

Chapter Ag 30

USE OF ATRAZINE

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Subchapter I — Definitions; General Restrictions

Ag 30.01 Definitions. The definitions in s. 94.67, Stats., apply to this chapter, as do the following definitions:

(1) "Atrazine" or "atrazine active ingredient" means the pesticide chemical 2-chloro-4-ethylamino-6-isopropylamino-1,3,5 triazine.

(2) "Atrazine product" means any pesticide containing the active ingredient atrazine as identified on the EPA registered label, either alone or in combination with other pesticides.

(3) "Atrazine management area" means a designated area within the state of Wisconsin in which specific restrictions on atrazine use are created under s. Ag 30.18.

(4) "Board" means the board of agriculture, trade and consumer protection.

(5) "Coarse soil" means a surface soil containing soil texture classes sand, loamy sand or sandy loam.

(6) "Department" means the Wisconsin department of agriculture, trade and consumer protection.

(7) "Enforcement standard" has the meaning specified in s. 160.01 (2), Stats.

(8) "Field moisture capacity" means the amount of water that can be held by soil, in the root zone of the crop being grown, against the force of gravity.

(9) "Flood plain" means a nearly level alluvial plain bordering a river and subject to flooding unless protected artificially.

(10) "Groundwater" has the meaning specified in s. Ag 161.01 (6).

(11) "Irrigation" has the meaning specified in s. Ag 29.01 (28).

(12) "Lower Wisconsin river valley" means the river terraces and flood plain on either side of the Wisconsin river, down stream of the state highway 60 bridge at Prairie du Sac and upstream of the state highway 61 bridge at Boscobel.

(13) "Mixer-loader" means a person who mixes pesticide in or transfers pesticide into nurse tanks or application equipment.

(14) "Official groundwater sample" has the meaning specified in s. Ag 161.01 (7).

(15) "Official groundwater test result" has the meaning specified in s. Ag 161.01 (8).

(16) "Preventive action limit" has the meaning specified in s. 160.01 (6), Stats.

(17) "Prohibition area" means an area in which application of any atrazine product is prohibited under subch. III.

(18) "Recharge zone" means the land area contributing recharge water to that portion of an aquifer supplying a well.

(19) "River terrace" means an old alluvial plain, ordinarily flat or undulating, bordering a river.

(20) "Root zone" means the mass of soil extending downward to the depth of the roots of the crop being grown.

(21) "Soil texture class" means the soil texture designations sand, loamy sand, sandy loam, loam, silt, silt loam, sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay and clay, as defined in *Soil Taxonomy, Agriculture Handbook No. 436, pages 469 to 472 (U.S. department of agriculture soil conservation service: 1975)*.

Note: A copy of relevant portions of *Soil Taxonomy, Agriculture Handbook No. 436* may be inspected at the central offices of the Department of Agriculture, Trade and Consumer Protection, the Secretary of State and the Revisor of Statutes. This volume is also commonly available in USDA Soil Conservation Service offices throughout the state.

The USDA Soil Conservation Service has prepared soil surveys for most Wisconsin counties. Atrazine users may refer to these surveys to determine the surface soil texture in areas where they wish to apply atrazine. Atrazine users may also use reliable sampling and testing methods to determine soil texture.

(22) "Surface soil" means the soil ordinarily moved in tillage, or its equivalent in uncultivated soil, ranging in depth from 4 to 10 inches.

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91.

Ag 30.05 General restrictions and requirements for use of atrazine. (1) PROHIBITION ON NON-CROP USES. Atrazine product may only be used on agricultural crops. For purposes of this chapter, agricultural crops include forestry crops and tree plantations. No atrazine product may be used on non-crop application sites such as railroad, power line and road rights of way and industrial sites.

(2) **TIMING OF APPLICATION.** No atrazine product may be applied to any site before April 15 or after July 31 in any year.

(3) **USE OF ATRAZINE WITH IRRIGATION.** The following restrictions apply to the use of atrazine product with irrigation:

(a) No person may apply atrazine product through an irrigation system.

