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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Joint

(Assembly, Senate or Joint)

Committee for Review of Administrative Rules ...

COMMITTEE NOTICES ...

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INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
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- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (June 2012)



State of Wisconsin
Jim Doyle, Governor

Senator Jim Holperin
JCRAR Co-Chair
409 South, State Capitol

3

Department of Agriculture, Trade and Consumer Protection
Rod Nilsestuen, Secretary

PUBLIC NOTICE

FINAL DRAFT RULE TO LEGISLATURE

The Department of Agriculture, Trade and Consumer Protection announces that it is submitting the following rule for legislative committee review, pursuant to s. 227.19, Stats.:

CLEARINGHOUSE RULE #: **08-075**

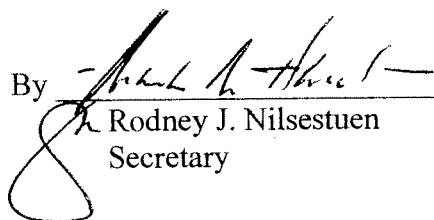
SUBJECT: **Minor and Technical Rule Changes**

ADM. CODE REFERENCE: **ATCP 3, 10, 12, 21, 29, 30, 31, 33, 40, 42, 50, 51, 55, 57, 60, 70, 75, 90, 92, 103, 118, 123, 124, 136, and 160.**

DATCP DOCKET #: **06-R-13**

Dated this 8th day of January, 2009.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND
CONSUMER PROTECTION

By 
Rodney J. Nilsestuen
Secretary

Agriculture generates \$51.5 billion for Wisconsin



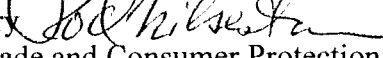
State of Wisconsin
Jim Doyle, Governor

Department of Agriculture, Trade and Consumer Protection
Rod Nilsestuen, Secretary

DATE: January 7, 2009

TO: The Honorable Russ Decker
President, Wisconsin State Senate
Room 211 South, State Capitol
PO Box 7882
Madison, WI 53707-7882

The Honorable Mike Sheridan
Speaker, Wisconsin State Assembly
Room 211 West, State Capitol
PO Box 8952
Madison, WI 53708-8952

FROM: Rodney J. Nilsestuen, Secretary 
Department of Agriculture, Trade and Consumer Protection

SUBJECT: Minor and Technical Rule Changes
(Clearinghouse Rule #08-075)

The Department of Agriculture, Trade and Consumer Protection ("DATCP") is transmitting this rule for legislative committee review, as provided in s. 227.19(2) and (3), Stats. DATCP will publish notice of this referral in the Wisconsin Administrative Register, as provided in s. 227.19(2), Stats.

Background

The Department of Agriculture, Trade and Consumer Protection (DATCP) administers almost 90 rule chapters, covering a wide variety of different subjects. From time to time, DATCP does routine "housekeeping" amendments to update and correct current rules. This rule makes non-substantive and minor substantive changes to a number of current DATCP rules.

Rule Contents

This rule does all of the following:

Electronic Processing of License Applications; Cost Recovery

- Authorizes DATCP to assess a \$3 fee for electronic licensing transactions (in addition to other license fees), to cover DATCP's electronic licensing costs. Electronic processing, if offered, is offered as a voluntary option for license applicants.

Agriculture generates \$51.5 billion for Wisconsin

Agricultural Chemical Cleanup Program; Surcharge Adjustment

- Reduces current agricultural chemical cleanup program surcharges paid by pesticide and fertilizer license holders, consistent with 2007 Wisconsin Act 20 (biennial budget act). DATCP has already implemented the reduced statutory surcharges (this rule merely conforms current rules to the new statutory amounts).

Atrazine Use Regulations

- Revises the format of current maps showing some of the land areas where application of atrazine pesticides is currently prohibited by rule (this rule does not change the actual prohibition areas).
- Restores a provision inadvertently deleted from the atrazine rule in a prior rulemaking proceeding, when the rule was modified for other reasons. The restored provision allows farmers (outside prohibition areas) to apply an additional 0.5 lbs. of atrazine per acre on medium- or fine-textured soils (up to 1.5 lbs. per acre rather than 1.0 lb. per acre) if no atrazine was applied in the preceding year. The restored provision is consistent with the way that DATCP has always administered the atrazine rule, so there will be no change in actual use practices.

Pesticide Manufacturers and Labelers Fees

- Clarifies a current rule prohibiting refunds of pesticide license fees does not prohibit certain reimbursements that are authorized by statute and paid as credits against the next year's license fees.

Land and Water Conservation Program

- Updates technical standards incorporated by reference in current land and water conservation rules (ATCP 50). This rule does not substantially alter current standards or requirements.
- Gives DATCP more latitude to extend land and water conservation funding for county cost-share contracts with landowners that were signed, but not completed, during the preceding year (extends signing deadline from December 1 to December 31).
- Extends the current mid-year deadline for counties to file cost-share reimbursement requests with DATCP (from June 1 to July 1).
- Updates current standards for the certification of agricultural engineering practitioners under the land and water conservation program, consistent with current standards published by the united states department of agriculture, natural resource conservation service ("NRCS").

- Updates current standards used by certified soil testing laboratories under the land and water conservation program, consistent with updated standards published by the university of Wisconsin-extension and university of Wisconsin-Madison.

Meat Inspection

- Corrects erroneous cross-references to federal meat inspection regulations in state meat inspection rules.

Bio-Diesel Plants

- Clarifies that a bio-diesel plant is not required to hold a grease processor license, provided that the plant does not produce grease or other products for human or animal consumption.

Dairy Inspection

- Changes, from 7 days to 14 days, the time period within which dairy plants must report high somatic cell counts in goat milk and take follow-up samples related to high bacterial counts.

Weights and Measures

- Updates technical standards incorporated by reference in current packaging and labeling and weights and measures rules (ATCP 90 & 92), including the latest standards published by the National Institute of Standards and Technology.

Car Rental Notices

- Incorporates statutory provisions requiring car rental companies to notify prospective renters if the rental company may charge the renter's credit card for forfeitures and other costs incurred but not paid by the renter for nonmoving traffic violations (parking tickets).

Fair Premium Aids

- Authorizes DATCP to pay county and district fair premium aids based on total county and district fair premiums paid (current rule requires payment based on total premiums less entry fees).

Other Technical Changes

- Modifies current *notes* to reflect the fact that rules and related documents are now filed with the legislative reference bureau, not the revisor of statutes or secretary of state (the revisor of statutes office was eliminated by 2007 Wis. Act 20).

- Corrects minor errors in current rules.
- Makes minor organizational, drafting and terminology changes.

Public Hearings

DATCP held one public hearing on this rule, on August 26, 2008 in Madison, and accepted written comments until September 6, 2008. Two people attended the hearing, with one person supporting and one person opposing a proposed rule provision related to mobile home parks. Five people submitted written comments.

Changes from Hearing Draft

Following the public hearing, DATCP made the following changes to the draft rule:

- Updated technical standards incorporated by reference into ATCP 50 (changes since the hearing draft).
- Updated weights and measures standards, published by NIST, to include the 2009 edition of NIST Handbooks 44 and 130.
- Clarified that a bio-diesel plant is not required to hold a grease processor license, provided that the plant does not produce grease or other products for human or animal consumption.
- Clarified that a current rule prohibiting refunds of pesticide license fees does not prohibit certain reimbursements that are authorized by statute and paid as credits against the next year's license fees.
- Withdrew a proposed rule amendment related to mobile home parks, because of the controversy surrounding the proposed rule amendment. DATCP was unable to resolve the controversy, despite considerable effort, and ultimately concluded that the controversial rule amendment was not suitable for inclusion in a non-controversial technical rule package.
- Made minor editorial changes suggested by the Legislative Council Rules Clearinghouse.
- Made other non-substantive edits.

Response to Rules Clearinghouse Comments

DATCP modified the final draft rule to address all of the comments from the Legislative Council Rules Clearinghouse.

Fiscal Impact

This rule will have no significant fiscal impact on the department or local units of government.

- This rule will allow the department to charge license applicants an additional \$3 for electronic processing of licenses, if applicants choose that option. However, that option is not currently available except on a few simple licenses.

- This rule adjusts current agricultural chemical cleanup program surcharges paid by fertilizer and pesticide license holders to conform to the new (lower) amounts specified by statute. However, DATCP has already implemented the new amounts, so this rule will not change the surcharge amounts currently being paid.
- This rule will not have a substantial impact on DATCP administrative or operating costs.

Business Impact

This rule will not have any significant impact on small business or other business. This rule makes minor and technical “housekeeping” changes that will not have a significant impact on business standards, costs or operations.

Environmental Impact

This “housekeeping” rule will have no significant environmental impact.

Federal and Surrounding State Programs

Federal Programs

Some of the rules affected by this rule are based on federal regulations or standards including:

- Soil and water conservation standards published by NRCS.
- Regulations under the federal meat inspection program. State standards must be at least “equal to” the federal standards.
- Dairy standards under the Interstate Pasteurized Milk Ordinance (PMO)
- Weights and measures standards issued by the national institute of standards and technology.

This rule is consistent with relevant federal regulations and standards.

Surrounding States

Surrounding states have programs similar to some of the programs affected by this rule, including cooperative state-federal programs related to soil and water conservation, meat inspection, dairy regulation, and weights and measures regulation. Current Wisconsin programs in these areas are substantially equivalent to programs in surrounding states. This rule does not have a significant impact on programs in this state or other states, or create any significant disparity between this state and other states.

**Summary of Public Hearing Testimony on Proposed
Amendments to ATCP _____ - Minor and Technical Rule Changes**

Public Hearing held on August 26, 2008 in Madison, WI

Persons attending

Ross Kinzler, WI Housing Alliance, spoke and registered in support of the rule section on mobile home parks.

Kristen Zehner, Wisconsin Manufactured Homeowners Association, Inc., spoke and registered in opposition of the rule section on mobile home parks.

Written Testimony

Eleanor Shakstad, opposed to the rule section on mobile home parks.

David Sparer, opposed to the rule section on mobile home parks.

Jennifer Lockhardt, opposed to the rule section on mobile home parks.

John Ramsden, provided updated information on ATCP 50 materials.

Lori Bowman, requested changes to ATCP 29.

