



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 05-116

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.]

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

a. In the analysis accompanying the rule, the list of statutes authorizing the rule should include s. 285.27 (2) (a), Stats.

b. As noted in the analysis accompanying the rule, the rule is based upon a National Emission Standard for Hazardous Air Pollutants (NESHAP) promulgated by the U.S. Environmental Protection Agency. The analysis states: “While some changes to the federal rule language and organization were made to accommodate state administrative rule format, no substantive changes were made, and the state rule is essentially identical to the federal NESHAP.” Thus, it appears that the department has prepared this rule pursuant to s. 227.14 (1m) (a), Stats. If this is indeed the case, the department should indicate that fact in the analysis accompanying the rule and should reference s. 227.14 (1m) (a), Stats.

The Legislative Council Rules Clearinghouse review of the rule is based upon the rule being prepared under s. 227.14 (1m) (a), Stats.