



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 05-055

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 January 2005.]

2. Form, Style and Placement in Administrative Code

Section NR 400.02 (162) (b) is a substantive provision that should be placed elsewhere in the rule.

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

a. Section 285.11 (6), Stats., requires that rules or control strategies submitted to the federal Environmental Protection Agency under the federal Clean Air Act for the control of atmospheric ozone shall **conform** with the federal Clean Air Act unless specified conditions are met. The summary accompanying the rule states that the rule revises the definition of volatile or organic compounds in s. NR 400.025 (162) to **be consistent** with the corresponding federal definition. To avoid any ambiguity over whether the rule complies with the requirement in s. 285.11 (6), Stats., the department should consider stating, in the summary accompanying the rule, that this definition conforms with the corresponding federal definition rather than stating that it is consistent with the definition, assuming that the department uses these two terms interchangeably. If the department intends that the definition in the rule is consistent with the corresponding federal definition and this consistency is different from the state definition, the department conforming with the federal definition should explain the difference and indicate how it will comply with s. 285.11 (6), Stats.

b. In item 8. in the summary accompanying the rule, “Yeasty” is misspelled and should be “Yeasts.”

c. Since there is only one compound identified in the list in s. NR 400.02 (162) (b), this paragraph should begin with the phrase “The following compound is subject to ...” rather than “The following compounds are subject to”