



Wisconsin Legislative Council

RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

CLEARINGHOUSE RULE 23-006

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]

2. Form, Style and Placement in Administrative Code

a. Throughout the proposed rule, references to tables should be uniform in the introductory clause, treatment clauses, and rule text. The proposed rule interchangeably uses “table”, “Table”, “SPS Table”, “Table SPS”, “Table-SPS”, and “SPS 382 Tables”. See, for example, the following SECTIONS of the proposed rule: 54 to 60, 83, 86, 102, 106, 115, 127, 141, 147, 150 to 152, 161, and 202.

b. Throughout the proposed rule, it would be helpful to the reader if references to an appendix more precisely cited the location of the relevant material. Compare, for example, the specific reference “See Appendix A-382.20 (2)” as used in SECTION 67, with the generic reference “See appendix for further explanatory material and examples” as used in SECTION 152.

c. Throughout the proposed rule, temperature is sometimes indicated by the word “degrees” and other times by the superscript symbol “°”. Compare, for example, SECTIONS 187 and 188. Usage should be uniform. In addition, make the following changes regarding temperature:

- (1) In SECTION 187, in s. SPS 382.50 (3) (b) 4m., indicate that “140 degrees” is Fahrenheit.
- (2) In SECTION 202, in s. SPS 384.20 (5) (p) 2. and 6., capitalize each “F” for Fahrenheit to maintain consistency with the rest of the proposed rule.

d. Throughout the proposed rule, treat a hyphenated word as a single word for purposes of displaying an amendment; that is, strike-through the existing phrase in its entirety and underscore the new compound word immediately after the strike-through. [s. 1.04 (4) (b) and Examples, Manual.] Accordingly, make the following changes:

- (1) In SECTION 45, in s. SPS 381.01 (204), strike “independently acting” and insert “independently-acting”.
- (2) In SECTION 54, in line 1. of Table 381.20-1, strike “DW-1-2005” and insert “DW-2-2020”.

- (3) In SECTION 72, in s. SPS 382.20 (13) (d), strike “department assigned” and insert “department-assigned”.
- (4) In SECTION 79, in s. SPS 382.30 (10) (a) 2. c., strike “5 minute” and insert “5-minute”.
- (5) In SECTION 103, in s. SPS 382.33 (9) (c) 3.:
 - (a) Strike “Commercial” and insert “Commercial-type”.
 - (b) Strike “discharge-type” and insert “discharge”.
- (6) In SECTION 167, in s. SPS 382.41 (3) (b) 5. c., strike “residential” and insert “residential-type”.
- (7) In SECTION 174, in s. SPS 382.41 (4) (b) 1. (intro.), strike “atmospheric” and insert “atmospheric-type”. Note, however, that “atmospheric type” appears in s. SPS 382.41 (4) (b) 2. without a hyphen. Usage should be consistent.
- (8) In SECTION 207, in Table 384.30-5, in the 10th line, strike “C901-02” and insert “C901”.

e. Related to the previous comment, do not strike-through (or add) only a symbol attached to a number or word. Strike-through the number or word along with the symbol and insert the number or word without the symbol (or vice versa). Accordingly, make changes in the following places:

- (1) SECTION 60, in s. Table 380.20-12 (subscript ₃ attached to “STI-P”).
- (2) SECTION 78, in Table SPS 382.30-1 (superscript ^a attached to “Fixture”).
- (3) SECTION 79, in s. SPS 382.30 (10) (a) 2. c. (inches).
- (4) SECTION 92, in s. SPS 382.32 (4) (b) 1. c. (inches).
- (5) SECTION 110, in s. SPS 382.34 (5) (c) 1. g. (three instances of inches).
- (6) SECTION 116, in s. SPS 382.35 (8) (a) (inches). Also, underscore the word “inches” following “42”.
- (7) SECTION 174, in s. SPS 382.41 (4) (b) 1. (intro.) (inches).

f. Throughout the proposed rule, the “serial” or “Oxford” comma in a series of three or more terms is generally but not consistently used. Current style favors the use of the Oxford comma. [See s. 1.06 (1) (b), Manual.] In order to achieve uniformity, add a comma in each of the following places:

- (1) In SECTION 77, in s. SPS 382.30 (4) (a) 1. and 2., after each appearance of “engineer”.
- (2) In SECTION 202, in s. SPS 384.20 (5) (p) 4., after “maintenance”.
- (3) In SECTION 7:
 - (a) In s. SPS 305.90 (1) (a), after “utility contractor”.
 - (b) In s. SPS 305.90 (1) (b) 1. (intro.), after “journeyman plumber-restricted service”.