**PROPOSED ORDER OF THE WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION
ADOPTING RULES**

1 The Wisconsin department of agriculture, trade and consumer protection proposes the following
2 order *to renumber* ch. ATCP 3; *to amend* ATCP 12.05(1)(b)(note), 12.08(10),
3 21.13(2)(c)1.(note) and (2)(c)2.(note), 29.11(3)(intro.) and (a) to (c), 29.15(4)(b), 29.20(6)(b),
4 29.25(5)(a)2., 29.26(9)(a)(note) and (b)(note), 29.56(7)(c)4.(note), 30.22(title), 30.32(intro.), (1),
5 (2), and (3)(a) and (b), prefatory (note) to ch. ATCP 31, 33.20(1)(f)3.(note),
6 33.38(1)(a)(note)(intro), 33.44(1)(b)(note)(intro), 33.52(4)(a), 40.04(4)(b), 40.06(2)(f),
7 40.08(8)(note), 40.10(4)(b)2.(note), 40.12(2)(c)1.(note), 40.18(2)(note), 40.26(5)(note),
8 40.28(2)(g)1.(note), 42.06(3)(note), 42.16(1)(b)(note), 42.32 (2)(b)(note), 42.40(4)(b)(note),
9 42.44 (6)(c)(note), 42.54(1)(a)(note), 50.01(27)(note) and (31)(intro.), (a) and (b), 50.04(2)(note),
10 (3)(dm)1. and (note), (3)(e) and (note), and (3)(f)(note), 50.08(5)(b)6., 50.28(5)(a)1., 50.32(7)(a),
11 50.34(6)(a)(intro.) and 1., 50.40(9)(j)(note) and (10)(b)(note), 50.42(2)(b) to (d), 50.46(5)(note),
12 50.50(2)(d)(intro.), (4)(note), (8)(b)(note), and (8)(c) and (note), 50.56(3)(c)1. and 2. and (4)(a),
13 50.61(2)(note), 50.62(5)(e)1. to 3. and 5., 50.63(5), 50.64(1)(t), 50.65(3)(a)1. to 3., 50.66(3)(a)1.
14 to 3., 50.68(title) and (4)(a), 50.69(4)(a)1., 2., and 4. to 6., 50.70(4)(b)1. to 5., 7. and 9.,
15 50.71(3)(b)1. to 3., 50.72(3)(a)1., 2., 5. and 6., 50.73(3)(d)1. to 4. and 7. to 10., 50.74(3)(a)1. to
16 3., 50.75(4)(a)1. and 2., 50.76(5)(a)1. and 3., 50.77(4)(a)1., 1.(note), 2. to 5. and 5.(note),
17 50.80(3)(a)1. to 7., 7.(note) and 8., 50.82(4)(c)1. to 3., 50.83(3)(a)1., 2., 5. and 6., 50.85(4)(a)1.,
18 50.86(4)(b)1. to 6., 8., and 8.(first note), 50.87(4)(a)2. and 3., 50.88(3)(a)1. to 5., 50.89(title), (1),
19 (2), and (3)(intro.), (a), (b)(intro.), (b)2. and (c), 50.90(3)(b)1., 50.91(3)(b)1. to 3., 5. and 6.,
20 50.92(3)(b)1., 50.93(4)(a)1., 50.94(3)(a), 50.95(3)(a)1. and 2., 50.96(3)(b)1. to 4. and 6.,

1 50.97(3)(a), 50.98(3)(a), 51.20(2)(a)2.(note), 55.07(3), 60.18(5)(b), 60.20(6)(b), 70.03(7)(d)1.,
2 75.02(1) and (9)(f)1., 90.05(1)(note) and (2)(note), 92.02(1) and (note), 92.06(1)(a), (2) and
3 (3)(note), 92.22(1)(b) and (note), 103.05 and (note), 118.01(1), (2)(intro.) and (3), 118.04,
4 123.04(1)(note), 124.02(4), 136.02(4)(b), 136.12(3)(d) and (3)(note), 136.14(1)(note) and
5 (2)(note) and 160.02(1)(a); **to repeal and recreate** ch. ATCP 21 *Appendix A*, ATCP 29.11(8), ch.
6 ATCP 30 *Appendix A* (portions), 50.46(2), 50.79(3)(a) and (note), 50.84(5)(a) and (note), ch.
7 ATCP 50 *Appendix A* and *Appendix G*, and ch. ATCP 118(title); and **to create** ch. ATCP 3(title)
8 and subch. II, Chapter 30, *Appendix A* (portions), ATCP 30.32(4), 57.01(17)(g), and ch. ATCP
9 118 subch. I (title) and subch. II; **relating to** minor and technical rule changes.

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

This rule makes minor or technical changes to a number of current rules administered by the department of agriculture, trade and consumer protection ("DATCP").

Statutes Interpreted

Statutes Interpreted: ss. 91.80, ch. 92, 93.06(1n), 93.23, 94.64(3r)(b) and (4a)5., 94.645, 94.681(3), 94.685(3)(a)2., 94.69, 94.703(3)(a)2., 94.704(3)(a)2., 95.55(6), 97.02, 97.03, 97.09(4), 97.20, 97.22, 97.24, 97.30, 97.42, 97.43, 97.52, 98.03(2), 98.18(2), 98.07, 98.26(1), 100.20, 100.45, 160.19, 160.21, 160.23, 160.25, 281.16, 344.576(3)(a), 345.285(5w)(a)1., Stats.

Statutory Authority

Statutory Authority: ss. 92.05(3)(c) and (k), 92.14(8), 92.15(3)(b), 92.16, 92.18(1), 93.06(1n)(c), 93.07(1), 94.645(3), 94.69(1), 95.55(6), 97.09(4), 97.20(4), 97.22(8), 97.24(3), 97.30(5), 97.42(4), 97.52, 98.03(2), 98.07(4), 98.18(2), 100.20(2), 100.45(5) and (5)(e), 160.19(2), 160.21(1), 281.16(3)(b) and (c), 344.576(3)(c), Stats.

Explanation of Statutory Authority

DATCP has general authority, under s. 93.07(1), Stats., to adopt rules to interpret laws under its jurisdiction. DATCP also has specific rulemaking authority under the statutes listed above. This rule makes minor changes to a wide range of rules administered by the DATCP. The rule changes are, for the most part, adopted under the same authority used to adopt the existing rules.

Related Rules or Statutes

This rule is not substantially affected by other statutes or rules, other than those identified in this rule.

Rule Contents

This rule makes minor or technical changes to a number of current DATCP rules. This rule does all of the following:

Electronic Processing of License Applications; Cost Recovery

- Authorizes DATCP to assess a \$3 fee for electronic licensing transactions (in addition to other license fees), to cover DATCP's electronic licensing costs. Electronic processing, if offered, is offered as a voluntary option for license applicants.

Agricultural Chemical Cleanup Program; Surcharge Adjustment

- Reduces current agricultural chemical cleanup program surcharges paid by pesticide and fertilizer license holders, consistent with 2007 Wisconsin Act 20 (biennial budget act). DATCP has already implemented the reduced statutory surcharges (this rule merely conforms current rules to the new statutory amounts).

Atrazine Use Regulations

- Revises the format of current maps showing some of the land areas where application of atrazine pesticides is currently prohibited by rule (this rule does not change the actual prohibition areas).
- Restores a provision inadvertently deleted from the atrazine rule in a prior rulemaking proceeding, when the rule was modified for other reasons. The restored provision allows farmers (outside prohibition areas) to apply an additional 0.5 lbs. of atrazine per acre on medium- or fine-textured soils (up to 1.5 lbs. per acre rather than 1.0 lb. per acre) if no atrazine was applied in the preceding year. The restored provision is consistent with the way that DATCP has always administered the atrazine rule, so there will be no change in actual use practices.

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- Updates technical standards incorporated by reference in current land and water conservation rules (ATCP 50). This rule does not substantially alter current standards or requirements.
- Gives DATCP more latitude to extend land and water conservation funding for county cost-share contracts with landowners that were signed, but not completed, during the preceding year (extends signing deadline from December 1 to December 31).
- Extends the current mid-year deadline for counties to file cost-share reimbursement requests with DATCP (from June 1 to July 1).
- Updates current standards for the certification of agricultural engineering practitioners under the land and water conservation program, consistent with current standards published by the united states department of agriculture, natural resource conservation service ("NRCS").
- Updates current standards used by certified soil testing laboratories under the land and water conservation program, consistent with updated standards published by the university of Wisconsin-extension and university of Wisconsin-Madison.

Meat Inspection

- Corrects erroneous cross-references to federal meat inspection regulations in state meat inspection rules.

Bio-Diesel Plants

- Clarifies that a bio-diesel plant is not required to hold a grease processor license, provided that the plant does not produce grease or other products for human or animal consumption.

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- Updates technical standards incorporated by reference in current packaging and labeling and weights and measures rules (ATCP 90 & 92), including the latest standards published by the National Institute of Standards and Technology.

Car Rental Notices

- Incorporates statutory provisions requiring car rental companies to notify prospective renters if the rental company may charge the renter's credit card for forfeitures and other costs incurred but not paid by the renter for nonmoving traffic violations (parking tickets).

Fair Premium Aids

- Authorizes DATCP to pay county and district fair premium aids based on total county and district fair premiums paid (current rule requires payment based on total premiums less entry fees).

Other Technical Changes

- Modifies current *notes* to reflect the fact that rules and related documents are now filed with the legislative reference bureau, not the revisor of statutes or secretary of state (the revisor of statutes office was eliminated by 2007 Wis. Act 20).
- Corrects minor errors in current rules.
- Makes minor organizational, drafting and terminology changes.

Fiscal Impact

This rule will have no significant fiscal impact on the department or local units of government (see fiscal estimate attached).

- This rule will allow the department to charge license applicants an additional \$3 for electronic processing of licenses, if applicants choose that option. However, that option is not currently available except on a few simple licenses.
- This rule adjusts current agricultural chemical cleanup program surcharges paid by fertilizer and pesticide license holders to conform to the new (lower) amounts specified by statute. However, DATCP has already implemented the new amounts, so this rule will not change the surcharge amounts currently being paid.
- This rule will not have a substantial impact on DATCP administrative or operating costs.

Business Impact

This rule will not have any significant impact on small business or other business. This rule makes minor and technical "housekeeping" changes that will not have a significant impact on business standards, costs or operations.

Environmental Impact

This “housekeeping” rule will have no significant environmental impact.

Federal and Surrounding State Programs

Federal Programs

Some of the rules affected by this rule are based on federal regulations or standards including:

- Soil and water conservation standards published by NRCS.
- Regulations under the federal meat inspection program. State standards must be at least “equal to” the federal standards.
- Dairy standards under the Interstate Pasteurized Milk Ordinance (PMO)
- Weights and measures standards issued by the national institute of standards and technology.

This rule is consistent with relevant federal regulations and standards.

Surrounding States

Surrounding states have programs similar to some of the programs affected by this rule, including cooperative state-federal programs related to soil and water conservation, meat inspection, dairy regulation, and weights and measures regulation. Current Wisconsin programs in these areas are substantially equivalent to programs in surrounding states. This rule does not have a significant impact on programs in this state or other states, or create any significant disparity between this state and other states.

Standards Incorporated by Reference

This rule updates references to certain technical standards that are incorporated by reference in current rules. Updated technical standards include the following:

- Soil and water conservation practice standards published by NRCS (see ch. ATCP 50 *Appendix G* attached).
- Weights and measures standards published by NIST, including the 2009 editions of NIST Handbooks 44 and 130.

Pursuant to s. 227.21, Stats., DATCP has requested permission from the Department of Justice to incorporate the updated technical standards by reference in this rule. Copies of the updated standards that are incorporated by reference in this rule will be kept on file with DATCP and the Legislative Reference Bureau.

Data and Analytical Methodologies

This rule does not depend on any complex analysis of data. This rule merely makes minor or technical changes to current rules.

Agency Contact for Submitting Comments

Questions or comments related to this rule may be sent to the following address:

Karen Schultz
Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Drive
Madison, WI 53718
Telephone: (608) 224-5023
Karen.Schultz@wisconsin.gov

1 **SECTION 1.** Chapter ATCP 3 is renumbered subchapter I of chapter ATCP 3.

2 **SECTION 2.** Chapter ATCP 3(title) is created to read:

3 **CHAPTER ATCP 3**
4 **PROGRAM ADMINISTRATION; GENERAL**

5 **SECTION 3.** Subchapter II of ch. ATCP 3 is created to read:

6 **SUBCHAPTER II**
7 **LICENSING**

8 **ATCP 3.10 Definitions.** In this subchapter:

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

11 (2) "License" means any permit, certificate, registration or license issued by the
12 department.

13 **NOTE:** See ss. 93.06(1n) and (7), Stats.

14 **ATCP 3.11 Licenses; electronic processing fees.** The department may charge a
15 processing fee of \$3 for each transaction under s. 93.06(1n), Stats., to cover the department's
16 electronic processing costs. The fees under this section are in addition to any other fees required
17 to be paid to the department.

18 **NOTE:** See s. 93.06(1n)(c), Stats.

