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CLEARINGHOUSE RULE 94−213

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

4. Adequacy of References to Related Statutes, Rules and Forms

a. In s. NR 422.095 (1), the cite to s. NR 484.05 could be changed to s. NR 484.05 (3) (b) which specifically relates to the Standard Industrial Classification Manual.

b. SECTION 5 should be changed to "NR 484.05, Table 3, as affected by Clearinghouse Rule 94-104, is amended in part to read:" because s. NR 484.05 (1) does not exist. Also, the table number and the title of the table should be included in the text of the amendment and "NR 484.05 (1)" should be deleted from the text under "Document Reference."

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Section NR 422.02 (3m) might be clearer if the word "portion" were changed to "layer" in both instances it is used. The same change could be made in sub. (45m).

b. In s. NR 422.02 (37s), the phrase "parts or components replaced in" could be added after the word "including" for clarity. Also in that subsection, the phrase "an original equipment manufacturing plant coating assembly line" could be replaced with a phrase such as "the plant where the equipment was manufactured."

c. In s. NR 422.02 (42n), the word "discreet" should be "discrete."

d. Section NR 422.02 (43m) would be clearer if the phrase "to be refinished" were replaced with "to prepare the surface for refinishing."

e. In s. NR 422.095 (1), the phrase "which coats vehicles which is classified" would be clearer as "which coats vehicles and is classified." Also, to what does the phrase "This includes" refer? Does the phrase refer to any facility or does it refer to motor vehicle refinishing operations?

Also in that subsection, "This includes dock repair" could be changed to ", including dock repair."

f. Section NR 422.095 (4) (a) would be clearer if the phrase "the emission limits of Table 1" were changed to "the emission limits set forth in Table 1."

g. In s. NR 422.095 (4) (a), Table 1, "kilogram/liter" could be changed to "kilograms/liter" to be consistent with "pounds/gallon." Also in Table 1, "primer surfacer" should be capitalized to be consistent with the rest of the table, and the maximum volatile organic compound content for Topcoat or Basecoat-Clearcoat and for Three (or more) Stage Topcoat should be moved to the right to line up with the rest of the column.

h. In s. NR 422.095 (4) (b), "a basecoat-clearcoat systems" should be changed to either "a basecoat-clearcoat system" or "basecoat-clearcoat systems."

i. Section NR 422.095 (4) (b) and (c) use the term "as applied weighted average." However, s. NR 422.04 (1) (a) and (b) use the term "volume-weighted average." If these two terms mean the same thing, one of the terms should be used consistently.

j. In s. NR 422.095 (5) (intro), the phrase "application methods is used" could be changed to "types of equipment used in accordance with the manufacturer's recommendations" and the phrase "operated in accordance with the manufacturer's recommendations" could be deleted from pars. (a) and (b).

k. In s. NR 422.095 (6) (a) and (b), a comma should be added after the word "substrates."

l. In s. NR 422.095 (6) (f) 1, the word "the" should be added before "final rinse."

m. Section NR 422.095 (6) (g) would be clearer if the word "direct" were replaced with "collect."

n. Section NR 422.095 (8) could be clearer if the phrase "on a monthly basis" were deleted and the phrase "each month" was added after "records of the amount and category of each coating purchased." Also, the phrase "The owner or operator of any motor vehicle refinishing operation subject to this section" is not entirely clear when compared to sub. (2) (a). Under sub. (2) (a), motor vehicle refinishing operations at facilities that use less than 20 gallons per year of coatings are exempt from subs. (5) and (6) (f). Consequently, these operations are partially subject to s. NR 422.095. If the department intends to apply the recordkeeping requirements of sub. (8) to these operations, a clarification of sub. (8) may be necessary. For example, sub. (8) (a) could be rewritten to read: "The owner or operator of any motor vehicle refinishing operation, including an operation that uses less than 20 gallons per year of coatings,...." The phrase "subject to this section" then would be unnecessary given the remaining applicability and exemption provisions of subs. (1) and (2).