

Clearinghouse Rule 99-117

STATE OF WISCONSIN)
) ss.
DEPARTMENT OF AGRICULTURE,)
TRADE AND CONSUMER PROTECTION)

Clearinghouse Rule
No. 99-117

CERTIFICATION:

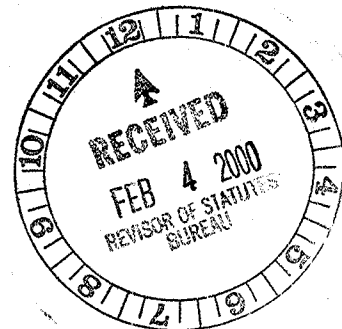
I, Ben Brancel, Secretary of the State of Wisconsin Department of Agriculture, Trade and Consumer Protection, and custodian of the department's official records, hereby certify that the attached rulemaking order relating to groundwater protection was signed and adopted by the department on February 4, 2000.

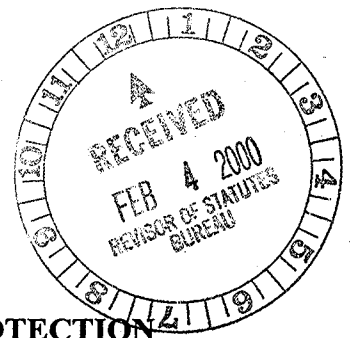
I further certify that I have compared the attached copy to the original on file in the department, and that the attached copy is a complete and accurate copy of the original.

Signed and sealed this 4th day of February, 2000.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By Ben Brancel
Ben Brancel, Secretary





**ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION
ADOPTING, AMENDING OR REPEALING RULES**

- 1 The state of Wisconsin department of agriculture, trade and consumer protection adopts the
2 following order to repeal and recreate ATCP 30.24(5)(b) and (c) and portions of ATCP 30
3 Appendix A; and to create ATCP 30.24(5)(d) and portions of ATCP 30 Appendix A; relating to
4 pesticide product restrictions.

**Analysis Prepared by the Department of
Agriculture, Trade and Consumer Protection**

Statutory authority: ss. 93.07(1), 94.69(1), 160.19(2), and
160.21(1), Stats.

Statutes interpreted: ss. 94.69, 160.19(2) and 160.21(1),
Stats.

In order to protect Wisconsin groundwater, current rules under ch. ATCP 30, Wis. Adm. Code, restrict the statewide rate at which atrazine pesticides may be applied. Current rules also prohibit the use of atrazine in areas where groundwater contamination levels attain or exceed state enforcement standards. Based on new groundwater test data, this rule expands the number of areas in which atrazine use is prohibited.

This rule also corrects an outdated statutory reference in current rules related to the pesticide aldicarb. This is merely a technical change which does not alter current law.

Atrazine Prohibition Areas

Current rules prohibit the use of atrazine where atrazine contamination of groundwater equals or exceeds the current groundwater enforcement standard under ch. NR 140, Wis. Adm. Code. Current rules prohibit atrazine use in 101 designated areas, including major prohibition areas in the lower Wisconsin river valley and much of Dane and Columbia counties.

This rule enlarges one current prohibition area, and creates 2 new prohibition areas. This will result in a new total of 103 prohibition areas throughout the state. This rule includes maps describing each of the new and expanded prohibition areas.

Within every prohibition area, atrazine applications are prohibited. Atrazine mixing and loading operations are also prohibited unless conducted over a spill containment surface which complies with ss. ATCP 29.45, Wis. Adm. Code.

Technical Correction; Aldicarb Rule

This rule corrects an outdated statutory reference in the department's current aldicarb rule. Currently, under s. ATCP 30.24(5)(b), Wis. Adm. Code, the department may grant an exemption from an aldicarb use prohibition if certain conditions are met. The current rule identifies those conditions by reference to a statute which has since been repealed. This rule eliminates the outdated statutory reference, and identifies the conditions in the rule itself. This rule does not change the substance of the current rule.

1 **SECTION 1.** The cover page of ATCP 30 Appendix A is repealed and recreated in the
2 form attached.