1 **SECTION 4.** ATCP 12.05(1)(b)(note) is amended to read:

2 **NOTE:** See also s. ATCP ~~10.21(4)~~ 10.21(2)

3 **SECTION 5.** ATCP 12.08(10) is amended to read:

4 ATCP 12.08(10) Receive interstate shipments of bovine animals or swine as a federally
5 approved livestock import market unless the market qualifies as a federally approved livestock
6 import market under s. ATCP 10.07(4).

7 **SECTION 6.** ATCP 21.13(2)(c)1.(note) is amended to read:

8 **NOTE:** Copies of the fast Africanized bee identification systems (FABIS) are on file
9 with the department, ~~the secretary of state and the revisor of statutes~~ legislative
10 reference bureau. Copies are available at cost from the department.

SECTION 7. ATCP 21.13(2)(c)2.(note) is amended to read:

11 **NOTE:** The morphometric method for identification of Africanized and European honey
12 bees using large reference populations is described in Rinderer et al.
13 “Morphometric identification of Africanized and European honey bees using
14 large reference populations,” *Apidologie* (1993) 24, 569-585. Copies of this
15 article are on file with the department, ~~the secretary of state and the revisor of~~
16 statutes legislative reference bureau. Copies are available at cost from the
17 department.

18 **SECTION 8.** Chapter ATCP 21 *Appendix A* is repealed and recreated to read as shown in
19 *ATCP 21 Appendix A* attached.

20 **SECTION 9.** ATCP 29.11(3)(intro.) and (a) to (c) are amended to read:

21 ATCP 29.11(3)(intro.) NONHOUSEHOLD PESTICIDES; CLEANUP SURCHARGE. ~~Beginning~~
22 ~~with the license year that begins on January 1, 2002, an~~ An applicant for a license under s. ATCP
23 29.10 shall pay an agricultural chemical cleanup surcharge for each nonhousehold pesticide
24 product that the applicant sells or distributes. Except as provided in sub. (6) or (7), the amount
25 of the surcharge is as follows:

1 (a) If the applicant sold less than \$25,000 of the product during the preceding year for
2 use in this state, \$5 ~~\$3.50~~.

3 (b) If the applicant sold at least \$25,000 but less than \$75,000 of the product during the
4 preceding year for use in this state, \$170 ~~\$120~~.

5 (c) If the applicant sold at least \$75,000 of the product during the preceding year for use
6 in this state, an amount equal to ~~1.1%~~ 0.75% of gross revenues from product sales during the
7 preceding year for use in this state, ~~except that for the license year beginning January 1, 2002,~~
8 ~~the surcharge amount is 0.75% of the gross revenues from product sales during the preceding~~
9 ~~year.~~

10 **SECTION 10.** ATCP 29.11(8) is repealed and recreated to read:

11 ATCP 29.11(8) FEES AND SURCHARGES NONREFUNDABLE. (a) Except as provided in
12 par. (b), the department may not refund a fee or surcharge under this section after the department
13 issues a license under s. ATCP 29.10 to the person who paid the fee or surcharge, unless the fee
14 or surcharge was not property collected or charged.

15 (b) Paragraph (a) does not prohibit a reimbursement under s. 94.681(3s)(b)2., Stats.,
16 other than a reimbursement of amounts deposited to the environmental fund under s. 94.681(7),
17 Stats., provided that the reimbursement under s. 98.681(3s)(b)2., Stats., is made in the form of a
18 credit against amounts owed under this section in the next license year.

19 **SECTION 11.** ATCP 29.15(4)(b) is amended to read:

20 ATCP 29.15(4)(b) Beginning with the license year that begins on January 1, 2002 2008,
21 an agricultural chemical cleanup surcharge of \$40 ~~\$28~~.

22 **SECTION 12.** ATCP 29.20(6)(b) is amended to read:

1 ATCP 29.20(6)(b) Beginning with the license year that begins on January 1, ~~2002~~ 2008,
2 an agricultural chemical cleanup surcharge of ~~\$55~~ \$38.

3 **SECTION 13.** ATCP 29.25(5)(a)2. is amended to read:

4 ATCP 29.25(5)(a)2. ~~Beginning with the license year that begins on January 1, 2002, an~~
5 An agricultural chemical cleanup surcharge of ~~\$20~~ \$14

6 **SECTION 14.** ATCP 29.26(9)(a)(note) is amended to read:

7 *NOTE:* Training consists of a self-study manual and, for some certification categories,
8 supplementary training sessions. Training may be obtained by contacting the
9 University of Wisconsin-Extension at the following address: University of
10 Wisconsin-Extension; Pesticide Applicator Training, Department of Agronomy;
11 1575 Linden Drive; Madison, WI 53706-1597, phone ~~(608) 265-2950~~ (608) 262-
12 7588.

13 **SECTION 15.** ATCP 29.26(9)(b)(note) is amended to read:

14 *NOTE:* Examination dates may be scheduled by contracting the department at the
15 following address: Wisconsin Department of Agriculture, Trade and Consumer
16 Protection; Division of Agricultural Resource Management, Pesticide
17 Certification and Licensing; P.O. Box 8911; Madison, WI 53708-8911; Phone
18 ~~(608) 224-4560~~ (608) 224-4548.

19 **SECTION 16.** ATCP 29.56(7)(c)4.(note) is amended to read:

20 *NOTE:* Individuals may obtain registration forms and submit registrations to the
21 following address: Department of Agriculture, Trade and Consumer Protection;
22 Division of Agricultural Resource Management; Landscape Application Registry
23 P.O. Box 8911; Madison, Wisconsin 53708-8911. Individuals may also obtain
24 registration forms by calling the department at ~~608-224-5296~~ (608)224-4616. A
25 registration complies with the filing deadline under par. (c) if the registration form
26 is postmarked or delivered to the department by February 1. The department may
27 accept registrations filed after February 1 for inclusion in the March 15 registry,
28 but is not required to do so.

29 **SECTION 17.** ATCP 30.22(title) is amended to read:

30 **ATCP 30.22 Metam sodium and chloropicrin pesticides; use restrictions.**

31 **SECTION 18.** ATCP 30.32(intro.), (1), (2), and (3)(a) and (b) are amended to read:

1 **ATCP 30.32 Maximum application rates.** Except where further restricted under
2 ~~subsecs. II and III ss. ATCP 30.34 to 30.38~~, the amount of atrazine active ingredient applied to
3 any application site during any calendar year may not exceed the maximum amount specified for
4 that site under this section.

5 (1) Except as provided under sub. (3) or (4), if at least one-fourth of the surface soil at
6 the application site is a coarse soil, the maximum amount is 0.75 lb. per acre per calendar year.

7 (2) Except as provided under sub. (3) or (4), if less than one-fourth of the surface soil at
8 the application site is a coarse soil, the maximum amount is 1.0 ~~lbs.~~ lb. per acre per calendar
9 year.

10 (3)(a) ~~1.5~~ 1.5 lbs. per acre per calendar year if at least one-fourth of the surface soil is a
11 coarse soil.

12 (3)(b) ~~2.0~~ 2.0 lbs. per acre per calendar year if less than one-fourth of the surface soil is
13 a coarse soil.

14 **SECTION 19.** ATCP 30.32(4) is created to read:

15 ATCP 30.32(4) An additional 0.5 lb. of atrazine active ingredient may be added to the
16 maximum annual rate under sub. (2) if no atrazine product was applied to the application site
17 during the previous calendar year.

18 **SECTION 20.** Chapter ATCP 30, *Appendix A* prohibition area map numbers 93-05-01, 95-
19 05-01, 05-01-01, 94-11-01, 94-11-02, 94-29-01, 98-37-01, 96-39-01, 99-50-01, 97-54-01, Lower
20 Wisconsin River Valley 93-57-04, 98-69-01, 04-70-01 are repealed and recreated in the format
21 attached.

22 **SECTION 21.** Chapter ATCP 30, *Appendix A* prohibition area map Crawford County
23 Lower Wisconsin River Valley number 93-57-04, Dane County Lower Wisconsin River Valley

1 number 93-57-04, Grant County Lower Wisconsin River Valley number 93-57-04, Iowa County
2 Lower Wisconsin River Valley number 93-57-04, and Richland County Lower Wisconsin River
3 Valley number 93-57-04 are created in the format attached.

4 **SECTION 22.** The prefatory note to ch. ATCP 31 is amended, at subsection (5) of the
5 prefatory note, to read:

6 ***PREFATORY NOTE (subsection 5):***

7 (5) General rules governing pesticide use and control are contained in
8 ch. ATCP 29. Rules adopted under s. 94.645, Stats., to regulate fertilizer and
9 pesticide bulk storage are contained in ~~ch. ATCP 32. Rules adopted under s.~~
10 ~~94.645, Stats., to regulate pesticide bulk storage are contained in~~
11 ch. ATCP 33.

12 **SECTION 23.** ATCP 33.20(1)(f)3.(note) is amended to read:

13 **NOTE:** Copies of API 650 and 653 are on file with the department and the revisor of
14 statutes legislative reference bureau. Copies may be purchased from the
15 American Petroleum Institute at 1220 L Street NW, Washington DC 2005-4070,
16 telephone (202) 682-8000, or the following web address: www.api.org.

17 **SECTION 24.** ATCP 33.38(1)(a)(note)(intro.) is amended to read:

18 **NOTE:** The *Wisconsin minimum design standards for concrete agrichemical*
19 *containment (February, 2005)*, written by Professor David W. Kammel,
20 department of biological systems engineering, university of Wisconsin-
21 extension, is on file with the department and the ~~revisor of statutes~~ legislative
22 reference bureau. Copies are available from the department, free of charge, at
23 the follow address:

24 **SECTION 25.** ATCP 33.44(1)(b)(note)(intro.) is amended to read:

25 **NOTE:** The *Wisconsin minimum design standards for concrete agrichemical*
26 *containment (February, 2005)*, written by Professor David W. Kammel,
27 department of biological systems engineering, university of Wisconsin-
28 extension, is on file with the department and the ~~revisor of statutes~~ legislative
29 reference bureau. Copies are available from the department, free of charge, at
30 the follow address:

31 **SECTION 26.** ATCP 33.52(4)(a) is amended to read:

1 ATCP 33.52(4)(a) Obtain at least one sample of collected precipitation in each of the
2 months of April, June, August ~~[and]~~ and October.

3 **SECTION 27.** ATCP 40.04(4)(b) is amended to read:

4 ATCP 40.04(4)(b) A \$20 ~~\$14~~ agricultural chemical cleanup surcharge for each business
5 location and each mobile unit at which the applicant proposes to manufacture fertilizer in this
6 state, other than a business location or mobile unit licensed under s. 94.685 or 94.703, Stats. If
7 the applicant distributes but does not manufacture fertilizer in this state, the applicant shall pay a
8 single agricultural chemical cleanup surcharge of \$20 ~~\$14~~.

9 **SECTION 28.** ATCP 40.06(2)(f) is amended to read:

10 ATCP 40.06(2)(f) An agricultural chemical cleanup surcharge of ~~63~~ 44 cents per ton.

11 **SECTION 29.** ATCP 40.08(8)(note) is amended to read:

12 **NOTE:** The Official Publication of the Association of American Plant Food Control
13 Officials, No. 57 (2004) is on file with the department, ~~the secretary of state~~ and
14 the ~~revisor of statutes~~ legislative reference bureau. Copies may be obtained from
15 the treasurer of the Association of American Plant Food Control Officials, Inc.,
16 North Carolina Department of Agriculture, P.O. Box 33508, Raleigh, NC 33636-
17 3508, or online at <http://www.aapfco.org>

18 **SECTION 30.** ATCP 40.10(4)(b)2.(note) is amended to read:

19 **NOTE:** The Official Publication of the Association of American Plant Food Control
20 Officials, No. 57 (2004) is on file with the department, ~~the secretary of state~~ and
21 the ~~revisor of statutes~~ legislative reference bureau. Copies may be obtained from
22 the treasurer of the Association of American Plant Food Control Officials, Inc.,
23 North Carolina Department of Agriculture, P.O. Box 33508, Raleigh, NC 33636-
24 3508, or online at <http://www.aapfco.org>.