(b) No person may apply irrigation water to any site to which atrazine product has been applied on or after April 1, 1991 for a 2-year period following the application of atrazine product, unless the application of Register, March, 1991, No. 423

irrigation water is conducted in accordance with an irrigation management program that does not cause the field moisture capacity in the root zone of the soil being irrigated to be exceeded.

(4) **USE AND MIXING-LOADING BY CERTIFIED APPLICATORS AND MIXER-LOADERS ONLY.** (a) Atrazine product may only be applied by a certified private applicator or by a person who is certified as a commercial applicator in the appropriate pesticide use category under s. Ag 29.16.

(b) Atrazine product may only be mixed or loaded by a certified private applicator or by a person who is certified as a commercial applicator or mixer-loader in the appropriate pesticide use category under s. Ag 29.16.

Note: Section Ag 29.151 prohibits mixing or loading of atrazine or other pesticides within 100 feet of any well or surface water unless the mixing or loading occurs over a spill containment pad that is constructed in compliance with the rule's specifications. Section Ag 29.15 (1) and (5) prohibit the disposal of atrazine or other pesticides, pesticide containers including empty containers, pesticide spray solutions and pesticide rinsates in a manner inconsistent with label directions.

(5) **RECORDKEEPING.** (a) Every person who applies atrazine product shall keep a record of every application of atrazine product. The record shall be completed on the day of application and include the following:

1. The name of the individual who applied the atrazine product.
2. The name and address of the person for whom the atrazine product was applied, if different from the person who applied the atrazine product.
3. The location of the site where the atrazine product was applied.
4. The date and time of the application.
5. The brand name of the atrazine product.
6. The name of the labeler of the atrazine product, or the federal environmental protection agency registration number (EPA Reg. No.) for the atrazine product.
7. The rate of application and size of the total area treated.
8. The location of the site, if other than the site of application, where the atrazine product was loaded into the application equipment or nurse tank.
9. A map of the field as required under s. Ag 30.10 (4) if the field is subdivided into smaller application sites and different amounts of atrazine product are applied to the different sites.

(b) Every record of an atrazine product application under par. (a) shall be retained for 3 years after the application date. The record shall, at the request of the department, be made available for inspection and copying by the department.

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91.

Ag 30.10 Maximum application rates. Except where further restricted under subchs. II and III, the amount of atrazine active ingredient applied to any application site may not exceed the maximum annual rate specified for that application site under this section.

(1) Except as provided under sub. (3), if at least one-fourth of the surface soil at the application site is a coarse soil, the maximum application rate is 1.0 lb. per acre per calendar year.

(2) Except as provided under sub. (3), if less than one-fourth of the surface soil at the application site is a coarse soil, the maximum application rate is 1.5 lbs. per acre per calendar year.

(3) An additional 0.5 lb. of atrazine active ingredient may be added to the maximum annual rate under sub. (1) or (2) if no atrazine product was applied to the application site during the previous calendar year.

TABLE 1. Maximum Atrazine Application Rates (Statewide)

		Maximum allowable application rate (lbs. of atrazine active ingredient per acre per year)	
		Atrazine product not used last year	Atrazine product used last year
Surface Soil Texture	Coarse	1.5 lbs.	1.0 lb.
	Medium/fine	2.0 lbs.	1.5 lbs.

Note: Some application sites may be subject to further restrictions under subch. II or III.

(4) An application site may be less than an entire field. If a field is subdivided into smaller application sites and different amounts of atrazine active ingredient are applied to the different sites because of differences in surface soil texture, the applicator shall retain a map for 3 years showing the boundaries of the application sites and the application rate used at each site. The applicator shall, at the request of the department, make this map available for inspection and copying by the department.

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91.

Subchapter II — Atrazine Management Areas

Ag 30.18 Creation of atrazine management areas. (1) **AUTHORITY; ANNUAL TIMETABLE.** In addition to any other restriction under this chapter or ch. Ag 161, the department may, by rule, restrict the use of atrazine product in designated atrazine management areas. Except in an emergency, rules creating or modifying atrazine management areas shall, by January 1 of each year be submitted to the appropriate standing committees of the legislature for review. The department shall present its initial recommendations regarding atrazine management areas to the board by April 15, 1991.

