

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## ***RULES CLEARINGHOUSE***

**Ronald Sklansky**  
Director  
(608) 266-1946

**Richard Sweet**  
Assistant Director  
(608) 266-2982



**David J. Stute, Director**  
Legislative Council Staff  
(608) 266-1304

One E. Main St., Ste. 401  
P.O. Box 2536  
Madison, WI 53701-2536  
FAX: (608) 266-3830

## **CLEARINGHOUSE RULE 96-077**

### **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.]**

#### **2. Form, Style and Placement in Administrative Code**

- a. The entire rule should be divided into subchapters. Sections NR 235.01 to 235.04 should be contained in subch. I.
- b. The proper method of referring to a series of rule provisions by cross-reference is to use “to.” For example, see s. NR 235.02 (1) (intro.), which should refer to subchs. I to VII.
- c. Acronyms should be used sparingly, and only to improve the readability of the rule. The full term represented by an acronym should be included in the definition, together with the acronym. For example, see s. NR 235.02 (1) (intro.), which uses the acronyms OCPSF and SIC.
- d. Superfluous quotation marks are used in s. NR 235.02 (8) (intro.) and (9).
- e. The period at the end of each section title should be underscored. This style is not followed for any of the section titles in ch. NR 233.
- f. The last paragraph of the analysis states that a purpose section was included in the rule, as required by the Manual. However, s. 1.02 (3), Manual, merely suggests the sequence of material in a chapter. If a purpose statement is included, it should come first. However, there is no requirement to include a purpose statement.

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

The analysis accompanying the rule cites s. 147.04, Stats., as authorizing rule-making, yet this section does not specifically authorize rules. Furthermore, the references to ss. 147.035, 147.06 and 147.07, Stats., as authorizing rule-making, are unduly broad as all of these sections contain considerable other provisions in addition to the authority or duty to adopt rules; specific subsections or paragraphs should be cited.

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

a. Section NR 235.02 (1) and (3) refer to regulations that are applicable to “establishments,” but s. NR 235.02 (2) refers to the “plant site.” Are these terms intended to be different and, if so, what is the difference between them? Also, “plant” is used in s. NR 235.02 (8) (intro.).

b. The terms “permit writer” and “control authority” are used in s. NR 235.02 (7), but are not defined. It is not clear how the term “control authority” relates to the defined term “pretreatment control authority” in s. NR 235.03 (3). Also, it is not clear why only “permit writer” is used in s. NR 235.02 (8) (a) 2. and only “control authority” is used in s. NR 235.02 (8) (b) 1.

c. The terms “direct dischargers” and “indirect dischargers” are used in s. NR 235.02 (8), but are not defined. It is not clear what these terms mean.

d. The term “subcategory j” is used in s. NR 235.02 (9), but is not defined. It is not clear what this term means.

e. The term “approval authority” is used in s. NR 235.03 (3) (b), but is not defined. It is not clear what this term means.