25 **SECTION 31.** ATCP 40.12(2)(c)1.(note) is amended to read:

26 **NOTE:** The Official Publication of the Association of American Plant Food Control
27 Officials, No. 57 (2004) is on file with the department, ~~the secretary of state~~ and
28 the ~~revisor of statutes~~ legislative reference bureau. Copies may be obtained from
29 the treasurer of the Association of American Plant Food Control Officials, Inc.,
30 North Carolina Department of Agriculture, P.O. Box 33508, Raleigh, NC 33636-
31 3508, or online at <http://www.aapfco.org>.

1 SECTION 32. ATCP 40.18(2)(note) is amended to read:

2 *NOTE:* Statement of uniform interpretation and policy 25, from the Official Publication
3 of the Association of American Plant Food Control Officials, No. 57 (2004), is on
4 file with the department, ~~the secretary of state~~ and the ~~revisor of statutes~~
5 legislative reference bureau. Copies may be obtained from the treasurer of the
6 Association of American Plant Food Control Officials, Inc., North Carolina
7 Department of Agriculture, P.O. Box 33508, Raleigh, NC 33636-3508, or online
8 at <http://www.aapfco.org>.

9 SECTION 33. ATCP 40.26(5)(note) is amended to read:

10 *NOTE:* The Merck Index, 12th edition (1996) is on file with the department, ~~the secretary~~
11 ~~of state~~ and the ~~revisor of statutes~~ legislative reference bureau. Copies are
12 available from Merck & Co., Inc., P.O. Box 2000, Rahway, NJ 07065.

13 SECTION 34. ATCP 40.28(2)(g)1.(note) is amended to read:

14 *NOTE:* The "Official Methods of Analysis of AOAC Internationals, volume I, 17th
15 edition as updated by the 2nd revision (2003) is on file with the department, ~~the~~
16 ~~secretary of state~~ and the ~~revisor of statutes~~ legislative reference bureau. Copies
17 are available from AOAC International at 481 N. Frederick Ave., Suite 500,
18 Gaithersburg, MD 20877-2417.

19 SECTION 35. ATCP 42.06(3)(note) is amended to read:

20 *NOTE:* Copies of the official publication of the association of American feed control
21 officials are on file with the department, ~~the secretary of state~~ and the ~~revisor of~~
22 ~~statutes~~ legislative reference bureau. Copies may be obtained from AAFCO
23 treasurer; the name and address of the current AAFCO treasurer may be obtained
24 by contacting the department.

25 SECTION 36. ATCP 42.16(1)(b)(note) is amended to read:

26 *NOTE:* Copies of the official publication of the association of American feed control
27 officials are on file with the department, ~~the secretary of state~~ and the ~~revisor of~~
28 ~~statutes~~ legislative reference bureau. You may also obtain a copy from the
29 AAFCO treasurer whose address is available from the department.

30 SECTION 37. ATCP 42.32(2)(b)(note) is amended to read:

31 *NOTE:* Copies of the official publication of the association of American feed control
32 officials are on file with the department, ~~the secretary of state~~ and the ~~revisor of~~
33 ~~statutes~~ legislative reference bureau. You may also obtain a copy from the
34 AAFCO treasurer whose address is available from the department.

1 SECTION 38. ATCP 42.40(4)(b)(note) is amended to read:

2 NOTE: Copies of the official publication of the association of American feed control
3 officials are on file with the department, ~~the secretary of state~~ and the ~~revisor of~~
4 ~~statutes~~ legislative reference bureau. You may also obtain a copy from the
5 AAFCO treasurer whose address is available from the department.

6 SECTION 39. ATCP 42.44(6)(c)(note) is amended to read:

7 NOTE: Copies of the official publication of the association of American feed control
8 officials are on file with the department, ~~the secretary of state~~ and the ~~revisor of~~
9 ~~statutes~~ legislative reference bureau. You may also obtain a copy from the
10 AAFCO treasurer whose address is available from the department.

11 SECTION 40. ATCP 42.54(1)(a)(note) is amended to read:

12 NOTE: Copies of the official publication of the association of American feed control
13 officials are on file with the department, ~~the secretary of state~~ and the ~~revisor of~~
14 ~~statutes~~ legislative reference bureau. You may also obtain a copy from the
15 AAFCO treasurer whose address is available from the department.

16 SECTION 41. ATCP 50.01(27)(note) is amended to read:

17 NOTE: Copies of the NRCS technical guide are on file with the department, ~~the secretary~~
18 ~~of state~~ and the ~~revisor of statutes~~ legislative reference bureau. Copies of
19 individual standards contained in the NRCS technical guide may be obtained from
20 the county land conservation committee or from an NRCS field office. This
21 chapter incorporates, by reference, various NRCS technical guide standards. See
22 *Appendix G*.

23 SECTION 42. ATCP 50.01(31)(intro.), (a) and (b) are amended to read:

24 ATCP 50.01(31) "RUSLE 2 equation" means ~~means~~ the following applicable NRCS
25 release of version 2 of the revised universal soil loss equation:

26 (a) Except as provided in par. (b), the release that is was in effect on ~~November 1, 2004~~
27 November 14, 2006.

28 (b) For purposes of a compliance determination under ch. NR 151 or this chapter made
29 prior to ~~November 1, 2004~~ November 14, 2006, the release that was in effect on the date of the
30 compliance determination.

1 SECTION 43. ATCP 50.04(2)(note) is amended to read:

2 NOTE: See s. 92.025(1), Stats., and s. NR 151.02. Soil erosion includes erosion caused
3 by wind or water. For most soils, "T-value" is equivalent to 3 to 5 tons of soil
4 loss per acre per year.

5 The RUSLE 2 equation is published by NRCS, and is available from NRCS.
6 Copies are on file with the department, ~~the secretary of state~~ and the revisor of
7 statutes legislative reference bureau.
8

9 SECTION 44. ATCP 50.04(3)(dm)l. and (note), and (e) and (note) are amended to read:

10 ATCP 50.04(3)(dm)l. Standard values specified in Wisconsin conservation planning
11 technical note WI-1 (~~December, 2006~~ September, 2007), companion document to the NRCS
12 technical guide standard 590.

13 NOTE: Wisconsin conservation planning technical note WI-1 is on file with the
14 department and the revisor of statutes legislative reference bureau. Copies are
15 available from your county land conservation department office or the following
16 web address: [http://www.datcp.state.wi.us/arm/agriculture/land-
18 water/conservation/nutrient-mngmt/planning.jsp](http://www.datcp.state.wi.us/arm/agriculture/land-
17 water/conservation/nutrient-mngmt/planning.jsp). The NRCS technical guide
19 standard 590 (September, 2005) is reproduced, without the companion technical
20 note, in *Appendix D*.

21 (e) The plan shall comply with the NRCS technical guide nutrient management standard
22 590 (September, 2005), except for sections V.D, V.E and VI, and shall also comply with the
23 Wisconsin conservation planning technical note WI-1 (~~December, 2006~~ September, 2007).

24 NOTE: The checklist in *Appendix C* may be used to gather information for a nutrient
25 management plan. NRCS technical guide nutrient management standard 590
26 (September, 2005) is reproduced in *Appendix D*. The Wisconsin conservation
27 planning technical note WI-1 (~~December, 2006~~ September, 2007) is not
28 reproduced in *Appendix D* but is on file with the department and the revisor of
29 statutes legislative reference bureau. Copies are available from your county land
30 conservation office or the following web address:
31 [http://www.datcp.state.wi.us/arm/agriculture/land-water/conservation/nutrient-
mngmt/planning.jsp](http://www.datcp.state.wi.us/arm/agriculture/land-water/conservation/nutrient-
32 mngmt/planning.jsp).

SECTION 45. ATCP 50.04(3)(f)(note) is amended to read:

33 NOTE: *Appendix B* contains a convenient summary of UWEX publication A-2809, for
34 selected crops. You may obtain the complete publication and the summary from

1 your country extension agent. The complete publication is also on file with the
2 department and the ~~revisor of statutes~~ legislative reference bureau. Copies are
3 available from your county land conservation office or the following web-address:
4 [http://www.datcp.state.wi.us/arm/agriculture/land-
water/conservation/nutrient_mngmt/planning.jsp](http://www.datcp.state.wi.us/arm/agriculture/land-
5 water/conservation/nutrient_mngmt/planning.jsp).

6 **SECTION 46.** ATCP 50.08(5)(b)6. is amended to read:

7 ATCP 50.08(5)(b)6. ~~Strip cropping~~ Stripcropping as defined in s. ATCP 50.89(1).

8 **SECTION 47.** ATCP 50.28(5)(a)1. is amended to read:

9 ATCP 50.28(5)(a)1. Extend county funding for landowner cost-share contracts funded
10 by not completed in the preceding grant year, provided that the cost-share contracts were signed
11 by ~~December 1~~ December 31 of the preceding grant year. Extensions shall comply with s. ATCP
12 50.34(6).

13 **SECTION 48.** ATCP 50.32(7)(a) is amended to read:

14 ATCP 50.32(7)(a) To obtain a reimbursement payment under sub. (6)(a), a county land
15 conservation committee shall file a reimbursement request on a form provided by the
16 department. A county may file a reimbursement request on or after ~~June 1~~ July 1 for costs
17 incurred before ~~June 1~~ July 1. A county may file a second reimbursement request for costs
18 incurred on or after ~~June 1~~ July 1. A county may file no more than 2 reimbursement requests,
19 and shall file all reimbursement requests by February 15 of the year following the grant year.

20 **SECTION 49.** ATCP 50.34(6)(a)(intro.) and 1. are amended to read:

21 ATCP 50.34(6)(a) If a grant under sub. (1) funds a landowner cost-share contract that is
22 signed by ~~December 1~~ December 31 of the grant year but not completed by December 31 of that
23 year, the department may extend funding for that contract in the next year's grant allocation to
24 the county if all the following apply:

1 1. The county properly contracts with the landowner by ~~December 4~~ December 31 of the
2 initial grant year.

3 **SECTION 50.** ATCP 50.40(9)(j)(note) is amended to read:

4 *NOTE:* Subchapter VIII specifies a minimum maintenance period of 10 years for most
5 conservation practices. But it does not specify a minimum maintenance period
6 for the following "soft" practices:

- 7 • Contour farming (ATCP 50.67)
- 8 • Cover ~~and green manure~~ crop (ATCP 50.68)
- 9 • Nutrient management (ATCP 50.78)
- 10 • Pesticide management (ATCP 50.79)
- 11 • Residue management (ATCP 50.82)
- 12 • ~~Strip cropping~~ Stripcropping (ATCP 50.89)

13
14 **SECTION 51.** ATCP 50.40(10)(b)(note) is amended to read:

15 *NOTE:* Copies of the DNR construction site best management practice handbook are on
16 file at the department DNR, ~~the secretary of state~~ and the ~~revisor of statutes~~
17 legislative reference bureau. You may purchase copies at the following address:

18 WI Department of Administration
19 Document Sales Unit
20 202 S. Thornton Avenue
21 PO Box 7840
22 Madison, WI 537077-7840
23 Phone: 608-266-3358
24 E-mail: docsales@doa.state.wi.us
25

26 **SECTION 52.** ATCP 50.42(2)(b) to (d) are amended to read:

27 ATCP 50.42(2)(b) For cover ~~and green manure~~ crop, \$25 per acre per year.

28 (c) For ~~strip cropping~~ stripcropping, \$13.50 per acre per year.

