed three-fourths of the wing span and the working boom length on a helicopter shall not exceed six-sevenths of

the total rotor length where the rotor length exceeds forty feet.

(2) Pressure for aerial equipment shall not exceed twenty-five psi at the nozzles.

(3) Nozzles for aircraft:

(a) Fixed wing:

(i) Minimum nozzle orifice of .075 inches (no core plate): Provided, That RD8 nozzles with orifice size of 0.125 inches and No. 46 core plates may be used. Nozzles shall be directed downward and backward one hundred seventy degrees or more from the direction of flight.

(ii) No flat fan nozzles shall be allowed.

(b) Helicopter:

(i) Minimum nozzle orifice of .063 inches (no core plate): Provided, That RD8 nozzles with orifice size of .125 inches and core plate No. 46 may be used. Nozzles shall be directed downward and backward ninety degrees or more from the direction of flight.

(ii) No flat fan nozzles are allowed.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-071, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-071, filed 11/22/00, effective 12/23/00.]

WAC 16-232-074 What are the restrictions on applications in Walla Walla County due to temperature? All phenoxy compounds and dicamba shall not be applied when the temperature is above eighty-five degrees F. or above at the point of application: Provided, That application at the rate of fifty gallons or more per acre using nozzles having a minimum orifice diameter of .072 inches is exempt from the eighty-five degrees F. temperature requirement: Provided further, That when using the invert system, applications may continue up to ninety-five degrees F. with a maximum wind velocity of fifteen miles per hour and with water carrier at twelve or more gallons per acre.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-074, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-074, filed 11/22/00, effective 12/23/00.]

WAC 16-232-077 What are the restrictions on applications of pesticides in Walla Walla County due to weather conditions? Use restricted herbicides shall not be applied throughout the year in the entire area under order when there is a temperature inversion present or weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops, and plantings through physical drift or volatilization: Provided, That applications of use restricted herbicides shall be exempt from the inversion requirements when using one hundred gallons or greater of water carrier per treated acre while using no greater than fifteen pounds of pressure per square inch at the nozzle.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-077, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 17.21 and 15.58 RCW. 00-24-002, § 16-232-077, filed 11/22/00, effective 12/23/00.]

WAC 16-232-100 What are restrictions for herbicide use in Lincoln County? (1) The area under order includes all lands lying within the boundaries of Lincoln County. WAC 16-232-105 through 16-232-120 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-100, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-100, filed 2/26/91, effective 3/29/91; 80-03-030 (Order 1669), § 16-232-100, filed 2/20/80.]

WAC 16-232-105 What are use restricted herbicides in Lincoln County? All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-105, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-105, filed 2/26/91, effective 3/29/91; 80-03-030 (Order 1669), § 16-232-105, filed 2/20/80.]

WAC 16-232-110 When are oil-type carriers prohibited in Lincoln County? On and after May 15 through October 31, oil-type carriers are prohibited in the area under order for brush control: Provided, That oil-type carriers may be used in invert systems the entire year.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-110, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-110, filed 2/26/91, effective 3/29/91; 80-03-030 (Order 1669), § 16-232-110, filed 2/20/80.]

WAC 16-232-115 What are the boundaries and restrictions for Area 3? (1) Area 3 description. (Southwestern Lincoln County.) Beginning at the Grant-Lincoln County line and state Highway 2; thence northeasterly two and one-half miles more or less along state Highway 2 to the Almira South Road; thence south seven miles more or less along the Almira South Road to the Monson Road; thence east six miles more or less along the Monson Road to state Highway 21; thence south twenty-seven miles more or less along state Highway 21 to the Lincoln-Adams County line; thence west thirteen and one-half miles more or less along the common boundary line between Lincoln and Adams counties to the Grant County line; thence north twenty-nine and one-half miles more or less along the common boundary line between Grant County and Lincoln County to the point of beginning.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of use restricted herbicides shall be prohibited on and after May 16 through October 31 of each year.

(b) On and after May 16 through October 31 of each year, ground applications of use restricted herbicides shall be

made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 16 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-115, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-030 (Order 1669), § 16-232-115, filed 2/20/80.]

WAC 16-232-120 What are the boundaries and restrictions for Area 4? (1) Area 4 description. All remaining lands in Lincoln County not included in WAC 16-232-115.

(2) Area 4 restrictions. On and after May 16 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-120, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-120, filed 2/26/91, effective 3/29/91; 80-03-030 (Order 1669), § 16-232-120, filed 2/20/80.]