3 **SECTION 2.** Prohibition area map numbered 95-01-01, contained in ATCP 30
4 Appendix A, is repealed.

5 **SECTION 3.** The attached prohibition area maps, numbered
6 00-01-01, 00-50-01, and 00-56-01 are created in ATCP 30 Appendix A.

7 **SECTION 4.** ATCP 30.24(5)(b) and (c) are repealed and recreated to read:

8 ATCP 30.24(5)(b) A person prohibited from using aldicarb under par. (a)1. may request
9 an exemption from the prohibition. Except as provided in par. (d), the department may not grant
10 an exemption unless the department finds all the following:

1 1. That the concentration of aldicarb at each point of standards application used in
2 determining the need for the prohibition has been below the enforcement standard for at least 2
3 years in a stable or declining pattern.

4 2. That, to a reasonable certainty, by the greater weight of the credible evidence,
5 application of pesticides containing aldicarb in the prohibition area will not result in
6 noncompliance with the enforcement standard at any point of standards application used in
7 determining the need for the prohibition. In making this determination, the department shall
8 consider whether the prohibition was based in whole or in part on the use of pesticides containing
9 aldicarb prior to April 1, 1983.

10 (c) The department may require a person requesting an exemption under par. (b) to
11 submit proof that the exemption requirements under par. (b) are met. The division administrator
12 or the administrator's designee shall issue the exemption, if any, in writing. Every exemption
13 shall contain a specific statement of facts and conclusions which form the basis for the
14 exemption. An exemption under par. (b) does not constitute an exemption from any other
15 provision of this section.

16 **SECTION 5.** ATCP 30.24(5)(d) is created to read:

17 ATCP 30.24(5)(d) Notwithstanding par. (a), the department may authorize the controlled
18 application of aldicarb to a limited portion of a prohibition area for research purposes approved
19 by the department. The division administrator or the administrator's designee shall issue the
20 authorization in writing, and shall describe the scope and basis of the authorization.

1 **EFFECTIVE DATE.** The rules contained in this order shall take effect on the first day
2 of the month following publication in the Wisconsin administrative register, as provided under s.
3 227.22(2)(intro.), Stats.