29 (d) For field ~~strip cropping~~ stripcropping, \$7.50 per acre per year.

30 **SECTION 53.** ATCP 50.46(2) is repealed and recreated to read:

31 ATCP 50.46(2) AGRICULTURAL ENGINEERING PRACTICES. For purposes of this section,
32 an agricultural engineering practice includes any of the following:

- 33 (a) Access road.

- 1 (b) Animal trail or walkway.
- 2 (c) Sinkhole treatment.
- 3 (d) Channel stabilization.
- 4 (e) Closure of waste impoundment.
- 5 (f) Diversion.
- 6 (g) Fish passage.
- 7 (h) Grade stabilization structure.
- 8 (i) Grassed waterway.
- 9 (j) Heavy use area protection.
- 10 (k) Irrigation regulating reservoir.
- 11 (L) Irrigation system: sprinkler.
- 12 (m) Irrigation system, tailwater recovery.
- 13 (n) Irrigation water conveyance.
- 14 (o) Irrigation water management.
- 15 (p) Lined waterway or outlet.
- 16 (q) Manure transfer.
- 17 (r) Obstruction removal.
- 18 (s) Open channel.
- 19 (t) Pipeline.
- 20 (u) Pond.
- 21 (v) Pond sealing or lining.
- 22 (w) Pumping.
- 23 (x) Recreation trail and walkway.

- 1 (y) Roof runoff structure.
- 2 (z) Sediment basin.
- 3 (za) Spring development.
- 4 (zb) Spoil spreading.
- 5 (zc) Streambank or shoreline protection.
- 6 (zd) Structure for water control.
- 7 (ze) Subsurface drain.
- 8 (zf) Subsurface drainage; field ditch, main or lateral.
- 9 (zg) Terrace.
- 10 (zh) Underground outlet.
- 11 (zi) Vegetated treatment area.
- 12 (zj) Waste storage facility.
- 13 (zk) Waste treatment (milking center waste control)
- 14 (zL) Water and sediment control basin.
- 15 (zm) Watering facility.
- 16 (zn) Water well.
- 17 (zo) Well decommissioning. Notwithstanding sub. (1) (intro.), a well driller or pump
18 installer registered under s. 280.15, Stats., may certify a well construction or decommissioning
19 under sub. (1).
- 20 (zp) Wetland restoration.

21 **SECTION 54.** ATCP 50.46(5)(note) is amended to read:

22 *NOTE:* The rating system under par. (a) is designed to be reasonably consistent with the
23 system used by NRCS under 7 CFR 610.1 to 610.5. *Appendix E* is similar to the
24 NRCS job approval delegation form, and. It identifies the controlling factors used
25 to determine the relative difficulty of job classes, as well as the NRCS standard

1 that applies. A person who is certified at a job level under par. (a) may certify his
2 or her own work at that level for funding purposes under this chapter.

3 **SECTION 55.** ATCP 50.50(2)(d)(intro.) is amended to read:

4 ATCP 50.50(2)(d)(intro.) The soil tests, test methods, and nitrogen estimation methods
5 used by the laboratory. The laboratory shall be capable of performing the following tests
6 according to methods prescribed by the university of Wisconsin-extension in Soil-Test
7 Recommendations for Field, Vegetable and Fruit Crops Nutrient application guidelines for field,
8 vegetable, and fruit crops in Wisconsin, UWEX Publication A2809 (1998/2006), and by the
9 university of Wisconsin-madison soil science department in Wisconsin Procedures for Soil
10 Testing, Plant Analysis and Feed & Forage Analysis, Soil Fertility Series (December, 2007), and
11 shall be capable of estimating nitrogen levels based on those tests:

12 **SECTION 56.** ATCP 50.50(4)(note) is amended to read:

13 **NOTE:** ~~Appendix B~~ Appendix B contains a convenient summary of UWEX publication
14 ~~A-2809~~ A2809 for selected crops. You may obtain the complete publication and
15 the summary from your county extension agent. The complete publication is also
16 on file with the department, ~~the secretary of state~~ and the ~~revisor of statutes~~
17 legislative reference bureau. For further information, see Appendix G.

18 **SECTION 57.** ATCP 50.50(8)(b)(note) is amended to read:

19 **NOTE:** The university of Wisconsin-extension publication, Recommended Methods of
20 Manure Analysis, UWEX publication A3769 (2003) is on file with the department
21 and the ~~revisor of statutes~~ legislative reference bureau. Copies may be obtained
22 from the University of Wisconsin-extension at the following address: University
23 of Wisconsin-Madison, Department of Soil Science, 1525 Observatory Drive,
24 Madison, WI 53706-1299.

25 **SECTION 58.** ATCP 50.50(8)(c) and (note) are amended to read:

26 ATCP 50.50(8)(c) The laboratory is capable of estimating total and available nutrient
27 levels based on the manure tests under par. (b) and the availability percentages shown in Table 3
28 of part III of the Wisconsin conservation planning technical note WI-1 (~~December,~~

1 2006September, 2007), a companion document to NRCS technical guide nutrient management
2 standards 590.

3 **NOTE:** The NRCS technical guide nutrient management standard 590 (September, 2005)
4 is reproduced in *Appendix D*. The Wisconsin conversation planning technical
5 note WI-1 is not reproduced in *Appendix D* but is on file with the department and
6 the ~~revisor of statutes~~ legislative reference bureau. Copies may be obtained from
7 your county land conservation ~~department~~ office or at the following web address:
8 [http://www.datcp.state.wi.us/arm/agriculture/land-water/conservation/nutrient-
mngmt/planning.jsp](http://www.datcp.state.wi.us/arm/agriculture/land-water/conservation/nutrient-
9 mngmt/planning.jsp).

10 **SECTION 59.** ATCP 50.56(3)(c)1. and 2., and (4)(a) are amended to read:

11 ATCP 50.56(3)(c)1. NRCS technical guide waste storage facility standard 313 (~~June,~~
12 ~~2004~~ December, 2005).

13 2. NRCS technical guide manure transfer standards 634 (~~January, 2002~~ February, 2007).

14 (4)(a) Submits an abandonment plan for approval by the county, city, village or town.
15 The abandonment plan shall comply with the waste facility closure provisions contained in the
16 NRCS technical guide, closure of waste impoundments standard 360 (~~June, 2004~~ November,
17 2006).

SECTION 60. ATCP 50.61(2)(note) is amended to read:

18 **NOTE:** Before the department adopts, amends or repeals a standard by rule, the
19 department will consider the recommendations of the standards oversight council,
20 a voluntary multi-agency council that works to share technical information and
21 coordinate technical standards among participating agencies. ~~Before the~~
22 ~~department adopts, amends or repeals~~ In order to adopt, amend or repeal
23 standard by rule, the department must normally do all of the following (see s.
24 15.13, Stats., and ch. 227, Stats.): follow the procedures in ch. 227, Stats.

25 **SECTION 61.** ATCP 50.62(5)(e)1. to 3. and 5. are amended to read:

26 ATCP 50.62(5)(e)1. NRCS technical guide waste storage facility standard 313 (~~June,~~
27 ~~2004~~ December, 2005).

28 2. NRCS technical guide manure transfer standard 634 (~~January-2002~~ February, 2007).

1 3. NRCS technical guide well decommissioning standard 351 (~~April, 1999~~ May, 2008).

2 5. NRCS technical guide heavy use area protection standard 561 (~~March, 2002~~ October,
3 2007).

4 **SECTION 62.** ATCP 50.63(5) is amended to read:

5 ATCP 50.63(5) DESIGN, CONSTRUCTION AND MAINTENANCE. A cost-share grant under s.
6 ATCP 50.40 may not reimburse any costs related to the closure of a manure storage system
7 unless the closure plan complies with NRCS closure of waste impoundments standard 360 (~~June,~~
8 ~~2004~~ November, 2006).

9 **SECTION 63.** ATCP 50.64(1)(t) is amended to read:

10 ATCP 50.64(1)(t) ~~Waste water~~ Vegetated treatment strip area under s. ATCP 50.94.

11 **SECTION 64.** ATCP 50.65(3)(a)1. to 3. are amended to read:

12 ATCP 50.65(3)(a)1. NRCS technical guide access road standard 560 (~~March, 1989~~
13 August, 2006).

14 2. NRCS technical guide streambank and shoreline protection standard 580 (~~February,~~
15 ~~1997~~ December, 2005).

16 3. NRCS technical guide ~~fencing~~ fence standard 382 (November, 1999).

17 **SECTION 65.** ATCP 50.66(3)(a)1. to 3. are amended to read:

18 ATCP 50.66(3)(a)1. NRCS technical guide animal trails and walkways standard 575
19 (~~April, 2002~~ August, 2006).

20 2. NRCS technical guide streambank and shoreline protection standard 580 (~~February,~~
21 ~~1997~~ December, 2005).

22 3. NRCS technical guide ~~fencing~~ fence standard 382 (November, 1999).

23 **SECTION 66.** ATCP 50.68(title) and (4)(a) are amended to read:

1 ATCP 50.68(title) ~~Cover and green manure crop.~~

2 (4)(a) The cropland cover meets NRCS technical guide cover ~~and green manure crop~~
3 standard 340 (~~May, 1986~~ June, 2002).

4 **SECTION 67.** ATCP 50.69(4)(a)1., 2., and 4. to 6. are amended to read:

5 ATCP 50.69(4)(a)1. NRCS technical guide critical area planting standard 342 (~~May,~~
6 ~~2000~~ June, 2002).

7 2. NRCS technical guide ~~feneing~~ fence standard 382 (November, 1999).

8 4. NRCS technical guide ~~livestock use~~ exclusion standard 472 (~~June, 1983~~ June, 2002).

9 5. NRCS technical guide mulching standard 484 (~~July, 1987~~ June, 2002).

10 6. NRCS technical guide ~~tree and shrub~~ tree/shrub establishment standard 612 (~~March,~~
11 ~~2001~~ April, 2003).

12 **SECTION 68.** ATCP 50.70(4)(b)1. to 5., 7. and 9. are amended to read:

13 ATCP 50.70(4)(b)1. NRCS technical guide critical area planting standard 342 (~~May,~~
14 ~~2000~~ June, 2002).

15 2. NRCS technical guide diversion standard 362 (~~May, 2002~~ August, 2006).

16 3. NRCS technical guide ~~feneing~~ fence standard 382 (November, 1999).

17 4. NRCS technical guide grassed waterway standard 412 (~~April, 2002~~ June, 2008).

18 5. NRCS technical guide lined waterway or outlet standard 468 (~~May, 2002~~ August,
19 2006).

20 7. NRCS technical guide subsurface drain standard 606 (~~September, 1989~~ June, 2002).

