



---

---

## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

---

---

**Ronald Sklansky**  
*Clearinghouse Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE RULE 05-020

#### 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 January 2005.]**

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

- a. In s. NR 500.03 (9m), either the word “given” or “specified” should be inserted after “meaning.”
- b. In s. NR 500.05 (3), the title of the current rule “NUMBER OF COPIES” should be included in the rule and stricken through, and the new material “PAPER AND ELECTRONIC COPIES” should be inserted after the stricken material.
- c. In s. NR 502.07 (2r) (e) (intro.), the phrase “all of” should be inserted after “and.”
- d. SECTION 20 repeals s. NR 502.04 (2) (c) 1. and 2. The rule should also consolidate s. NR 502.04 (2) (intro.) and 3. to read: “(c) The written request...shall contain ~~all of the following:~~ 3. An an enlarged....”
- e. SECTION 21, the final colon should be stricken and replaced by an underscored period.
- f. SECTION 24, “NR 502.05 (1)” should replace “as.”
- g. In s. NR 504.06 (6) (intro.), the phrase “all of” should be inserted after “meet.”
- h. In s. NR 504.075 (7) (intro.), the phrase “all of” should be inserted after “include.” In sub. (7) (b), “pit/boring” should be changed to “pit or boring.” In sub. (8) (intro.), the phrase “all of” should be inserted after “include.”

i. In s. NR 512.10 (intro.) it appears that the phrase “and shall include the” should be inserted after the first instance of the word “report.” Also, since s. NR 512.10 (intro.) no longer will end with a colon and lead into the subsequent subsections, it is no longer an (intro.). It should be numbered sub. (1) and the other subsections should be renumbered. A similar change should be made in s. NR 526.15 (intro.). Finally, “time table” should be one word.

j. In s. NR 514.09 (3), the second notation “(a)” should be changed to “(b).” This problem also occurs in s. NR 516.08 (3).

k. In s. NR 516.04 (5), the notation “(5)” should be deleted before subs. “(b)” and “(c).”

l. In s. NR 524.07 (1) (intro.), “all of” should be inserted after “of.”

m. In s. NR 524.07, one subsection has a title and the other two do not. Either all or none of the subsections should have titles.

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

In ss. NR 503.04 (3) (b) and 503.07 (4) (b), it appears that the citation to s. 29.604, Stats. should be changed to “s. 29.604 (3), Stats.” This problem also occurs in s. NR 509.04 (4) (b).

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

a. In s. NR 500.05 (3), the phrase “one complete electronic copy” is vague and used inconsistently in the rule. The phrase should be clarified or replaced by the phrase “one electronic copy.”

b. In s. NR 500.05 (5), “American society for testing materials” is changed to “ASTM International”; however, “ASTM” is defined in s. NR 500.03. If “ASTM International” is the correct term to use, the department should change the definition in s. 500.03 (14) to “ASTM International.” This problem also occurs in ss. NR 507.17 (7) (m) (Note) and 538.10 (6) (b) 6. (Note) and (d) 4. Note.

c. In s. NR 502.05 (1) (a) (intro.), the colon at the end of the sentence should be stricken through and an underscored period should be inserted. In the relating clause in SECTION 22, the colon should be deleted and replaced with a period.

d. In s. NR 502.05 (1) (c), (d), and (f), it is unclear which types of facilities the requirements in the rule apply to.

e. In s. NR 502.05 (3) (k) 7., the word “thereafter” should be deleted. This problem also occurs in s. NR 502.07 (2r) (f) (intro.).

f. In s. NR 503.04 (3) (b), can the department clarify what a “take” of an endangered or threatened species means? This problem also occurs in ss. NR 504.04 (4) (b), 538.04 (2) and 540.04 (1).

g. In s. NR 503.09 (1), in the last sentence, the phrase “under this subsection” should be added after “operation.”

h. In s. NR 504.04 (2) (a) (Note), can the department include a method in which a person can obtain a list of statewide department offices? Is this list available on the Internet?

i. In s. NR 504.06 (6) (a), the letter “D” in “Department” should be changed to “d”.

j. In s. NR 504.07 (4) (a) 2. the word “A” should be inserted before “GCL” in the last sentence. This problem also occurs in sub. (4) (a) 4. In the last sentence of sub. (4) (a) 6., “shall” should be changed to “may.”