WAC 16-232-200 What are the restrictions for use restricted herbicides—Garfield County? (1) The area under order includes all lands lying within the boundaries of Garfield County. WAC 16-232-205 through 16-232-225 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-200, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-200, filed 2/26/91, effective 3/29/91; 80-03-032 (Order 1671), § 16-232-200, filed 2/20/80.]

WAC 16-232-205 What are use restricted herbicides in Garfield County? All formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-205, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-205, filed 2/26/91, effective 3/29/91; 80-03-032 (Order 1671), § 16-232-205, filed 2/20/80.]

WAC 16-232-210 What are the boundaries and restrictions for Area 2? (1) Area 2 description. The city of Pomeroy and those sections and partial sections lying within one mile east, one mile south and one mile west of the city limits of Pomeroy.

(2) Area 2 restrictions.

(a) On and after May 1 through October 31, ground applications shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) Aerial applications of use restricted herbicides are prohibited.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-210, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-032 (Order 1671), § 16-232-210, filed 2/20/80.]

WAC 16-232-215 What are the boundaries and restrictions for Area 3? (1) Area 3 description. An area starting at the intersection of the Snake River and the west boundary of Section 18, T14N, R43E; thence south to and along the Lambie Grade Road to and along the Casey Creek Road to the southeast corner of Section 8, T13N, R43E; thence east along section lines one and one-half miles more or less to the Snake River; thence northwesterly along the Snake River to the point of beginning.

(2) Area 3 restrictions.

(a) The use and application of low volatile formulations of use restricted herbicides is prohibited on and after April 16 through August 31.

(b) On and after April 16 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 16 through October 31, aerial applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-215, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 80-03-032 (Order 1671), § 16-232-215, filed 2/20/80.]

WAC 16-232-220 What are the boundaries and restrictions for use restricted herbicides—Garfield County—Area 4? (1) Area 4 description. This area includes all remaining lands in Garfield County not included in WAC 16-232-210 and 16-232-215.

(2) Area 4 restrictions.

(a) On and after May 1 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 31, aircraft applications of use restricted herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-220, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-220, filed 2/26/91, effective 3/29/91; 80-03-032 (Order 1671), § 16-232-220, filed 2/20/80.]

WAC 16-232-225 What are the restrictions on applications of use restricted herbicides in Garfield County due to wind conditions? The use or application of use restricted herbicides are prohibited in Areas 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: Provided, That such applications are prohibited in Areas 2 and 3 on and after May 1 through October 31 when the mean sustained wind velocity is over seven miles per hour: Provided further, That applications of

use restricted herbicides are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval will be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-225, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-225, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-232-225, filed 4/6/87; 80-03-032 (Order 1671), § 16-232-225, filed 2/20/80.]

WAC 16-232-300 What are the restrictions for use restricted herbicides in Kittitas County? (1) The area under order includes all lands lying within the boundaries of Kittitas County. WAC 16-232-305 through 16-232-315 applies to the area under order.

(2) The distribution, use, and application of use restricted herbicides in the area under order shall comply with rules relating to the use of pesticides in chapter 16-228 WAC, and rules relating to use restricted herbicides in WAC 16-230-600 through 16-230-675.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-300, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-300, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 17.21.030. 82-08-030 (Order 1754), § 16-232-300, filed 3/31/82.]

WAC 16-232-305 What are use restricted herbicides in Kittitas County? All formulations phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba except as listed below:

(1) Salt formulations, including amine and sodium, distributed in quantities of one gallon or less;

(2) Dry formulations of phenoxy hormone-type herbicides (e.g., 2,4-D, 2,4-DB, 2,4-DP (dichlorprop), MCPA, MCPB, MCPP (mecoprop)) and dicamba labeled and intended only for home and garden use or for turf.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-305, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-305, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 17.21.030. 82-08-030 (Order 1754), § 16-232-305, filed 3/31/82.]

WAC 16-232-310 What are the boundaries and restrictions for Area 1? (1) Area 1 description. An area starting at the intersection of Canyon Road and Thrall Road on the south line of Section 30, T17 N, R19E, thence east along Thrall Road three and one-half miles more or less to Billeter Road; thence south approximately one-half mile; thence east approximately one and one-half miles to Wilson Road; thence south on Wilson Road for one-half mile to intersection of Fourth Parallel Road; thence east on Fourth Parallel Road for approximately three-fourths mile to Anderson Road; thence south on Anderson Road for one-half mile more or less to E. Kern Road; thence east on E. Kern Road for approximately one-half mile; thence south approximately one and one-half miles to the north boundary of Section 18, T16, R20; thence west for two and one-half miles to intersection of I82; thence northwest for approximately three miles to the northeast corner of Section 5, T16, R19; thence west for two miles more or less to the Canyon Road; thence north for one mile more or less on the Canyon Road to the point of beginning.