21 9. NRCS technical guide wildlife upland habitat management standard 645 (July, 2000);
22 ~~if habitat management is used to mitigate the loss of habitat resulting from installation of a~~
23 ~~diversion.~~

- 1 **SECTION 69.** ATCP 50.71(3)(b)1. to 3. are amended to read:
- 2 ATCP 50.71(3)(b)1. NRCS technical guide ~~feneing~~ fence standard 382 (November,
- 3 1999).
- 4 2. NRCS technical guide ~~field windbreaks standard 392 (May, 1990)~~
- 5 windbreak/shelterbreak establishment standard 380 (June, 2002).
- 6 3. NRCS technical guide ~~livestock use~~ exclusion standard 472 (~~June, 1983~~ June, 2002).
- 7 **SECTION 70.** ATCP 50.72(3)(a)1., 2., 5. and 6. are amended to read:
- 8 ATCP 50.72(3)(a)1. NRCS technical guide critical area planting standard 342 (~~May,~~
- 9 2000 June, 2002).
- 10 2. NRCS technical guide ~~feneing~~ fence standard 382 (November, 1999).
- 11 5. NRCS technical guide ~~livestock use~~ exclusion standard 472 (~~June, 1983~~ June, 2002).
- 12 6. NRCS technical guide mulching standard 484 (~~July, 1987~~ June, 2002).
- 13 **SECTION 71.** ATCP 50.73(3)(d)1. to 4. and 7. to 10. are amended to read:
- 14 ATCP 50.73(3)(d)1. NRCS technical guide critical area planting standard 342 (~~May,~~
- 15 2000 June, 2002).
- 16 2. NRCS technical guide sediment basin standard 350 (~~September, 1990~~ August, 2008).
- 17 3. NRCS technical guide diversion standard 362 (~~May, 2002~~ August, 2006).
- 18 4. NRCS technical guide ~~feneing~~ fence standard 382 (November, 1999).
- 19 7. NRCS technical guide grassed waterway standard 412 (~~April, 2002~~ June, 2008).
- 20 8. NRCS technical guide lined waterway or outlet standard 468 (~~May, 2002~~ August,
- 21 2006).
- 22 9. NRCS technical guide mulching standard 484 (~~July, 1987~~ June, 2002).
- 23 10. NRCS technical guide subsurface drain standard 606 (~~September, 1989~~ June, 2002).

1 **SECTION 72.** ATCP 50.74(3)(a)1. to 3. are amended to read:

2 ATCP 50.74(3)(a)1. NRCS technical guide critical area planting standard 342 (~~May,~~
3 ~~2000~~ June, 2002).

4 2. NRCS technical guide ~~feneing~~ fence standard 382 (November, 1999).

5 3. NRCS technical guide heavy use area protection standard 561 (~~March, 2002~~ August,
6 2008).

7 **SECTION 73.** ATCP 50.75(4)(a)1. and 2. are amended to read:

8 ATCP 50.75(4)(a)1. NRCS technical guide ~~feneing~~ fence standard 382 (November,
9 1999).

10 2. NRCS technical guide ~~livestock~~ use exclusion standard 472 (~~June, 1983~~ June, 2002).

11 **SECTION 74.** ATCP 50.76(5)(a)1. and 3. are amended:

12 ATCP 50.76(5)(a)1. NRCS technical guide spring development standard 574 (~~May, 1987~~
13 June, 2008).

14 3. NRCS technical guide water well standard 642 (~~April, 1999~~ May, 2005).

15 **SECTION 75.** ATCP 50.77(4)(a)1., 1.(note), 2. to 5. and 5.(note) are amended to read:

16 ATCP 50.77(4)(a)1. The university of Wisconsin-extension pollution control guide for
17 milking center waste water management, UWEX publication A3592 (July, 1994).

18 **NOTE:** The UW-extension pollution control guide for milking center waste water
19 management is on file with the department, ~~the secretary of state~~ and the reviser
20 of statutes legislative reference bureau. Copies may be purchased from the
21 department or the university of Wisconsin-extension (UWEX Pub. No. A3592).
22 For further information, see *Appendix G*.

23 2. NRCS technical guide ~~wastewater~~ waste treatment ~~strip~~ standard 635 629 (~~January,~~
24 ~~2002~~ August, 2008).

- 1 3. NRCS technical guide waste storage facility standard 313 (~~June, 2004~~ December,
2 2005).
- 3 4. NRCS technical guide manure transfer standard 634 (~~January, 2002~~ February, 2007).
- 4 5. NRCS technical guide nutrient management standard 590 (~~March, 1999~~ September,
5 2005).

6 **NOTE:** The NRCS technical guide nutrient management standard 590 (~~March, 1999~~
7 September, 2005) is reproduced in Appendix D. For information on how to
8 obtain other NRCS technical guide standards, including any secondary standards
9 incorporated by reference in those standards, see *Appendix G*.

10 **SECTION 76.** ATCP 50.79(3)(a) and (note) are repealed and recreated to read:

11 ATCP 50.79(3)(a) The cost-shared practice complies with all of the following that apply:

- 12 1. NRCS technical guide pest management standard 595 (June, 2003).
- 13 2. Pesticide mixing and loading standards under ch. ATCP 29, subch. VIII.
- 14 3. Standards specified by the university of Wisconsin-Madison, biological systems
15 engineering department, in “Wisconsin Minimum Design and Construction Standards for
16 Concrete Mixing and Loading Pads and Secondary Containment Structures” (February, 2005).

17 **NOTE:** The “Wisconsin Minimum Design and Construction Standards for Concrete
18 Mixing and Loading Pads and Secondary Containment Structures” (February,
19 2005) is on file with the department and the legislative reference bureau. Copies
20 may be purchased from the university of Wisconsin-Madison, Biological Systems
21 Engineering Department, 460 Henry Mall, Madison, WI 53706, telephone: 608-
22 262-3311.

23 **SECTION 77.** ATCP 50.80(3)(a) 1. to 7., 7.(note) and 8. are amended to read:

- 24 ATCP 50.80(3)(a)1. NRCS technical guide critical area planting standard 342 (~~May,~~
25 2000 June, 2002).
- 26 2. NRCS technical guide pasture and hayland planting standard 512 (~~March, 1992~~ June,
27 2002).

1 3. NRCS technical guide ~~livestock use~~ exclusion standard 472 (~~June, 1983~~ June, 2002).

2 4. NRCS technical guide streambank and shoreline protection standard 580 (~~February,~~
3 1997 December, 2005).

4 5. NRCS technical guide heavy use area protection standard 561 (~~March, 2002~~ August,
5 2008).

6 6. NRCS technical guide prescribed grazing standard 528A (~~April, 1998~~) (managed
7 grazing-Wisconsin) 528 (December, 2005)).

8 7. Guidelines specified in "~~pastures for profit: a guide to rotational grazing,~~" published
9 ~~by the university of Wisconsin-extension, August, 1994~~ "Pastures for profit: a guide to rotational
10 grazing," published by the university of Wisconsin-extension (2002).

11 *NOTE:* Copies of "~~pastures for profit: a guide to rotational grazing~~" "Pastures for profit: a
12 guide to rotational grazing" are on file with the department, ~~the secretary of state~~
13 ~~and the revisor of statutes~~ and the legislative reference bureau. Copies may be
14 purchased from the department or from the university of Wisconsin-extension
15 (UWEX Pub. No. A3529). For further information, see *Appendix G*.

16 8. NRCS technical guide animal trails and walkways standard 575 (~~April, 2002~~ August,
17 2006).

18 **SECTION 78.** ATCP 50.82(4)(c)1. to 3. are amended to read:

19 ATCP 50.82(4)(c)1. NRCS technical guide ~~residue management, no till and strip till~~
20 ~~standard 329A (May, 1998)~~ residue and tillage management-no till/strip till/direct seed standard
21 329 (October, 2006).

22 2. NRCS technical guide ~~residue management, mulch till standard 329B (May, 1998)~~
23 residue and tillage management-mulch till standard 345 (October, 2006).

24 3. NRCS technical guide residue ~~management,~~ management-seasonal standard 344
25 (~~May, 1998~~ October 2006).

1 **SECTION 79.** ATCP 50.83(3)(a)1., 2., 5. and 6. are amended to read:

2 ATCP 50.83(3)(a)1. NRCS technical guide critical area planting standard 342 (~~May,~~
3 2000 June, 2002).

4 2. NRCS technical guide ~~feneing~~ fence standard 382 (November, 1999).

5 5. NRCS technical guide ~~livestock use~~ exclusion standard 472 (~~June, 1983~~ June, 2002).

6 6. NRCS technical guide mulching standard 484 (~~July, 1987~~ June, 2002).

7 **SECTION 80.** ATCP 50.84(5)(a) and (note) are repealed and recreated to read:

8 ATCP 50.84(5)(a) The roof complies with the american society of civil engineers,
9 “Minimum Design Loads for Buildings and Other Structures”, ASCE/SEI 7-05 (2006).

10 **NOTE:** Copies of ASCE/SEI 7-05 (2006) are on file with the department and the
11 legislative reference bureau. Copies may be obtained from ASCE Publications,
12 1801 Alexander Bell Drive, Reston, VA 20191. Phone: 800-548-asce (2723) or
13 the following web address: www.asce.org/asce.cfm.

14 **SECTION 81.** ATCP 50.85(4)(a)1. is amended to read:

15 ATCP 50.85(4)(a)1. NRCS technical guide roof runoff structure standard 558 (~~June,~~
16 2002 January, 2008).

17 **SECTION 82.** ATCP 50.86(4)(b)1. to 6., 8., and 8.(first note) are amended to read:

18 ATCP 50.86(4)(b)1. NRCS technical guide critical area planting standard 342 (~~May,~~
19 2000 June, 2002).

20 2. NRCS technical guide sediment basin standard 350 (~~September, 1990~~ August, 2008).

21 3. NRCS technical guide manure transfer standard 634 (~~January, 2002~~ February, 2007).

22 4. NRCS technical guide ~~feneing~~ fence standard 382 (November, 1999).

23 5. NRCS technical guide ~~wastewater~~ vegetated treatment ~~strip~~ area standard 635
24 (~~January, 2002~~ August, 2008).

1 6. NRCS technical guide heavy use area protection standard 561 (~~March, 2002~~ August,
2 2008).

3 8. Wisconsin DNR conservation practice standard 1001, wet detention basin, ~~dated June,~~
4 1999 (June, 1999).

5 **NOTE:** Copies of the DNR conservation practice standard 1001 are on file with the
6 department, ~~the secretary of state and the revisor of statutes~~ and the legislative
7 reference bureau. Copies may be obtained from DNR or the department. For
8 more information, see *Appendix G*.

9 **SECTION 83.** ATCP 50.87(4)(a)2. and 3. are amended to read:

10 ATCP 50.87(4)(a)2. NRCS technical guide diversion standard 362 (~~May, 2002~~ August,
11 2006).

12 3. NRCS technical guide grassed waterway standard 412 (~~April, 2002~~ June, 2008).

13 **SECTION 84.** ATCP 50.88(3)(a)1. to 5. are amended to read:

14 ATCP 50.88(3)(a)1. NRCS technical guide critical area planting standard 342 (~~May~~
15 2000 June, 2002).

16 2. NRCS technical guide ~~fencing~~ fence standard 382 (November, 1999).

17 3. NRCS technical guide streambank and shoreline protection standard 580 (~~February,~~
18 1997 December, 2005).

19 4. NRCS technical guide ~~tree and shrub~~ tree/shrub establishment standard 612 (~~March,~~
20 2004 April, 2003).

21 5. NRCS technical guide heavy use area protection standard 561 (~~March, 2002~~ August,
22 2008).

23 **SECTION 85.** ATCP 50.89(title), (1), (2), and (3)(intro.), (a), (b)(intro.), (b)2. and (c) are
24 amended to read:

1 ATCP 50.89(title) ~~Strip-eropping~~ Stripcropping. (1) DEFINITION. In this section, “~~strip-~~
2 ~~eropping~~” “stripcropping” means growing crops in a systematic strip arrangement in which strips
3 of grass, legumes or other close growing crops are alternated with strips of clean tilled crops or
4 fallow, and in which all of the strips are established on the contour or across a slope to reduce
5 water or wind erosion.

6 (2) ELIGIBLE COSTS. A cost-share grant under s. ATCP 50.40 may reimburse the cost of
7 establishing a ~~strip-eropping~~ stripcropping system, including costs for the necessary removal of
8 obstructions.

9 (3) DESIGN, CONSTRUCTION AND MAINTENANCE. A cost-share grant under s. ATCP 50.40
10 may not reimburse the cost of establishing a ~~strip-eropping~~ stripcropping system unless all of the
11 following conditions are met:

12 (a) The ~~strip-eropping~~ stripcropping operations are performed, to the maximum extent
13 feasible, on the contour.

