



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 13-006

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated November 2011.]

2. Form, Style and Placement in Administrative Code

a. The introductory clause should be revised to accurately reflect all the rule provisions and their treatment in the proposed rule. [s. 1.02 (1) (a), Manual.] For example, s. NR 211.16 should be included in the “to repeal” portion of the introductory clause.

b. Throughout the proposed rule, the reproduced current rule text should be reviewed to ensure that it accurately reflects the current text of the rule. In many instances, a word or punctuation in the reproduced current rule text is either missing or incorrect. For example, compare s. NR 211.01 in the proposed rule with the current rule text.

c. Throughout the proposed rule, introductory material should follow the format outlined in s. 1.03 (3), Manual. For example, the introductory material in s. NR 211.11 (3) (bm) 1. (intro.) should contain words like “all of the following”, and the subdivision paragraphs should end in a period and should form a complete sentence when read with the introduction.

d. The material in SECTIONS 3m, 4, 4m, 5, and 6 should be rearranged according to the numerical order of the rule provisions being treated. This comment also applies to SECTIONS 8m and 8s. [s. 1.04 (1), Manual.]

e. In s. NR 211.23 (1) (j), when text is deleted and other text is inserted in the same location, the new underscored text should immediately follow the stricken material. [s. 1.06 (1), Manual.] This comment also applies to s. NR 211.235 (1) (am) (intro.).

f. In s. NR 211.23 (1) (j) 6., “45” should be underscored and should immediately follow “30”. [s. 1.06 (1), Manual.]

g. In s. NR 211.23 (1) (j) 8., the first comma should be underscored because it is new text. [s. 1.06 (1), Manual.]

h. SECTION 18m and the treatment clause should not be underscored.

i. In s. NR 211.235 (4) (a), “~~user’s need for a slug control plan~~ needs” should be changed to “~~user’s need for a slug control plan~~ user needs”. [s. 1.06 (2), Manual.]

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

a. In s. NR 211.11 (3) (bm) 2. c. and d., the phrase “of this subsection” should be deleted. In addition, in s. NR 211.11 (3) (bm) 2. c., it appears that “subd. (b) 1. c.” should be changed to “subd. 1. c”, and, in s. NR 211.11 (3) (bm) 2. d., it appears that “subd. (b) 1. a.” should be changed to “subd. 1. a.”. [s. 1.07 (2), Manual.]

b. In SECTION 9, “(intro.)” should be added after “(a)” in the treatment clause. The introductory clause should be revised to reflect this change.

c. In s. NR 211.13 (2) (e) 2. b., the Clean Water Act should be cited using the U.S. Code reference. [s. 1.07 (3), Manual.]

d. In s. NR 211.15 (1) (e) 1., “ch.” should be added before “NR 219”. [s. 1.07 (2), Manual.]

e. In s. NR 211.15 (4) (a), “(d)” should be changed to “(d)”. [s. 1.07 (2), Manual.]

f. In s. NR 211.15 (4) (b) 6., “paragraph” should be changed to “par.” and the phrase “of this section” should be deleted. [s. 1.07 (2), Manual.]

g. In s. NR 211.15 (4) (b) 7., the word “provision” should be replaced with “paragraph”, “subsection”, or “section”, whichever reference is most appropriate. [s. 1.07 (2), Manual.]

h. In s. NR 211.15 (5), the phrase “of this section” should be deleted. [s. 1.07 (2), Manual.]

i. In s. NR 211.15 (7), “par.” should be changed to “sub.”. [s. 1.07 (2), Manual.]

j. In s. NR 211.23 (1) (j) (intro.), “following” should be deleted and “in subds. 1. to 8.” should be inserted after “criteria”. In addition, the subdivisions should end in periods, not semicolons.

k. In SECTION 18, “(h)” should be changed to “(g)” in the treatment clause. The introductory clause should be revised to reflect this change.

l. In s. NR 211.235 (1) (b) (intro.), it appears that “s. NR 211.235 (1) (a)” should be changed to “par. (am)”. [s. 1.07 (2), Manual.]

m. In SECTION 26, “(4” should be changed to “(4)” in the treatment clause. [s. 1.07 (2), Manual.]

n. In s. NR 211.30 (7) (a) 2., a period should be added after “par”. [s. 1.07 (2), Manual.]

o. In s. NR 211.30 (7) (b) (intro.), it appears that “sub. 1 to 5” should be changed to “subs. (1) to (5)”. [s. 1.07 (2), Manual.]

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

a. Throughout the proposed rule, the agency should review its use of acronyms for compliance with the format outlined s. 1.01 (8), Manual. For example, the acronym “EPA” is used in the proposed rule, but it does not appear that the acronym is defined in the rule.

b. In s. NR 211.03 (1e), “Management Practices” should be changed to the lowercase. In addition, in s. NR 211.10 (3) (e), “Best Management Practices” should be changed to the lowercase. [s. 1.01 (4), Manual.]

c. In SECTIONS 4m and 8m, the colon at the end of the treatment clause should be changed to a period. [s. 1.04, Manual.]

d. In s. NR 211.10 (3) (d) and (e), the extra period at the end of the provision should be deleted.

e. In s. NR 211.10 (3) (e), it is not necessary to use both the defined term and the acronym. [s. 1.01 (8), Manual.]

f. In s. NR 211.11 (3) (bm) 1. a., a comma should be inserted after “Employs”.

g. In s. NR 211.11 (3) (bm) 1. b., the agency should avoid the use of the word “currently”. [s. 1.01 (9), Manual.]

h. In s. NR 211.11 (3) (bm) 2. (intro.), “must” should be changed to “shall”. The agency should review the proposed rule for other instances where “must” should be replaced with “shall”. [s. 1.01 (2), Manual.]

i. In s. NR 211.11 (3) (bm) 2. c., “Control Authority” should be changed to the lowercase. [s. 1.01 (4), Manual.]

j. In s. NR 211.11 (3) (bm) 3. c., “Industrial User” should be changed to the lowercase. [s. 1.01 (4), Manual.]

k. In s. NR 211.13 (2) (e) 2. b., the comma in the first sentence should be deleted.

l. In s. NR 211.15 (4) (b) 2., “can” should be changed to “may”. This comment also applies to s. NR 211.15 (10) (b) 2. [s. 1.01 (2), Manual.]

m. In s. NR 211.15 (4) (b) 6., the colon after “immediately” should be deleted.

n. In s. NR 211.15 (4) (d) 1., parentheses should be avoided. This comment also applies to s. NR 211.15 (6). [s. 1.01 (6), Manual.]

- o. In s. NR 211.15 (4) (d) 4., “Industrial User” and “Pretreatment Standards” should be changed to the lowercase. [s. 1.01 (4), Manual.]
- p. In SECTION 15, a colon should be added at the end of the treatment clause. [s. 1.04, Manual.]
- q. In s. NR 211.235 (1) (c), “User’s” should be changed to the lowercase. [s. 1.01 (4), Manual.]
- r. In s. NR 211.235 (3) (a), “~~s~~” and “(s)” should be deleted.