(2) Area 1 restrictions.

(a) On and after April 15 through October 31, aircraft applications of use restricted herbicides shall be made using danger area restrictions (see WAC 16-230-675). On and after April 15 through October 31, aircraft applications are prohibited within 500 feet of all orchards: Provided, That aircraft applications may be allowed when written permission is received from the owner of the orchard.

(b) The use or application of low volatile formulations of use restricted herbicides is prohibited on and after April 15 through October 31 of each year on all lands within 500 feet of all orchards: Provided, That low volatile ester formulations may be used when written permission is received from the owner of the orchard.

(c) On and after April 15 through October 31, ground applications of use restricted herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches on all lands within 500 feet of all orchards.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-310, filed 5/9/07, effective 6/9/07. Statutory Authority: RCW 17.21.030. 82-08-030 (Order 1754), § 16-232-310, filed 3/31/82.]

WAC 16-232-315 What are the restrictions on applications of use restricted herbicides in Kittitas County due to wind conditions? The use or application of use restricted herbicides is prohibited in Area 1 when the mean sustained wind velocity is over twelve miles on and after April 15 through October 31: Provided, That applications of allowable use restricted herbicides are exempt from these wind restrictions when applying fifty gallons or more per acre: Provided further, That applications of use restricted herbicides are allowed in winds up to and including twenty miles per hour when an approved ground apparatus is used and allowed by the label. Ground apparatus shall be approved by the department of agriculture. Approval will be based on research data.

[Statutory Authority: Chapters 17.21, 15.58, and 34.05 RCW. 07-11-041A, § 16-232-315, filed 5/9/07, effective 6/9/07. Statutory Authority: Chapters 15.58 and 17.21 RCW. 91-06-019 (Order 2073), § 16-232-315, filed 2/26/91, effective 3/29/91; 87-09-015 (Order 1923), § 16-232-315, filed 4/6/87. Statutory Authority: RCW 17.21.030. 82-08-030 (Order 1754), § 16-232-315, filed 3/31/82.]

WAC 16-232-400 What areas of Grays Harbor and Pacific counties are under order for use restricted pesticides? The area under order shall include all lands in Grays Harbor and Pacific counties lying within Township 15 North, Range 11 West, Sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, and 32; Township 16 North, Range 11 West, Sections 19, 30, 31, and 32; and Township 16 North, Range 12 West, Sections 24 and 25.

[Statutory Authority: RCW 17.21.030 and chapter 34.05 RCW. 13-01-034, § 16-232-400, filed 12/11/12, effective 1/1/14.]

WAC 16-232-410 What pesticides are restricted in the area under order? All formulations containing the active ingredient O,O-diethyl O-(3,5,6-trichloro-2-pyridinyl) phosphorothioate, commonly known as chlorpyrifos or the active ingredient O,O-diethyl O-(isopropyl-6-methyl-4-

pyrimidinyl) phosphorothioate, commonly known as diazinon are use restricted pesticides when applied to cranberries in the area under order.

[Statutory Authority: RCW 17.21.030 and chapter 34.05 RCW. 13-01-034, § 16-232-410, filed 12/11/12, effective 1/1/14.]

WAC 16-232-420 What standards are adopted by WSDA? (1) The department adopts the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Practices Standards "Drainage Water Management" CODE 554 (Sept. 2011); "SubSurface Drain" CODE 606 (Sept. 2011); "Surface Drain, Main or Lateral" CODE 608 (Nov. 2010); and "Underground Outlet" CODE 620 (Nov. 2010) as requirements for and restrictions on the use of pesticides containing chlorpyrifos or diazinon when applied to cranberries in the area under order.

(2) Copies of the adopted USDA NRCS Practice Standards can be requested by mail from: U.S. Department of Agriculture, 1400 Independence Ave., S.W., Washington, D.C. 20250 or from your local NRCS Office or can be found on the WSDA web site at: http://www.agr.wa/gov/pestfert/.

[Statutory Authority: RCW 17.21.030 and chapter 34.05 RCW. 13-01-034, § 16-232-420, filed 12/11/12, effective 1/1/14.]