14 (b) The ~~strip-eropping~~ stripcropping system complies with all of the following that
15 apply:

16 2. NRCS technical guide ~~strip-eropping, contour~~ stripcropping standard 585 (~~July, 1987~~
17 June, 2002).

18 (c) The landowner agrees to maintain the ~~strip-eropping~~ stripcropping for 10 years unless
19 farming operations on the affected land are discontinued.

20 **SECTION 86.** ATCP 50.90(3)(b)1. is amended to read:

21 ATCP 50.90(3)(b)1. NRCS technical guide subsurface drain standard 606 (~~September,~~
22 ~~1989~~ June, 2002).

23 **SECTION 87.** ATCP 50.91(3)(b)1. to 3., 5. and 6. are amended to read:

1 ATCP 50.91(3)(b)1. NRCS technical guide critical area planting standard 342 (~~May,~~
2 ~~2000 June, 2002~~).

3 2. NRCS technical guide grassed waterway standard 412 (~~April, 2002 June, 2008~~).

4 3. NRCS technical guide lined waterway or outlet standard 468 (~~May, 2002 August,~~
5 ~~2006~~).

6 5. NRCS technical guide terrace standard 600 (~~September, 1990 June, 2002~~).

7 6. NRCS technical guide subsurface drain standard 606 (~~September, 1989 June, 2002~~).

8 **SECTION 88.** ATCP 50.92(3)(b)1. is amended to read:

9 ATCP 50.92(3)(b)1. NRCS technical guide subsurface drain standard 606 (~~September,~~
10 ~~1989 June, 2002~~).

11 **SECTION 89.** ATCP 50.93(4)(a)1. is amended to read:

12 ATCP 50.93(4)(a)1. NRCS technical guide manure transfer standard 634 (~~January, 2002~~
13 ~~February, 2007~~).

14 **SECTION 90.** ATCP 50.94(3)(a) is amended to read:

15 ATCP 50.94(3)(a)1. NRCS technical guide critical area planting standard 342 (~~May,~~
16 ~~2000 June, 2002~~).

17 2. NRCS technical guide ~~feneing~~ fence standard 382 (November, 1999).

18 3. NRCS technical guide ~~livestœek use~~ livestock use exclusion standard 472 (~~June, 1983 June, 2002~~).

19 4. NRCS technical guide mulching standard 484 (~~July, 1987 June, 2002~~).

20 5. NRCS technical guide ~~wastewater vegetated~~ wastewater vegetated treatment strip area standard 635
21 (~~January, 2002 August, 2008~~).

22 **SECTION 91.** ATCP 50.95(3)(a)1. and 2. are amended to read:

1 ATCP 50.95(3)(a)1. NRCS technical guide critical area planting standard 342 (~~May,~~
2 2000 June, 2002).

3 2. NRCS technical guide ~~feneing~~ fence standard 382 (November, 1999).

4 **SECTION 92.** ATCP 50.96(3)(b)1. to 4. and 6. are amended to read:

5 ATCP 50.96(3)(b)1. NRCS technical guide critical area planting standard 342 (~~May,~~
6 2000 June, 2002).

7 2. NRCS technical guide ~~feneing~~ fence standard 382 (November, 1999).

8 3. NRCS technical guide grassed waterway standard 412 (~~April, 2002~~ June, 2008).

9 4. NRCS technical guide mulching standard 484 (~~July, 1987~~ June, 2002).

10 6. NRCS technical guide subsurface drain standard 606 (~~September, 1989~~ June, 2002).

11 **SECTION 93.** ATCP 50.97(3)(a) is amended to read:

12 ATCP 50.97(3)(a) NRCS technical guide well decommissioning standard 351 (~~April,~~
13 1999 May, 2008).

14 **SECTION 94.** ATCP 50.98(3)(a) is amended to read:

15 ATCP 50.98(3)(a) The wetland development or restoration complies with NRCS
16 technical guide wetland restoration standard 657 (September, ~~2002~~ 2000).

17 **SECTION 95.** Chapter ATCP 50 *Appendix A* is repealed and recreated to read as shown in
18 *ATCP 50 Appendix A* attached.

19 **SECTION 96.** Chapter ATCP 50 *Appendix G* is repealed and recreated to read as shown in
20 *ATCP 50 Appendix G* attached.

21 **SECTION 97.** ATCP 51.20(2)(a)2.(note) is amended to read:

22 **NOTE:** The BARNY model is a computer model that predicts nutrient runoff from
23 animal lots. Copies of the BARNY model are on file with the department, ~~the~~
24 ~~secretary of state and the revisor of statutes~~ legislative reference bureau. An

1 Excel spreadsheet version may be obtained from the NRCS Wisconsin website
2 (engineering directory).

3 **SECTION 98.** ATCP 55.07(3) is amended to read:

4 ATCP 55.07(3) SLAUGHTER AND PROCESSING STANDARDS: RATITES. (a) A meat
5 establishment operator who does any of the following shall comply with applicable requirements
6 under ~~9 CFR parts 307 to 311, 313 to 315, 317, 319, 416, and 417~~ 9 CFR 416 and 417, and
7 subparts G, H, I, J, K, L, O and P of 9 CFR 381:

8 **SECTION 99.** ATCP 57.01(17)(g) is created to read:

9 ATCP 57.01(17)(g) An operator that is solely engaged in the production of biodiesel or
10 other biofuels and does not produce either grease or other products for human or animal
11 consumption.

12 **SECTION 100.** ATCP 60.18(5)(b) is amended to read:

13 ATCP 60.18(5)(b) Perform a confirmatory bacteriological test on at least one more
14 sample of milk collected from the milk producer's dairy farm. The operator shall collect the
15 confirmatory sample within ~~7~~ 14 days after the date on which the operator collected the original
16 sample. The operator shall report the confirmatory test result to the department and the milk
17 producer within 3 business days after the operator obtains the test result.

18 **SECTION 101.** ATCP 60.20(6)(b) is amended to read:

19 ATCP 60.20(6)(b) Perform a confirmatory somatic cell count on at least one more
20 sample of milk collected from the milk producer's dairy farm. The operator shall collect the
21 confirmatory sample within ~~7~~ 14 days after the date on which the operator collected the original
22 sample. The operator shall report the confirmatory somatic cell count to the department and the
23 milk producer within 3 business days after the operator obtains the confirmatory count. A dairy

1 plant operator shall use the Pyronin Y-Methyl green stain test when performing a confirmatory
2 somatic cell count on goat milk.

3 **SECTION 102.** ATCP 70.03(7)(d)1. is amended to read:

4 ATCP 70.03(7)(d)1. The meat establishment is licensed under s. 97.42, Stats., or
5 inspected under ~~21 USC 71~~ 21 USC 601 et seq. or 21 USC 451 et seq.

6 **SECTION 103.** ATCP 75.02(1) and (9)(f)1. are amended to read:

7 ATCP 75.02(1) LICENSE REQUIRED. Exact as provided under ~~sub. (7)~~ sub. (9), no person
8 may operate a retail food establishment without a valid license issued by the department or an
9 agent municipality or county. Licenses expire on June 30 annually. Each retail food
10 establishment shall have a separate license, which shall be prominently displayed in the retail
11 food establishment. A license is not transferable between persons or establishments.

12 (9)(f)1. The meat establishment is licensed under s. 97.42, Stats., or inspected under ~~21~~
13 ~~USC 71~~ 21 USC 601 et seq. or 21 USC 451 et seq.

14 **SECTION 104.** ATCP 90.05(1)(note) is amended to read:

15 **NOTE:** For example, a declared net weight may be expressed in any of the following
16 forms:

17		
18	Net Wt	1 lb 8 oz
19	Net Wt	1.5 lb
20	Net Wt	1 ½ lb
21	Net Wt	12 oz

22 **SECTION 105.** ATCP 90.05(2)(note) is amended to read:

23 **NOTE:** For example, a liquid measure may be expressed in any of the following ways:

24		
25	Net contents <u>Contents:</u>	1 gal, 2 qt
26	Net contents <u>Contents:</u>	1.5 gal
27	Net contents <u>Contents:</u>	6 qt
28	Net contents <u>Contents:</u>	1 qt, 1 pt
29	Net contents <u>Contents:</u>	1.25 qt
30	Net contents <u>Contents:</u>	1 pt, 8 oz

1 ~~Net contents~~ Contents: 1 ½ pt
2 ~~Net contents~~ Contents: 1.5 pt
3 ~~Net contents~~ Contents: 8 oz

4 **SECTION 106.** ATCP 92.02(1) and (note) are amended to read:

5 ATCP 92.02(1) Except as provided in this chapter, weighing and measuring devices
6 shall comply with applicable specifications, tolerances and other technical requirements set forth
7 in the national institute of standards and technology handbook 44 (specification, tolerances and
8 other technical requirements for weighing and measuring devices), ~~2006-2009~~ edition.

9 **NOTE:** See s. 98.03 (2), Stats. The current edition of the National Institute of Standards
10 and Technology Handbook 44 (Specifications, Tolerances and Other Technical
11 Requirements for Weighing and Measuring Devices) is on file with the
12 department, ~~the secretary of state~~ and the ~~revisor of statutes~~ legislative reference
13 bureau. Copies may be purchased from the U.S. Government Printing Office,
14 Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954.

15 **SECTION 107.** ATCP 92.06(1)(a) and (2) are amended to read:

16 ATCP 92.06(1)(a) The national institute of standards and technology handbook 44
17 (specifications, tolerances, and other technical requirements for weighing and measuring
18 devices), ~~2006~~ 2009 edition.

19 (2) PRICE VERIFICATION SYSTEMS. Inspections of price verification systems shall comply
20 with section 7 “test procedures” from the chapter titled “examination procedure for price
21 certification,” national institute of standards and technology handbook 130 (uniform laws and
22 regulation in the areas of legal metrology and engine fuel quality), ~~2006-2009~~ edition.

SECTION 108. ATCP 92.06(3)(note) is amended to read:

23 **NOTE:** The standards incorporated by reference in subs. (1) and (2) are on file with the
24 department and the ~~revisor of statutes~~ legislative reference bureau. Copies may
25 be purchased from the U.S. Government Printing Office, Superintendent of
26 Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954.

27 **SECTION 109.** ATCP 92.22(1)(b) and (note) is amended to read:
28

1 ATCP 92.22(1)(b) Comply with applicable requirements contained in the national
2 institute of standards and technology handbook 44 (specifications, tolerances,
3 and other technical requirements for weighing and measuring devices), 2006
4 2009 edition.

5 **NOTE:** The national institute of standards and technology handbook 44, 2006 2009
6 edition, is on file with the department and the ~~revisor of statutes~~ legislative
7 reference bureau. Copies may be purchased from the U.S. Government Printing
8 Office, Superintendent of Document Sales, P.O. Box 371954, Pittsburgh, PA
9 15250-7954.

10 **SECTION 110.** ATCP 103.05 and (note) are amended to read:

11 ATCP 103.05 **Management personnel.** The time of officers and management personnel
12 shall be charged to the functions they perform. In the event officers or other personnel receive
13 no salary or other remuneration, a value shall be placed on their services at a rate no lower than
14 the average current labor rate paid in Wisconsin in the ~~dairy industry category~~ dairy product
15 manufacturing industry (3115) category of the ~~“Food and Kindred Products Industry”~~ “food
16 manufacturing industry (311)” as reported by the Wisconsin department of workforce
17 development in the ~~periodical titled “Wisconsin Economic Indicators”~~ quarterly census of
18 employment and wages (ES-202).