(2) **CRITERIA.** The department shall create an atrazine management area whenever it determines that supplementary atrazine use restrictions are appropriate in that area to prevent or minimize atrazine contamination of groundwater. The department may consider the following factors, among others, in determining whether to create atrazine management areas:

(a) The frequency of atrazine detections in reliable groundwater test samples taken from a geographically proximate area.

(b) The frequency of atrazine detections over the preventive action limit or over the enforcement standard in reliable groundwater samples taken from a geographically proximate area.

(c) The finding of an elevated mean or median concentration of atrazine in reliable groundwater samples taken from a geographically proximate area, as compared to statewide concentrations.

(d) Results of analysis of reliable groundwater samples from monitoring wells in areas with known atrazine use histories.

(e) The uniformity of hydrogeologic characteristics in a geographically proximate area.

(f) Research results indicating susceptibility of the groundwater to atrazine contamination in a geographically proximate area.

(g) Technical or economic factors which are specific to a geographically proximate area.

(3) ATRAZINE DETECTION; REQUIRED REPORT. (a) The department shall prepare a report and recommendation to the board if any of the following occur, and the department cannot determine that the contamination is from a source other than normal application to agricultural crops:

1. Any reliable groundwater test sample is at or above the enforcement standard for atrazine.

2. More than 1/3 of the reliable groundwater test samples, based on a minimum of 6 test samples, in a township are at or above the preventive action limit.

3. Any 2 reliable groundwater test samples taken less than 3 miles apart are at or above the preventive action limit.

(b) The report prepared by the department under this subsection shall contain all of the following:

1. The department's findings on the source of contamination, hydrogeology, groundwater susceptibility and other relevant subjects.

2. If the report is prepared in response to a detection of atrazine at or above the enforcement standard, a recommendation for an atrazine management area, including either or both of the following:

a. A recommendation for a prohibition against the use of atrazine product, subject to s. Ag. 161.08, and a delineation of the boundaries of the area subject to the prohibition, as provided under sub. (4).

b. A recommendation for restrictions other than a prohibition, a delineation of the boundaries of the area subject to the restrictions, as provided under sub. (4) and findings indicating why a prohibition is not necessary to achieve compliance with the enforcement standard.

3. If the report is prepared in response to detections of atrazine below the enforcement standard, any of the following:

a. A recommendation for an atrazine management area imposing a prohibition against the use of atrazine product, subject to s. Ag. 161.08, if no other remedial action would prevent the violation of the enforcement standard at a point of standards application, subject to s. 160.21

(4), Stats., and a delineation of boundaries of the area subject to the prohibition, as provided under sub. (4).

b. A recommendation for an atrazine management area imposing restrictions on the use of atrazine and a delineation of the boundaries of the area subject to the restrictions, as provided under sub. (4).

c. A recommendation for no action and findings indicating why no action is necessary to comply with ch. 160, Stats.

(c) The department shall submit the report required under this subsection to the board either as part of the department's recommendation for rules under sub. (1) or, in an emergency, as soon as the report is completed.

(d) Upon receiving the department's report under this subsection, the board shall consider the report and do any one of the following:

1. Approve the department's report and recommendations.

2. Modify or reject the department's report and recommendations. If, in the final draft rules, the board modifies or rejects the department's recommendation with respect to any atrazine management area, each rejection or modification shall be identified in the department's report to the legislature under s. 227.19 (2), Stats.

(4) DETERMINING BOUNDARIES. An atrazine management area may encompass land areas which, in the department's judgment, are susceptible to atrazine contamination of groundwater based on the factors identified under sub. (2). The boundaries of the atrazine management area shall be sufficient to minimize the concentration of atrazine in groundwater where technically and economically feasible or regain and maintain compliance with the preventive action limit, if technically or economically feasible, as provided in s. 160.23, Stats. Boundaries of atrazine management areas may include any of the following:

(a) Mapped boundaries between soil types or other hydrogeologic features.