4

Dated this 4 day of Feb, 2000

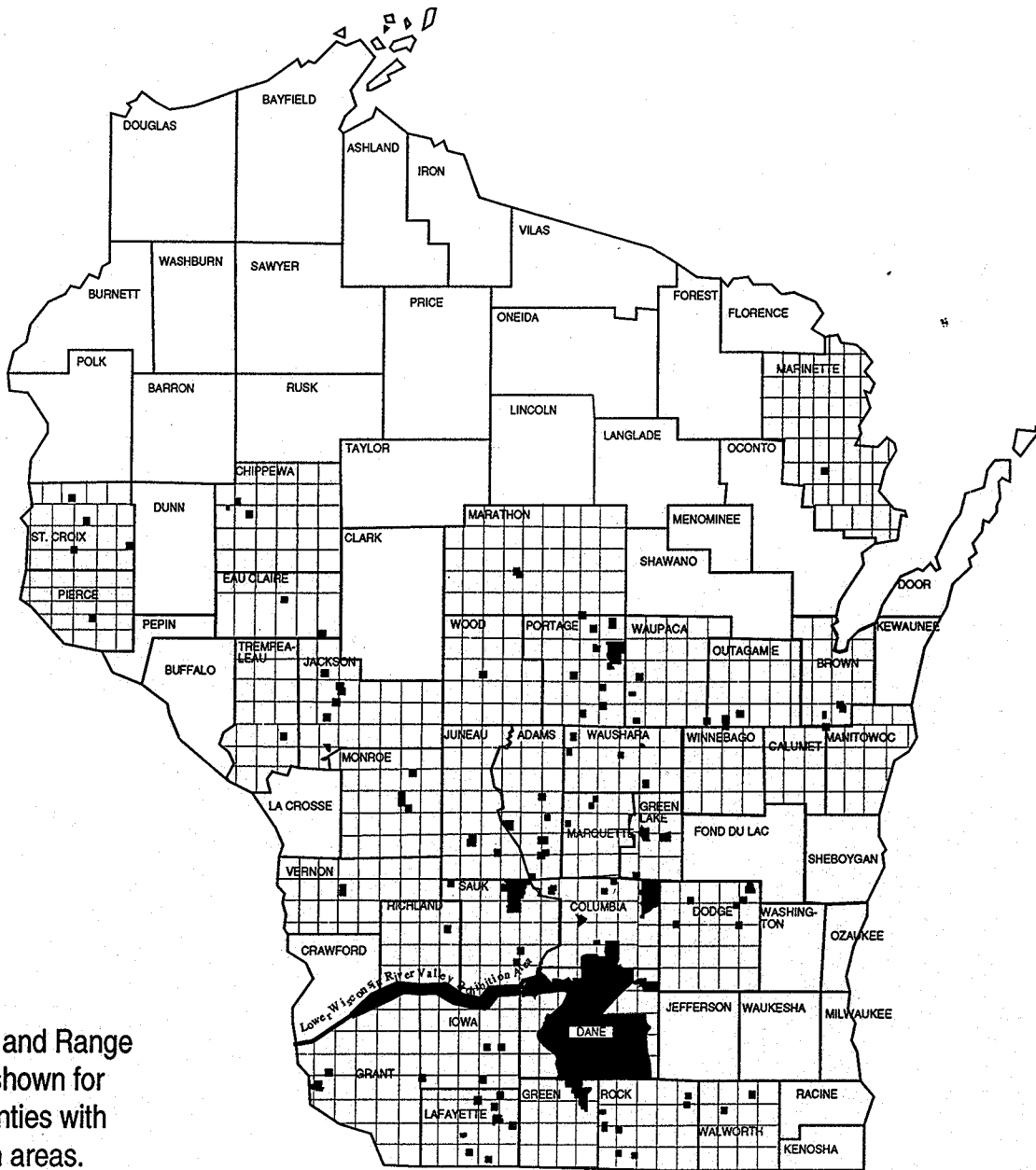
STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By Ben Brancel
Ben Brancel, Secretary

Chapter ATCP 30

Appendix A

Atrazine Prohibition Areas



Township and Range lines are shown for those counties with prohibition areas.

