

Report to
Legislative Council Rules Clearinghouse
NR 140.10, Wis. Adm. Code
Natural Resources Board Order No. DG-18-07

Wisconsin Statutory Authority

ch. 160 and ss. 281.12(1), 281.15 and 281.19(1), Stats., interpreting ss. ch. 160 and ss. 281.12(1), 281.15, 281.19(1) and 299.11, Stats.

Federal Authority

N/A

Court Decisions Directly Relevant

None

Analysis of the Rule - Rule Effect - Reason for the Rule

Amendments are proposed to s. NR 140.10 to establish state public health groundwater quality standards for Alachlor ethane sulfonic acid (Alachlor-ESA). Alachlor-ESA is a degradation product of the herbicide Alachlor that has been found extensively in Wisconsin groundwater. In accordance with ch. 160, Stats., the Department is required to propose rules establishing the recommendations from the Department of Health and Family Services as groundwater quality standards in ch. NR 140.

The last DNR ch. NR 140 rulemaking effort, completed in 2006, originally included groundwater quality standards for Alachlor-ESA. These standards were developed by the Department of Health and Family Services, in accordance with the procedures specified in ch. 160, Stats., and the Natural Resources Board unanimously approved their adoption on three occasions. During Legislative review of the proposed rule, however, objections were raised to the proposed Alachlor-ESA standards and the statutory time limit for completing rulemaking on those standards expired. These proposed amendments to s. NR 140.10 begin again the process for establishing state groundwater quality standards for Alachlor-ESA.

Agency Procedures for Promulgation

Public hearings, Natural Resources Board final adoption, followed by legislative review.

Description of any Forms (attach copies if available)

None

Name and Telephone Number of Agency Contacts

Bill Phelps, Bureau of Drinking Water and Groundwater – 267-7619
Michael Scott, Bureau of Legal Services – 266-7527
Carol Turner, Bureau of Legal Services - 266-1959

Submitted on April 12, 2007