k. In s. NR 504.075 (5) (a), it is unclear whether the department wants to require at least 10 test pits or borings on every acre up to five acres or whether 10 are required over the whole five acres; also, is one test pit or boring required for each acre added to the original five acre parcel or is one test pit or boring per every three acres additional acres required? In sub. (6) (b), it appears that a word or words are missing because the meaning of this subsection is unclear. In sub. (11) (intro.) the phrase “are approvable provided” should be changed to “may be approved if.”

l. In SECTION 57, the colon at the end of the relating clause should be replaced with a period. The same problem occurs in SECTION 59.

m. In s. 506.105 (4) (c), it appears that “annual report” should be changed to “compliance certification.”

n. In s. 507.05 (2) (Note), “mineral point road” should be capitalized. The proper names of streets should be capitalized; the entire rule should be checked for this problem.

o. In s. 507.16 (intro.) (Note), “p.o. box” should be capitalized. The entire rule should be checked for this problem.

p. In s. 507.21 (3), it is unclear why the phrase “report the data to the department semi-annually in accordance with s. NR 507.26 (3)” is used because s. NR 507.26 (3) does not appear to contain any semi-annual reporting requirements.

q. It is unclear in s. NR 514.07 (7) (c) (intro.) what “A recommendation, by the applicant, of the status of each identified condition in par. (b)” means. It would be clearer to delete the phrase and replace it with the phrase so that the subsection begins: “The status of each identified condition in par. (b)...”

r. In s NR 514.09 (1) (a) (intro.), the phrase “If requested by the owner or operator” should be replaced by the phrase “If an expedited plan modification is requested by an owner or operator.” Can the department clarify how to determine whether a proposal “can be easily determined to be low risk”? The note after sub. (1) (a) 10. should specify the rule subsection under which a landfill owner must request an exemption. In sub. (1) (b) 7., can the department specify which federally mandated requirements the rule is referring to? In sub. (1) (b) 8., the phrase “except if the applicant identifies each condition in the cover letter” is confusing. Can the department clarify its intent for this subsection? In sub. (2) (c), can the department provide the

criteria it uses to determine if a proposal is “low risk”? This problem also occurs in s. NR 516.08 (2) (c).

s. In s. NR 516.04 (5) (intro.), because the phrase “each of” is added, it appears that the word “meetings” should not be stricken through and replaced by the word “meeting.”

t. In s. NR 520.10, the information in subs. (1) to (4) does not flow logically from the introductory paragraph; can the department clarify this section to reflect its intent?

u. In Table 2 following s. NR 520.15 (3), footnote (1), “Or” should be lower case.

v. In s. NR 524.05 (2) (e) 2., the “s” in “knowledges” should be deleted.

w. Section NR 524.07 (1) (a) to (f) should be checked for proper and consistent usage of commas and semi-colons. In sub. (1) (a), the semi-colon at the end of the subsection should be changed to a period.

x. In s. NR 524.07 (1) (d), can the department specify which “administrative codes” sections the rule refers to?

y. In s. NR 524.10 (1) (b), the phrase “under s. NR 524.08” should be added after “certification.” In sub. (2) it appears that the word “being” should be inserted before “directly” and a comma should be added after the word “for.”

z. In s. NR 526.15 (1), it is unclear if groups of generators are required to submit an annual report on a form supplied by the department or if the annual report must contain the types of information requested on the department form. In sub. (2), the phrase “would file had the mass vaccination event not occurred” should be deleted and replaced by the phrase “are required to use manifests under s. NR 526.14 or to submit progress reports on medical waste reduction under s. NR 526.21.” In addition, the notation “(s)” should be deleted and replaced with “or clinics.” The last sentence of sub. (2) is confusing and should be rewritten to clarify the department’s intent. Finally, a note should be inserted indicating how and where annual report forms may be obtained.

aa. In s. NR 538.12 (2) (b), the word “of” should be inserted after the first instance of the word “distance.”

bb. In s. NR 538.22 (1), the word “the” should be inserted before the last instance of the word “owner.”

cc. In ch. NR 538 Appendix 1 Table 4, the word “rodways” should be changed to “roadways.”