19 **NOTE:** Current labor rates reported in the above periodical may be obtained from the
20 ~~department or the~~ Department of Workforce Development, ~~Workforce Solutions~~
21 Division of Employment and Training, Labor Marketing Information
22 Section, 201 East Washington Avenue, P.O. Box 7972, Madison, WI 53707-
23 7972 or the following web address:
24 <http://worknet.wisconsin.gov/worknet/daindustry.aspx?menuselection=daperiod>
25 ical.

26 **SECTION 111.** Chapter ATCP 118(title) is repealed and recreated to read:

27 **CHAPTER ATCP 118**
28 **CAR RENTALS; CUSTOMER NOTICES**

29 **SECTION 112.** Chapter ATCP 118 subchapter I (title), is inserted prior to s. ATCP
30 118.01, is created to read:

1 **SUBCHAPTER I**
2 **NOTICE OF RENTER LIABILITY**

3 **SECTION 113.** ATCP 118.01(1), (2)(intro.) and (3) are amended to read:

4 ATCP 118.01(1) **PURPOSE.** This ~~chapter~~ subchapter is promulgated pursuant to s.
5 344.576(3)(c), Stats., to specify the notice ~~which~~ that rental companies that offer and sell damage
6 waivers shall be required to provide to renters.

7 (2)(intro.) **DEFINITIONS.** In this ~~chapter~~ subchapter:

8 (3) **APPLICABILITY.** This ~~chapter~~ subchapter applies to any rental company that offers a
9 damage waiver relating to a rental agreement for private passenger vehicles rented from
10 locations in this state for a period of 30 consecutive days or less. This ~~chapter~~ subchapter does
11 not apply to a rental agreement under which a person rents from a motor vehicle dealer licensed
12 under subch. I of ch. 218, Stats., if the vehicle is rented only for use while the vehicle owned or
13 leased by the person or which the person has agreed to purchase is being serviced, repaired,
14 manufactured, or delivered.

15 **SECTION 114.** ATCP 118.04 is amended to read:

16 **ATCP 118.04 Violations.** Any person who violates a provision of this ~~chapter~~
17 subchapter is subject to the penalties provided in s. 344.579, Stats.

18 **SECTION 115.** ATCP 118 subchapter II is created to read:

19 **SUBCHAPTER II**
20 **NOTICE OF CHARGES RELATED TO**
21 **NONMOVING TRAFFIC VIOLATIONS**

22 **ATCP 118.10 Definitions.** In this subchapter:

23 **(1)** “Department” means the Wisconsin department of agriculture, trade and consumer
24 protection.

- 1 (2) “Forfeiture” has the meaning given in s. 345.28(1)(b), Stats.
- 2 (3) “Nonmoving traffic violation” has the meaning given in s. 345.28(1)(c), Stats.
- 3 (4) “Rental agreement” has the meaning given in s. 344.57(5), Stats.
- 4 (5) “Rental company” has the meaning given in s. 344.57(6), Stats.
- 5 (6) “Renter” has the meaning given in s. 344.57(7), Stats.

6 **ATCP 118.12 Notice of charges related to nonmoving traffic violations.** (1) A rental
7 company shall give notice to prospective renters according to this section if the rental company
8 may charge a renter’s credit card for forfeitures, costs, towing or storage charges incurred but not
9 paid by the renter related to nonmoving traffic violations involving a private passenger vehicle
10 rented from the rental company.

11 (2) A rental company that is required to give notice under sub. (1) shall do all of the
12 following:

13 (a) Include the following verbatim notice, in 16-point bold-face type in the following
14 format, immediately adjacent to the renter signature line in the rental agreement:

15 **“WHAT IF YOU FAIL TO PAY A PARKING TICKET?
16 We Will Charge Your Credit Card For Unpaid Parking
17 Tickets You May Incur While The Vehicle Is In Your
18 Possession.”**

19 (b) Include the following verbatim written notice in the rental agreement, or in an
20 accompanying document without other text or markings, before the renter signs the rental
21 agreement:

22 **“NOTICE ABOUT CHARGES AGAINST YOUR CREDIT CARD FOR UNPAID
23 PARKING TICKETS
24
25 IF YOU FAIL TO PAY any forfeitures, costs, or towing and storage charges for
26 nonmoving traffic violations incurred while you are in possession of the rental or
27 leased vehicle, the rental company may pay those sums and CHARGE TO YOUR**

1 **CREDIT CARD the amount paid for the forfeitures, costs, or charges plus an**
2 **administrative fee of not more than \$30.”**

3
4 (c) The notice under par. (b) shall be printed in 11-point type, except that capitalized
5 portions shall be in 13-point type bold face type. If the notice is contained on a separate
6 document, it shall be printed on 8 ½ by 11 inch paper.

7 (d) The rental company shall give each renter a copy of the notice under par. (b) along
8 with the renter’s copy of the signed rental agreement, and shall retain a copy with a copy of the
9 signed rental agreement for at least 6 years. The rental company may retain its copy in
10 photographic or electronic form. A rental company that retains its copy in photographic or
11 electronic form shall print that copy for the department upon request.

12 **SECTION 116.** ATCP 123.04(1)(note) is amended to read:

13 **NOTE:** Section ~~134.42(2)~~ 100.209(2), Stats., requires a cable television provider to give
14 a consumer at least 30 days advanced written notice before deleting a service or
15 instituting a rate increase. 47 USC 76.309(3)(i)(B) requires a cable television
16 provider to give consumers a 30-day advance notice of any changes in rates or
17 services regulated under 47 USC 543.

18 **SECTION 117.** ATCP 124.02(4) is amended to read:

19 ATCP 124.02(4) “Seller” means a person engaged in the sale of consumer property or
20 services and includes corporations, partnerships, associations and any other form of business
21 organization or entity. The term does not include banks, savings and loan associations, insurance
22 companies and public utilities to the extent exempt from department regulation under s.
23 ~~93.01(13)~~, Stats. 93.01(1m), Stats.

24 **SECTION 118.** ATCP 136.02(4)(b) is amended to read:

25 ATCP 136.02(4)(b) The address of ~~each~~ the business location for which the applicant is
26 required to hold a business registration certificate under sub. (3).

27 **SECTION 119.** ATCP 136.12(3)(d) and (3)(note) are amended to read:

1 ATCP 136.12(3)(d) Equipment manufactured prior to January 1, 2008 used to recycle R-
2 134a refrigerant shall meet or exceed the standards specified by the society of automotive
3 engineers in HFC-R134a Recycling Equipment for Mobile Air Conditioning Systems," SAE
4 J2210, December 1991, including the secondary standards incorporated by reference in SAE
5 J2210. Equipment manufactured on or after January 1, 2008 shall meet or exceed the standards
6 specified in SAE J2788, December 2006.

7 **NOTE:** Standards incorporated by reference under sub. (3) are on file with the
8 department, ~~the secretary of state~~ and the ~~revisor of statutes~~ legislative reference
9 bureau. You may obtain copies of the SAE standards by contacting the Society of
10 Automotive Engineers, 400 Commonwealth Drive, Warrandale, PA 15096-0001.
11 You may obtain a copy of standard 740-1993 from the Air Conditioning and
12 Refrigeration Institute, 4301 North Fairfax Dr., Suite 425, Arlington, VA 22203.

SECTION 120. ATCP 136.14(1)(note) is amended to read:

13 **NOTE:** Standards incorporated by reference under sub. (1) are on file with the
14 department, ~~the secretary of state~~ and the ~~revisor of statutes~~ legislative reference
15 bureau. You may obtain copies by contacting the Society of Automotive
16 Engineers, 400 Commonwealth Drive, Warrandale, PA 15096-0001.

17 **SECTION 121.** ATCP 136.14(2)(note) is amended to read:

NOTE: Copies of the air conditioning and refrigeration institute 700 specification for
fluorocarbon and other refrigerant are on file with the department, ~~the secretary of~~
~~state~~ and the ~~revisor of statutes~~ legislative reference bureau. You may obtain
copies from the Air Conditioning and Refrigeration Institute, 4301 North Fairfax
Dr., Suite 425, Arlington, VA 22203.

18 **SECTION 122.** ATCP 160.02(1)(a) is amended to read:

19 ATCP 160.02(1)(a) The state aid authorized by s. 93.23(1), Stats., may be paid ~~only on~~
20 ~~net premiums, which consist of~~ on total premiums paid less total entry fees received by a county
21 or district fair, net of any amounts that the county or district fair deducts from total premium
22 payments. The department may withhold state premium aid from any fair which does not
23 enforce the animal health provisions required under ch. ATCP 10 for all classes of livestock

1 exhibited at the fair. State aid will be paid only on premiums actually paid by bank check or
2 draft.

3 **SECTION 123. EFFECTIVE DATE:** This rule takes effect on the first day of the month
4 following publication in the Wisconsin administrative register, as provided in s. 227.22 (2)
5 (intro.), Stats.

Dated this _____ day of _____, _____.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
Rodney J. Nilsestuen, Secretary

Chapter ATCP 21

Appendix A

AREAS INFESTED BY HEMLOCK WOOLLY ADELGID

States (entire state)

- Alaska
- California
- Connecticut
- Delaware
- New Jersey
- Oregon
- Rhode Island
- Washington

Counties

- In the state of **Georgia**, the counties of: Dawson, Fannin, Gilmer, Habersham, Lumpkin, Rabun, Stephens, Towns, Union, White.
- In the state of **Kentucky**, the counties of: Bell, Clay, Harlan, Leslie, Letcher, Pike, Whitley.
- In the state of **Maine**, the county of York.
- In the state of **Maryland**, the counties of: Allegany, Anne Arundel, Baltimore, Calvert, Caroline, Carroll, Cecil, Frederick, Garrett, Harford, Howard, Kent, Montgomery, Prince George's, Queen Anne's, Talbot, Washington.
- In the state of **Massachusetts**, the counties of: Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Norfolk, Plymouth, Suffolk, Worcester.
- In the state of **New Hampshire**, the counties of: Hillsborough, Rockingham.

- In the state of **New Jersey**, the counties of: Atlantic, Bergen, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Salem, Somerset, Sussex, Union, Warren.
- In the state of **New York**, the counties of: Albany, Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Monroe, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, Westchester.
- In the state of **North Carolina**, the counties of: Alamance, Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Caswell, Catawba, Cherokee, Clay, Forsyth, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Orange, Polk, Rockingham, Rutherford, Stokes, Surry, Swain, Transylvania, Watauga, Wilkes, Yancey.
- In the state of **Pennsylvania**, the counties of: Adams, Allegheny, Beaver, Bedford, Berks, Blair, Bradford, Bucks, Cambria, Cameron, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Elk, Franklin, Fulton, Huntingdon, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Wayne, Westmoreland, Wyoming, York.
- In the state of **South Carolina**, the county of: Greenville.
- In the state of **Tennessee**, the counties of: Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hamilton, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, Monroe, Morgan, Polk, Roane, Scott, Sevier, Sullivan, Unicoi, Union, Washington.
- In the state of **Virginia**, the counties of: Albemarle, Alleghany, Amherst, Appomattox, Arlington, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Caroline, Carroll, Chesterfield, Clarke, Craig, Essex, Culpeper, Dickenson, Essex, Fairfax, Fauquier, Floyd, Fluvanna, Franklin, Frederick, Giles, Grayson, Greene, Hanover, Henrico, Henry, Highland, King William, Lee, Loudon, Lunenburg, Madison, Montgomery, Nelson, Northumberland, Orange, Page, Patrick, Pittsylvania, Prince William, Pulaski, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Spotsylvania, Tazewell, Warren, Washington, Wise, Wythe.
- In the state of **West Virginia**, the counties of: Barbour, Berkeley, Boone, Braxton, Fayette, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Kanawha, Logan, Marion, McDowell, Mercer, Mineral, Monongalia, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Preston, Raleigh, Randolph, Roane, Summers, Tucker, Upshur, Webster, Wyoming.