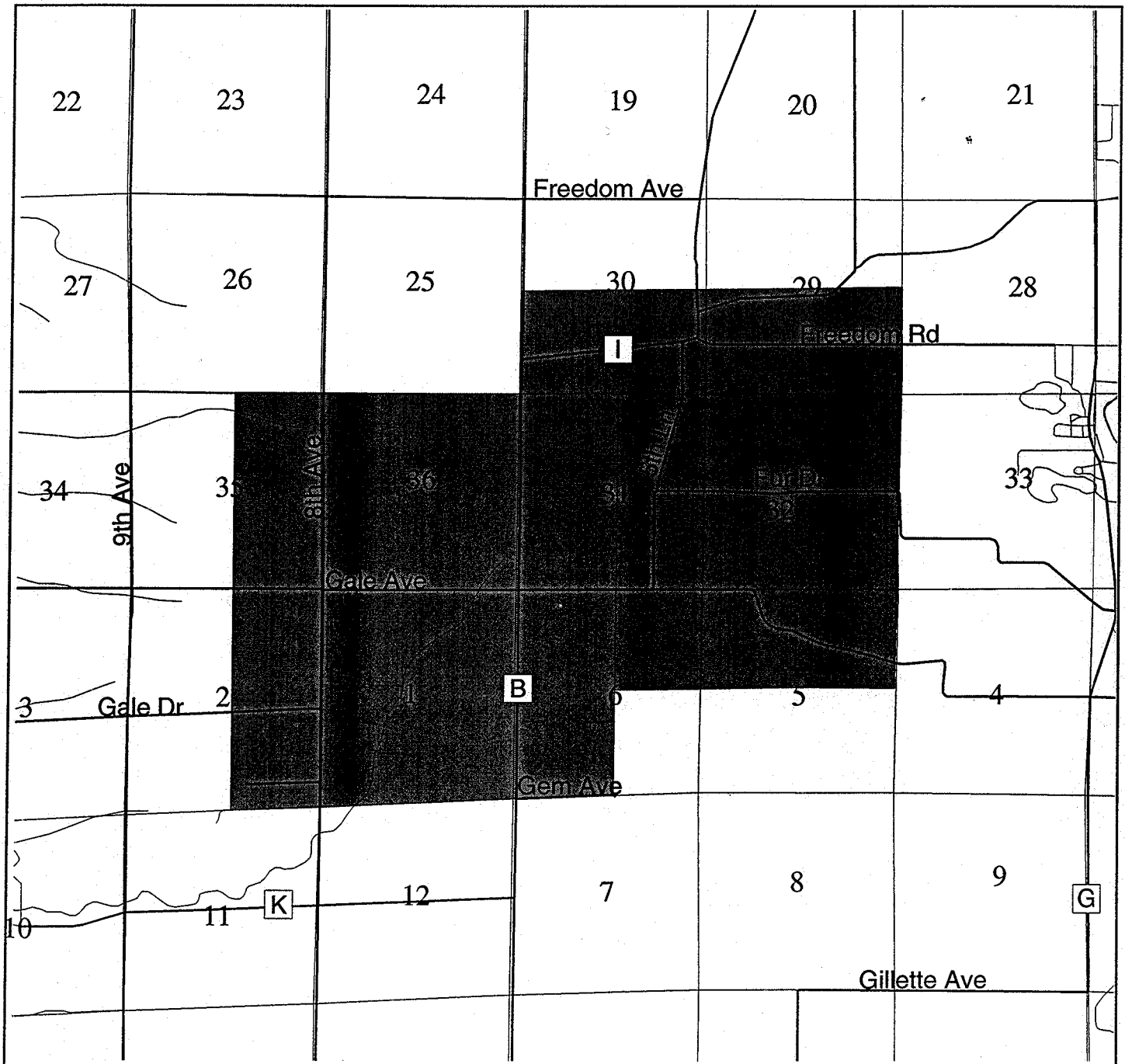
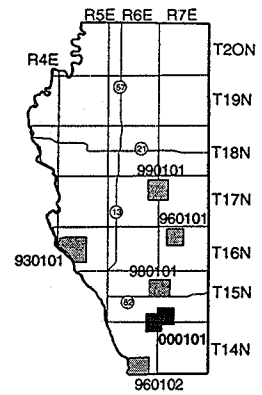
Refer to the detailed map of each prohibition area for its exact boundaries.

