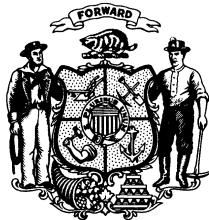


# **WISCONSIN LEGISLATIVE COUNCIL STAFF**

## **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 99-108**

### **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 September 1998.]**

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

- a. The strike-through of “mg/l” for barium in Table 1 should be corrected.
- b. In s. NR 140.28 (2) (b), all of the subdivisions should end with a period. In par. (b) (intro.), “all of the following occur” should be inserted before the colon. [See s. 1.03 (intro.), Manual.]

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

- a. The proposed amendment to s. NR 140.28 (2) authorizes the department to grant an exemption from certain requirements of the groundwater law when background concentrations of certain substances are below the preventive action limit. The applicability of this authorization to grant an exemption is established in current s. NR 140.28 (1). However, it is difficult to determine how the proposed amendment relates to the applicability provisions of s. NR 140.28 (1), and it is not obvious what specific kinds of facilities, practices or activities may require or be eligible for such an exemption. The proposed amendment could be rewritten to improve clarity. The department should consider whether all of s. NR 140.28 should be rewritten.

- b. Should “caused by the facility, practice or activity” be inserted before “does not present a threat” in s. NR 140.28 (2) (a)?

c. To be consistent with statutory language, s. NR 140.28 (2) (b) (intro.) should refer to “public health concern” rather than “health concern.”