

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 97-089

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 text of the rule should be paginated.
- b. In s. NR 140.16 (1), the first sentence should be renumbered as par. (a). The remaining paragraphs and internal cross-references should be renumbered accordingly. Unless introductory material grammatically leads into following subunits of a rule, the material should be numbered as a separate constituent of the rule section.

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

The references in the analysis to ss. 281.15 and 299.11 and ch. 160, Stats., as authorizing rule-making, are unduly broad as these provisions contain considerable other material in addition to the authority or duty to adopt rules; specific sections, subsections or paragraphs should be cited.

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

- a. In the last paragraph of the analysis, the comma before the word “exemption” should be replaced by the word “and.”
- b. In the first sentence in s. NR 140.03, “or” should be inserted between “291” and “292” rather than “;”.

c. Note 4 in Table 1 is potentially confusing. The Note is made in the text of the Table in reference to “beta particle and photon radioactivity.” However, the Note itself refers to “man-made radionuclides and groundwater.” The relationship between these terms should be clarified.

d. The groundwater sampling requirements in the first sentences in s. NR 140.16 (1) (a) and (b) 1. are redundant. The department should review these provisions to determine if they could be consolidated.

e. Note 1 to Table 1 in s. NR 140.10, as amended by the rule, indicates that Appendix I to ch. NR 140 contains the Chemical Abstract Service registry numbers, common synonyms and trade names for most substances in Table 1. Appendix I to Table 1 lists “Dioxins” whereas Table 1 lists only one type of dioxin, 2, 3, 7, 8-TCDD. The department should reconcile these entries for dioxin in Table 1 and Appendix I to Table 1.