WAC 16-232-430 What are the restrictions on the use of pesticides containing chlorpyrifos or diazinon for ditches? (1) Chlorpyrifos or diazinon shall not be applied to cranberries unless all ditches immediately adjacent to the application and all other ditches that will be contacted by the application are adequately protected to prevent entry of chlorpyrifos or diazinon at the time of application.

(2) For the purpose of subsection (1) of this section, "adequately protected" means:

(a) Ditches are cribbed and covered according to USDA NRCS Practice Standards "Drainage Water Management" CODE 554 (Sept. 2011); "SubSurface Drain" CODE 606 (Sept. 2011); "Surface Drain, Main or Lateral" CODE 608 (Nov. 2010); and "Underground Outlet" CODE 620 (Nov. 2010), or one of the functional equivalents below.

(i) A functional equivalent for ditch side walls is the installation of side walls with rigid material capable of maintaining ditch integrity for a period of no less than ten years.

(ii) A functional equivalent for ditch coverings is the installation of ditch coverings using rigid material capable of preventing entry of chlorpyrifos or diazinon either through chemigation activities or run-off from irrigation activities into ditches as described in subsection (1) of this section.

(b) Drainage culverts are installed and constructed according to USDA NRCS Practice Standard "Underground Outlet" CODE 620 (Nov. 2010).

(3) All ditches and culverts shall be maintained and kept in good repair as needed in order to achieve the requirements of subsection (1) of this section.

(4) Upon request, the department shall be provided with all available information related to the design, construction, and materials used to protect the ditch as described in subsection (2) of this section.

[Statutory Authority: RCW 17.21.030 and chapter 34.05 RCW. 13-01-034, § 16-232-430, filed 12/11/12, effective 1/1/14.]

WAC 16-232-440 What are the restrictions on the use of pesticides containing chlorpyrifos or diazinon near source water? (1) All source water used for chemigation including, but not limited to, open reservoirs, ponds, or sumps must be protected from contact with chlorpyrifos or diazinon during an application unless the source water is demonstrated to have no hydraulic connection with drainage ditches or culverts.

(2) For the purpose of subsection (1) of this section, "hydraulic connection" means, water can flow between one source (either ground or surface water) to another source (either ground or surface water). Connection can be natural or manmade.

(3) For the purpose of subsection (1) of this section, "protected" means:

(a) Placement of a barrier or covering system over the source water in a manner that ensures spray from the nozzles do not contact the source water; or

(b) Design, placement, operation, and maintenance of irrigation sprayheads or nozzles in a manner that ensures spray from the nozzles does not contact the source water.

(4) Hydraulic connections will be determined as needed, by the department upon review of the source water system design.

[Statutory Authority: RCW 17.21.030 and chapter 34.05 RCW. 13-01-034, § 16-232-440, filed 12/11/12, effective 1/1/14.]

WAC 16-232-450 Can a variance to the requirements of this order be obtained in an emergency? (1) In the event of an emergency, as determined by the director, the department may issue permits for the use of chlorpyrifos or diazinon in the use restricted area in variation of any restrictions as defined in WAC 16-232-430 or 16-232-440. An emergency under this section may be declared if the director determines that the situation is:

(a) Urgent and unexpected; and

(b) The risk and amount of economic harm to the crop substantially outweighs the risk and amount of damage likely to occur to the environment if a variance permit is issued.

(2) Application for a permit may be made by e-mail to compliance@agr.wa.gov or by mail, fax, or in person to the Washington State Department of Agriculture, Pesticide Management Division, Natural Resources Building (NRB), Second Floor, 1111 Washington St. S.E., P.O. Box 42589, Olympia, WA 98504-2560, FAX: 360-902-2093. Permits will not be granted by telephone.

(3) The department may make on-site monitoring of the application a condition of any permit. A representative of the department may condition, deny, or revoke a permit at any time, if the representative determines that the situation at the application site creates an unreasonable risk. In determining whether the situation at the application site creates an unreasonable risk, the representative may consider all relevant factors such as temperature, tides, precipitation, application type, pesticide formulation and application equipment, ditch cover condition, endangered species restrictions, air inversions, time of day, burning restrictions, wind direction, wind velocity, topography, and type and condition of application equipment.

[Statutory Authority: RCW 17.21.030 and chapter 34.05 RCW. 13-01-034, § 16-232-450, filed 12/11/12, effective 1/1/14.]