Adams County, Towns of Dell Prairie, Jackson, New Haven & Springville

T14-15N R6-7E PA 00-01-01*

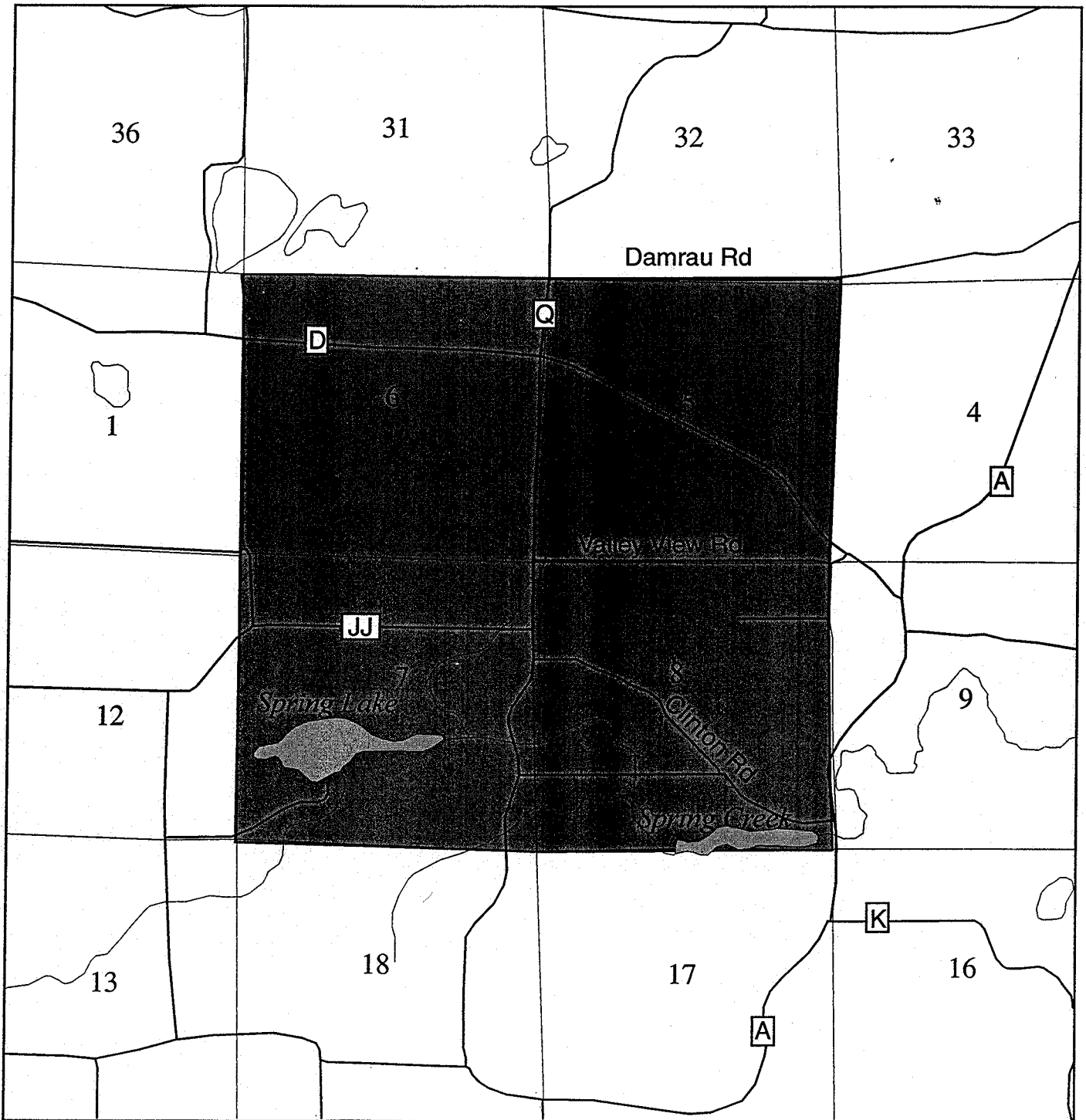
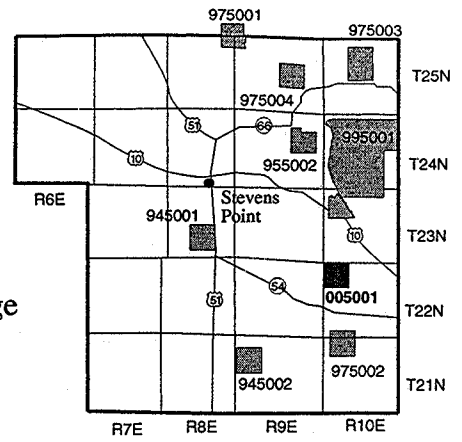
All uses of atrazine are prohibited on lands within the shaded regions.
There are six prohibition areas in Adams County. Refer to each map
for specific locations.

***Note:** This PA is an expansion of PA 95-01-01.



Portage County Town of Lanark T22N R10E PA 00-50-01

All uses of atrazine are prohibited on lands within the shaded regions. There are nine prohibition areas in Portage County. Refer to each map for specific locations.



St. Croix County

Towns of Hammond, Kinnickinnic, Pleasant Valley & Warren

T28-29N R17-18W PA 00-56-01

All uses of atrazine are prohibited on lands within the shaded regions. There are four prohibition areas in St. Croix County. Refer to each map for specific locations.

