

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 95-027

### 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

This rule creates s. NR 468.30. There is currently no ch. NR 468 in the Wisconsin Administrative Code, although Clearinghouse Rule 94-51 creates that chapter. This rule should note the creation of ch. NR 468 in Clearinghouse Rule 94-51 and the department should ensure that the correct sequence of rule promulgation takes place.

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

a. In the fifth paragraph of the analysis, the word “or” should be replaced by the word “of.”

b. In s. NR 468.30 (2) (b), the phrase “, for the purposes of this section,” is redundant, given the introduction to sub. (2), and should be deleted.

c. Section NR 468.30 (2) (d) defines the term “existing,” an adjective, as if the term were a noun. The term defined should be “existing industrial process cooling tower,” following the format of 40 C.F.R. s. 63.401. The same comment applies to the definition of “new.” Also, what is the purpose of the use of the word “affected”? Is the use of the word related to the definition of “affected source” in s. NR 400.02 (1q)? See also the use of “affected” or “previously unaffected” in sub. (2) (i). If these terms cannot be clarified, they should be deleted.

d. In the Note following s. NR 468.30 (2) (e), the commas around the word “only” should be removed. Also, have these regulations been incorporated into the Wisconsin Adminis-

trative Code? If so, this Note should give a cross-reference to the appropriate Administrative Code provisions, as well as to the provisions of the Code of Federal Regulations. Finally, note that 40 C.F.R. s. 749.68 is not a provision of the Toxic Substances Control Act, as is implied by the Note, but is a section of the federal code which implements that act. The Note should be worded so as to correctly indicate this.

e. In s. NR 468.30 (4) (a), what is the meaning of the phrase “within 12 months of the compliance dates”? Since par. (b) refers to notice following the compliance date, it appears that par. (a) is referring to notice before the compliance date. If so, perhaps the phrase can be clarified by replacing it with the phrase “at least 12 months before the compliance date.”