(b) Groundwater or surface water divides such as watershed boundaries.

(c) Legal land description boundaries including political boundaries.

(d) Public roads.

(5) SCOPE OF RESTRICTIONS. The department may impose any of the following restrictions in an atrazine management area:

(a) Prohibitions against the use of atrazine product, subject to s. Ag 161.08.

(b) Limitations on the purpose for which atrazine product may be used, including limitation on the crops and target pests for which atrazine product may be used.

(c) Limitations on the rate at which atrazine product may be applied.

(d) Limitations on the time or frequency of atrazine product use.

(e) Limitations on the method of atrazine product use.

(f) Reporting or permit requirements applicable to the use of atrazine product.

(6) **ATRAZINE MANAGEMENT PLAN.** For each atrazine management area established under this subchapter, the department shall also establish an atrazine management plan. The atrazine management plan shall include all of the area in the atrazine management area, and any additional area determined by the department as necessary to achieve the purposes of the atrazine management area. The atrazine management plan shall contain:

(a) A delineation of the boundaries of the area subject to the plan.

(b) A groundwater monitoring program.

(c) An information and education program.

(d) A schedule for review of the effectiveness of the prohibitions and restrictions in the atrazine management area.

(e) Any other provisions deemed appropriate by the department.

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91.

Ag 30.20 The lower Wisconsin river valley atrazine management area. An atrazine management area is created to encompass the lower Wisconsin river valley. Atrazine applications in the lower Wisconsin river valley are subject to the following restrictions:

(1) **MAXIMUM APPLICATION RATES.** No person may apply more than 0.75 pounds of atrazine active ingredient per acre per year to any site in the lower Wisconsin river valley with a surface soil texture class of sand or loamy sand. The maximum application rate allowed under s. Ag 30.10 does not apply to these sites.

(2) **IRRIGATION ON SITES TREATED WITH ATRAZINE.** If, after April 1, 1991, an atrazine product is applied to any site in the lower Wisconsin river valley with a surface soil texture class of sand or loamy sand, no irrigation water may be applied to that site for a period of 2 years after the atrazine product is applied. This prohibition applies, notwithstanding s. Ag 30.05 (3) (b).

(3) **DETERMINING SOIL TEXTURE CLASS.** For purposes of this section, an application site in the lower Wisconsin river valley is deemed to have a soil texture class of sand or loamy sand if at least 25% of the surface soil consists of sand or loamy sand.

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91.

Subchapter III — Prohibition Areas

Ag 30.25 Creating prohibition areas. The department may prohibit use of atrazine products in any manner authorized under ss. 94.67 to 94.71, Stats., or under ch. 160, Stats., including the following:

(1) **SITE-SPECIFIC PROHIBITIONS.** The department may prohibit the use of atrazine products on a site-specific basis under ss. Ag 161.07 and 161.08 (1) and (2).

(2) **STATEWIDE OR REGIONAL PROHIBITIONS.** The department may prohibit the use of atrazine products on a statewide or regional basis under s. Ag 161.08 (3).

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91.

Ag 30.30 Prohibition areas; lower Wisconsin river valley. No person may apply any atrazine product in any of the following areas, which are recharge zones for wells in the lower Wisconsin river valley in which atrazine has been found at concentrations exceeding the enforcement standard under s. NR 140.10:

(1) (a) Contaminated well site: Township 8N-Range 4E, Section 16, SW quarter-quarter section of SE quarter.

(b) Well site recharge zone:

Township 8N-Range 4E

Section 15

NW quarter-quarter section of SW quarter
SW quarter-quarter section of SW quarter

Section 16

NW quarter-quarter section of SE quarter
NE quarter-quarter section of SE quarter
SW quarter-quarter section of SE quarter
SE quarter-quarter section of SE quarter

Section 21

NW quarter-quarter section of NE quarter
NE quarter-quarter section of NE quarter

Section 22

NW quarter-quarter section of NW quarter

(2) (a) Contaminated well site: Township 8N-Range 2E, Section 1, SW quarter-quarter section of SW quarter.

