

CR 87-142

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

File Ref:

RECEIVED

MAR 4 1988

8:45 am  
Revisor of Statutes  
Bureau

STATE OF WISCONSIN )  
DEPARTMENT OF NATURAL RESOURCES )

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. TS-34-87 was duly approved and adopted by this Department on December 17, 1987. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have here-  
unto set my hand and affixed the  
official seal of the Department at  
the Natural Resources Building in  
the City of Madison, this 13<sup>th</sup>  
day of March, 1988.

*Bruce B. Braun*  
Bruce B. Braun, Deputy Secretary

(SEAL)

6-1-88

ORDER OF THE STATE OF WISCONSIN  
NATURAL RESOURCES BOARD CREATING RULES

.....  
IN THE MATTER of creating .  
ss. NR 80.01(4)(o) and 80.03(13) . TS-34-87  
of the Wisconsin Administrative .  
Code pertaining to the use .  
of tributyl tin compounds. .  
.....

Analysis Prepared by the Department of Natural Resources

Authorizing statute: ss. 29.29(4) and 227.11(2)(a), Stats.

Statutes interpreted: s. 29.29(4), Stats.

This statute authorizes the Department to govern the use of any pesticide that is a serious hazard to wild animals other than those it is intended to control. Regulatory specifics have been established in ch. NR 80. The administrative code includes a list of limited use pesticides defined as "a pesticide which under certain conditions or usages constitutes a serious hazard to wild animals other than those it is intended to control." There is sufficient information to warrant inclusion of tributyltin compounds on the list. Their usage in certain boat hull paints as an antifouling agent has proven to kill nontarget wild animals under certain conditions.

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SECTION 1. NR 80.01(4)(o) is created to read:

NR 80.01(4)(o) Tributyltin compounds/organotin derivatives.

SECTION 2. NR 80.03(13) is created to read:

NR 80.03(13) Usage of tributyltin compounds/organotin derivatives that strictly adheres to label directions is exempt from the provisions of this chapter if:

(a) Usage does not involve addition to waters of the state or to structures in contact with waters of the state, or

(b) Usage in an antifoulant paint will result in a short term cumulative release of no more than 168 micrograms organotin per square centimeter for the

first 14 days or an average daily release rate of no more than 4 micrograms organotin per square centimeter per day; and the antifoulant paint is used on a boat at least 65 feet in length or on a boat, boat part, or boat accessory made of aluminum.

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The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on December 17, 1987.

The rules contained herein shall take effect on the first day of the sixth month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2) (intro.), Stats.

Dated at Madison, Wisconsin

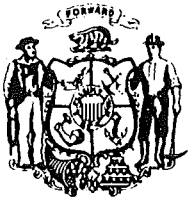
March 1, 1988

STATE OF WISCONSIN DEPARTMENT  
OF NATURAL RESOURCES

By Carroll D. Besadny  
Carroll D. Besadny  
Secretary

(SEAL)

8523A/3-1-88



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

March 1, 1988

File Ref: 1020

RECEIVED

MAR 4 1988

Revisor of Statutes  
Bureau

Mr. Orlan L. Prestegard  
Revisor of Statutes  
Suite 702  
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. TS-34-87. These rules were reviewed by the Assembly Committee on Natural Resources and the Senate Committee on Urban Affairs, Energy, Environmental Resources and Elections pursuant to s. 227.19, Stats. A summary of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

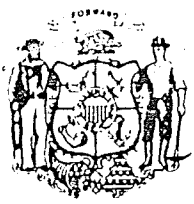
You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

A handwritten signature in cursive script, appearing to read "C. D. Besadny".

C. D. Besadny  
Secretary

Enc.



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny  
Secretary

BOX 7921  
MADISON, WISCONSIN 53707

January 29, 1988

IN REPLY REFER TO: 8300

The Honorable Donald Hanaway  
Attorney General of Wisconsin  
CAPITOL

Mr. Orlan L. Prestegard  
Revisor of Statutes  
411 West  
CAPITOL

Dear Gentlemen:

Pursuant to section 227.21, Wisconsin Statutes, your consent is hereby requested for incorporation by reference into administrative rules of various standards and procedures established by technical societies and organizations of recognized national standing, including an agency of the federal government (U.S. Environmental Protection Agency). The materials for which incorporation by reference is requested (copies enclosed) involve rules which are of limited public interest and the materials are readily available in published form. If this request is not approved, the cost of reproducing these materials in the administrative rules would be great and would constitute an unwarranted expense.

The rules affected by this request are contained in Natural Resources Board Order AM-42-87 (copy enclosed) and consist of revisions to chapters NR 400, 405, 406 and 410, Wisconsin Administrative Code, the rules revise the air pollution control permit fees and the indirect source permit requirements. The rules also make clarifying changes in chs. NR 400, 405, and 406, Wis. Adm. Code.

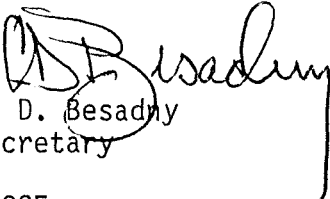
One of the items for which incorporation by reference is being sought includes standard methods and procedures which professional engineers and technicians must use to undertake air quality modeling of air contaminant sources which are subject to prevention of significant deterioration requirements. This document is titled "Guidelines on Air Quality Models (Revised)" OAQPS 1.2-080, U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711, July, 1986.

The other item to be incorporated by reference contains federal classifications identifying metropolitan counties. This document is titled "Federal Information Processing Standards Publication 8-5," 1984 October 31, Metropolitan Statistical Areas (including CMSAs, PMSAs, and NECMAs), U.S. Department of Commerce, National Bureau of Standards.

Section NR 405.10(6), Wis. Adm. Code incorporates the methods used and procedures referenced in section NR 405.10(1). A note after section NR 406.02(3), Wis. Adm. Code states how the incorporated materials may be obtained and that the material is on file at the offices of this Department, the Secretary of State, and the revisor of statutes in Madison.

If the proposed incorporation by reference meets with your approval, please so note at the end of this letter and return it along with the enclosure to this Department. Your cooperation in this matter is appreciated. Any questions should be directed to Marcia Penner of our Bureau of Legal Services at 266-2132 or Dan Johnston of our Bureau of Air Management at 267-9500

Sincerely,

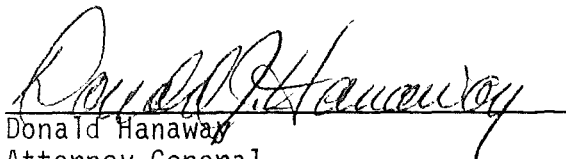
  
C. D. Besadny  
Secretary

1782E

Enclosure


cc: Marcia Penner - LC/5  
Dan Johnston - AM/3

APPROVED:

  
Donald Hanaway  
Attorney General

3-10-88  
Date

APPROVED:

  
Orfan L. Prestegard  
Revisor of Statutes

3-10-88  
Date