

Table 2
Rescue Treatments for Seed and Sweet Corn
(Not Field Corn)

Surface Soil Texture	Maximum annual amounts (lbs. of atrazine active ingredient per acre per year) including rescue treatment
Coarse	1.5
Medium/Fine	2.0

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91; am. (intro.), (1) and (2), r. and recr. (3), r. (3) Table 1, Register, March, 1993, No. 447, eff. 4-1-93.

ATCP 30.11 Annual report and recommendations. (1) ANNUAL REPORT. The department shall provide the board with an annual report which includes state groundwater test results under sub. (2) and the department's recommendations under sub. (3). If the department recommends that the use of atrazine be further restricted or prohibited, the department shall submit draft rules to implement its recommendations, according to sub. (4).

(2) GROUNDWATER TEST RESULTS. The annual report under sub. (1) shall indicate the results of statewide groundwater tests for atrazine and its metabolites. The report shall indicate all groundwater test results that equal or exceed the preventive action limit for atrazine, and all results that equal or exceed the enforcement standard for atrazine. The report shall also discuss the results of the department's investigations related to atrazine in groundwater, significant trends or developments related to atrazine in groundwater, and other information which the department considers relevant to the regulation of atrazine.

(3) RECOMMENDATIONS. Based on groundwater test results and other relevant information, the department shall annually evaluate its restrictions on the use of atrazine. As part of its annual report under sub. (1), the department shall recommend further restrictions on atrazine use which the department considers necessary, pursuant to ch. ATCP 31 and this chapter. This may include recommendations for any of the following:

- (a) Statewide restrictions or prohibitions against the use of atrazine.
- (b) Atrazine management areas under subch. II.
- (c) Atrazine prohibition areas under subch. III.

(4) RULES. If the department recommends further restrictions on the use of atrazine under sub. (3), the department shall submit proposed hearing draft rules to implement its recommendations. If the board declines to adopt final draft rules, or approves final draft rules that differ from the department's hearing draft rules, the department shall identify each rule modification to the legislature, as part of the department's report under s. 227.19 (2), Stats. Except in an emergency, the department shall transmit its final draft rules for legislative committee review under s. 227.19, Stats., by January 1 of each year.

History: Cr. Register, March, 1993, No. 447, eff. 4-1-93.

Subchapter II — Atrazine Management Areas

ATCP 30.18 Creation of atrazine management areas. (1) AUTHORITY. In addition to any other restrictions under this chapter or ch. ATCP 31, the department may, by rule, restrict the use of atrazine product in atrazine management areas designated according to this section.

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

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

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

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

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

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

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

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

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

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

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

(c) Legal land description boundaries including political boundaries.

(d) Public roads.

ATCP 30.18

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

(a) Prohibitions against the use of atrazine product, subject to s. ATCP 31.08.

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

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

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

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

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

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

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

(b) A groundwater monitoring program.

(c) An information and education program.

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

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

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91; am. (1), r. (3), Register, March, 1993, No. 447, eff. 4-1-93.

Subchapter III — Prohibition Areas

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

(1) **SITE-SPECIFIC PROHIBITIONS.** The department may prohibit the use of atrazine products on a site-specific basis under ss. ATCP 31.07 and 31.08 (1) and (2).

(2) **STATEWIDE OR REGIONAL PROHIBITIONS.** The department may prohibit the use of atrazine products on a statewide or regional basis under s. ATCP 31.08 (3).

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

ATCP 30.26 Mixing and loading prohibited. No person may mix or load any atrazine product in a prohibition

area identified under s. ATCP 30.30 unless the mixing and loading is conducted over a spill containment surface which complies with s. ATCP 29.151 (2) to (4).

History: Cr. Register, March, 1992, No. 435, eff. 4-1-92; correction made under s. 13.93 (2m) (b) 7, Stats., Register, March, 1994, No. 459.

ATCP 30.30 Prohibition areas. No person may apply any atrazine product in any of the following prohibition areas:

(1) The lower Wisconsin river valley except that atrazine may be applied to medium- and fine-textured soils in Township 9 North, Range 1 West, sections 27, 28, 29, 30, 31, 32, 33 and 34 and Township 9 North, Range 2 West, sections 25, 26, 27, 28, 32, 33, 34, 35 and 36 in compliance with ss. ATCP 30.05 through 30.10.

(2) Any of the prohibition areas identified in Appendix A.

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91; r. and recr. Register, March, 1992, No. 435, eff. 4-1-92; r. and recr. Register, March, 1993, No. 447, eff. 4-1-93; am. (1), Register, March, 1994, No. 459, eff. 4-1-94.

ATCP 30.35 Exemptions. (1) RESEARCH EXEMPTION. Notwithstanding any provision of this chapter, the department may issue a written permit authorizing the use of atrazine for bona fide research purposes. An applicant for a research permit shall apply to the department in writing. The application shall describe the proposed research, and the amounts and locations of proposed atrazine applications. The department may require an applicant to file other information which the department considers necessary for its review of the application.

(2) **LAND SPREADING SOILS AND WATER. (a)** Notwithstanding any provision of this chapter, the department may issue a written permit authorizing any person to land spread soils or water containing residues of atrazine or its metabolites in order to remedy soil or water contamination. Authorization, if any, shall be given in writing. The amount of atrazine and atrazine metabolites applied to a site by means of land spreading may not exceed the amount of atrazine active ingredient permitted under s. ATCP 30.10.

History: Cr. Register, March, 1991, No. 423, eff. 4-1-91; renum. to be (1), cr. (2), Register, March, 1993, No. 447, eff. 4-1-93; am. (2) (a) and (b), Register, March, 1994, No. 459, eff. 4-1-94; r. (2) (b), (c), renum. (2) (a) to be (2) and am., Register, March, 1995, No. 471, eff. 4-1-95.

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

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