(b) Well site recharge zone:

Township 8N-Range 2E

Section 1

SW quarter-quarter section of NW quarter
SE quarter-quarter section of NW quarter
SW quarter-quarter section of NE quarter
NW quarter-quarter section of SW quarter
NE quarter-quarter section of SW quarter
SW quarter-quarter section of SW quarter
SE quarter-quarter section of SW quarter
NW quarter-quarter section of SE quarter
SW quarter-quarter section of SE quarter

(3) (a) Contaminated well site: Township 8N-Range 2E, Section 1, SE quarter-quarter section of NE quarter.

(b) Well site recharge zone:

Township 8N-Range 2E

Section 1

NE quarter-quarter section of NE quarter
SE quarter-quarter section of NE quarter

Township 8N-Range 3E
Section 6

NW quarter-quarter section of NW quarter
NE quarter-quarter section of NW quarter
SW quarter-quarter section of NW quarter
SE quarter-quarter section of NW quarter

Township 9N-Range 2E
Section 36

SE quarter-quarter section of SE quarter

Township 9N-Range 3E
Section 31

SW quarter-quarter section of SW quarter
SE quarter-quarter section of SW quarter

(4) (a) Contaminated well site: Township 8N-Range 2E, Section 1, NE quarter-quarter section of SE quarter.

(b) Well site recharge zone:

Township 8N-Range 2E
Section 1

NE quarter-quarter section of NE quarter
SE quarter-quarter section of NE quarter
NE quarter-quarter section of SE quarter

Township 8N-Range 3E
Section 6

NW quarter-quarter section of NW quarter
NE quarter-quarter section of NW quarter
SW quarter-quarter section of NW quarter
SE quarter-quarter section of NW quarter
NW quarter-quarter section of SW quarter
NE quarter-quarter section of SW quarter

(5) (a) Contaminated well site: Township 8N-Range 2E, Section 1, SE quarter-quarter section of SE quarter.

(b) Well site recharge zone:

Township 8N-Range 2E
Section 1

SE quarter-quarter section of NE quarter
NE quarter-quarter section of SE quarter
SE quarter-quarter section of SE quarter

Township 8N-Range 3E
Section 6

SW quarter-quarter section of NW quarter
SE quarter-quarter section of NW quarter
NW quarter-quarter section of SW quarter
NE quarter-quarter section of SW quarter
SW quarter-quarter section of SW quarter
SE quarter-quarter section of SW quarter

(6) (a) Contaminated well site: Township 8N-Range 4E, Section 1, NE quarter-quarter section of NW quarter.

(b) Well site recharge zone:

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Township 8N-Range 4E

Section 1

NE quarter-quarter section of NW quarter
NW quarter-quarter section of NE quarter
NE quarter-quarter section of NE quarter

Section 36

SE quarter-quarter section of SW quarter
NW quarter-quarter section of SE quarter
NE quarter-quarter section of SE quarter
SW quarter-quarter section of SE quarter
SE quarter-quarter section of SE quarter

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91.

Ag 30.35 Research exemption. Notwithstanding any provision of this chapter, the department may issue a written permit authorizing the use of atrazine for bona fide research purposes. An applicant for a research permit shall apply to the department in writing. The application shall describe the proposed research, and the amounts and locations of proposed atrazine applications. The department may require an applicant to file other information which the department considers necessary for its review of the application.

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91.

Ag 30.40 Review of provisions. Five years from April 1, 1991, the department shall provide a report to the board evaluating the provisions of this chapter and the need for modifications. The evaluation shall be based on groundwater and related data available to the department. Subject to the availability of funds, the evaluation shall include the results of 2 statistically designed surveys of atrazine in Wisconsin groundwater conducted 2 and 4 years after April 1, 1991. The department shall provide the board with an interim report on each groundwater survey when that survey is completed.

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91.