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CLEARINGHOUSE RULE 00-162

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. Throughout the rule, parenthetical abbreviations are inappropriately used. [See s. 1.01 (6) and (8), Manual.] They should either be deleted or the abbreviation should be defined. For example, see s. NR 809.81 (5) (hy).

b. Section NR 809.81 (intro.) should be numbered sub. (1) as it does not contain introductory language and end with a colon.

c. Section NR 809.81 (5) (ek) should be numbered as par. (ec) so that the list is in alphabetical order.

d. Section NR 809.82 should be rewritten in the active voice, i.e., “The department shall keep”

e. In s. NR 809.833 (3) (intro.), “~~regulated contaminants~~” should be replaced with “regulated contaminants” and “regulated contaminants” should be deleted.

f. Section NR 809.950 (intro.) should be numbered sub. (1) as it does not contain introductory language.

g. In s. NR 809.950 (1) (a), a title should be inserted to be consistent with the subsequent paragraph. This comment also applies to sub. (2) (a).

h. Section NR 809.950 (1) (b) 1. should have language such as “are all of the following” inserted at the end of the sentence to introduce the subsequent text. Similar language is needed in subds. 2. and 3. and ss. 809.951 (1) (b), 809.952 (1) (b) and (2) (c), 809.953 (1) (b), (3) (a) and (4) (intro.) and 809.954 (3) (a).

i. In s. NR 809.956, the subdivisions should be numbered (1) and (2) instead of (a) and (b).

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

a. SECTION 5 repeals s. NR 809.561 (3). There is no such subsection.

b. In s. NR 809.950 (1) (b) 3. b., please check the citation to s. NR 809.959 (4). I was unable to find sub. (4).

c. In s. NR 809.951 (1) (b) 7., it would be helpful to cite s. NR 809.04 (65) instead of just s. NR 809.04. However, this would not be needed if s. NR 809.04 (intro.) were created, stating “In this chapter:”.

d. In s. NR 809.954 (3) (b) 2., the citation to sub. (3) (b) 1. should be to subd. 1. instead.

e. In s. NR 809.956 (b), the comma between s. NR 809.953 (3) and (4) (a) should be replaced with “and.” This comment also applies to s. NR 809.957 (2).

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

a. Please review s. NR 809.561 (5) (c) and rewrite it as a complete sentence.

b. In s. NR 809.81 (intro.), “these state–adopted rules become effective, whichever comes first” should be rewritten as “the effective date of this section . . . [revisor inserts date], whichever is earlier.” [See s. 1.01 (9) (b), Manual.]

c. In the SECTION 16 treatment clause, “Appendix” should be inserted before “A is recreated to read.”

d. In Appendix A to subch. VII, what does it mean when the column entitled “To convert for CCR; multiply by” is blank? Should “N/A” be inserted? Also, “fluoride” is misspelled in the row relating to fluoride. In the row relating to bromate, it appears that there is no space between the words “containing” and “bromate.” Also in Appendix A, in the health effects language for Heptachlor epoxide (ppt), “live” should be replaced with “liver.” Finally, in the health effects language for TTHMs, Toluene and Vinyl Chloride, “MCI” should be replaced with “MCL.”

e. In s. NR 809.950 (1) (b) 1. b., who prescribes the treatment technique?

- f. In s. NR 809.950 (1) (b) 1. d., is “a drinking water regulation” specific enough?
- g. In s. NR 809.950 (1) (b) 3. e., “already” should be deleted.
- h. In s. NR 809.950 (2) (b) 1. to 3., the dash should be replaced with “is.” Also in subd. 2., “all other” should be deleted.
- i. In s. NR 809.950 (2) (b) 3., “all other” should be deleted. Also, “and” should be replaced with “or.”
- j. In s. NR 809.950 (3) (a), “to other public water systems, i.e.,” should be deleted.
- k. In s. NR 809.951 (1) (b) 1., “E. coli are” should be replaced with “E. coli is.”
- l. In s. NR 809.951 (1) (b) 6., the parentheses around “as identified in Appendix A” should be deleted.
- m. In s. NR 809.951 (2) (title), “TO BE” should be replaced with “IS.”
- n. In s. NR 809.951 (2) (intro.), “if Tier 1 notice is required” should be inserted at the end of the sentence.
- o. In s. NR 809.951 (3) (intro.), “are” in the second sentence should be replaced with “shall be designed” and “, but shall be designed” should be replaced with “and.” Finally, “are to” in the last sentence should be replaced with “shall.”
- p. In s. NR 809.952 (2) (b), “repeat notice frequency” in the first sentence should be replaced with “notice frequency.”
- q. In s. NR 809.952 (2) (c), “within the next 24 hours, i.e.,” should be deleted.
- r. In s. NR 809.952 (3) (a) 2., both instances of “e.g.” should be replaced with “such as.” This comment also applies to par. (b) 2. Also, “, prison inmates, etc.” should be replaced with “prison inmates.” Finally, the colon after “include” should be deleted. These comments also apply to s. NR 809.953 (3) (a) and (b) 2.
- s. In s. NR 809.952 (3) (b) 2., the second sentence should be deleted. It is not very helpful in explaining the provision. This comment also applies to s. NR 809.953 (3) (b) 2.
- t. In s. NR 809.953 (2) (a), in the first sentence, “the public notice” should be replaced with “Tier 3 public notice.”
- u. In s. NR 809.953 (4) (intro.), the sentence should end with “all of the following occur” or “any of the following occurs.”
- v. In s. NR 809.954 (2) (b), “listed” should be deleted.

w. In Appendix B to subch. IX, in the language relating to copper, should “Tillson’s Disease” be replaced with “Wilson’s Disease”?