- (4) In SECTION 38, in s. SPS 381.01 (117), after both “therapeutic tubs” and “high-purity water systems”.
- (5) In SECTION 39, in s. SPS 381.01 (129m) (b), after “severity”.
- (6) In SECTION 44, in s. SPS 381.01 (195m), after “industrial”.
- (7) In SECTION 117, in s. SPS 382.36 (3) (d) 5., after “iron”.
- (8) In SECTION 120, in s. SPS 382.36 (5) (a) 3. and (b), after each appearance of “engineer”.
- (9) In SECTION 191, in s. SPS 382.50 (3) (c), after “installed”.
- (10) In SECTION 199, in s. SPS 384.11, after “material” in the title, and after each appearance of “materials” in the text.

g. Throughout the proposed rule, review the placement of striking and underscoring in amended provisions and revise when needed to conform to the current drafting style. Stricken material should be shown first, followed by any underscored material that is replacing the stricken material. [s. 1.04 (4) (a) 2., Manual.] For example, in SECTION 28 of the proposed rule, in s. SPS 381.01 (18), the underscored material that appears before the stricken word “internally” should be moved to follow the stricken word “internally”. Also, the underscored phrase “the venting means is force loaded to” should be moved to follow the stricken material that it replaces.

h. Throughout the proposed rule, change each treatment clause as follows, and conform the introductory clause if necessary:

- (1) In SECTION 9, insert “, b., and c.” after “2. a.”.
- (2) In SECTION 16, replace the comma between “(a)” and “(b)” with the word “and”.
- (3) In SECTION 18, replace the comma between “(1)” and “(5)” with the word “and”.
- (4) In SECTION 17, replace the comma between “(a)” and “(b)” with the word “and”.
- (5) In SECTION 26, replace each of the commas between “(intro.)” and “(5)” and between “(a)” and “(b)” with the word “and”, and remove the comma after “1.”.
- (6) In SECTION 36, add a comma after “(108s)”.
- (7) In SECTION 50, insert “and (Note)” after “(281m)”.
- (8) In SECTION 72, insert “and” after “2.”.
- (9) In SECTION 85, replace the comma between “(a)” and “(16)” with the word “and”.
- (10) In SECTION 95, change “s” to “is”.
- (11) In SECTION 97, replace the comma after “(6)” with “and”, insert “(intro.)” between “(d)” and the comma, and add a comma after “2.”.
- (12) In SECTION 99, insert “(a)” after “(9)”.
- (13) In SECTION 101, insert “(intro.)” after “2.”.
- (14) In SECTION 107, insert “(intro.)” after “(g)”, replace the comma after “(g)” with “and”, and remove the comma after “1.”.

- (15) In SECTION 110, replace each of the first four commas with the word “and”, replace the comma after “(c)” with “(intro.)”.
 - (16) In SECTION 133, add “and (bm) (Note)” after “(bm)”.
 - (17) In SECTION 138, do not add a period after “k”.
 - (18) In SECTION 139, add “(intro.)” after “(b)”.
 - (19) In SECTION 141, move “and” from before “e.” to after it.
 - (20) In SECTION 148, remove the comma after “6.”.
 - (21) In SECTION 154, insert “(intro.)” after “(7)”.
 - (22) In SECTION 156, insert “(intro.)” after “4.”.
 - (23) In SECTION 157, replace the comma after “4.” with “and” and remove the comma after “10.”.
 - (24) In SECTION 163, replace “15” with “-15”.
 - (25) In SECTION 164, insert “and” after “(2) (a),”.
 - (26) In SECTION 180, insert “(intro.)” after “(b)”.
 - (27) In SECTION 191, replace the comma with “and”.
 - (28) In SECTION 198, remove “-1” from the number of the table.
 - (29) In SECTION 213, replace the comma after “(a)” with the word “and”.
- i. In the introductory clause, in addition to any revisions to conform the introductory clause with the previous comment, make the following changes:
- (1) In the enumeration of items renumbered and amended, remove the reference to “382.20 (1) (a)”. That provision is properly listed in the items amended.
 - (2) In the enumeration of items amended:
 - (a) Remove a reference to “382.40 (5) (b)”. That provision is not amended.
 - (b) Remove “SPS” before “384.30 (3) (e) 3.”.
 - (c) Insert references to s. SPS 384.30 (5) (a) and (6) (b). Those provisions are amended.
 - (3) In the enumeration of items created:
 - (a) Replace “g.” and “h.” with “(g)” and “(h)” immediately before “382.36”.
 - (b) Fix the double commas after “(Note 2)”.
 - (c) Insert a period after “lines 4m”.
 - (d) Replace “Tables 382.40-d, -h” with “Tables 382.40-1d, -1h” to match usage in SECTION 151.
 - (e) Insert “(3)” after “2. a. to c.,” and before “(b) 2m.,”.
 - (f) Remove a reference to “382.40 (5) (bm)”. That provision is not created.

(g) Insert references to the following provisions that are created: ss. SPS 382.20 (4) (b) (Note), 382.32 (3) (e) 1., 382.41 (3) (d) 1., and 382.50 (2) (b) 1. a.

j. In the department's analysis for the proposed rule, a heading should be inserted for the entries that compare regulations in the adjacent states on this topic.

k. In SECTION 5 of the proposed rule, in s. SPS 305.10 (1) (intro.), do not underscore the comma after "certification". The comma appears in the current administrative code.

l. SECTION 5 of the proposed rule replaces the colon at the end of s. SPS 305.10 (1) (intro.) with a period. Generally, introductory material should end with a colon and each subunit should complete the idea and result in a complete sentence when read with the introduction. [See s. 1.11, Manual.] In this case, the format of an introduction and subunits might not be the most appropriate format because not all of the subunits are dependent on the introductory material to form a complete idea and a complete sentence. Given that, it might be preferable to renumber existing sub. (1) (intro.) as sub. (1) (a), and renumber existing sub. (1) (a) as sub. (1) (am).

m. In SECTION 7 of the proposed rule, in s. SPS 305.90 (1) (b) 1. b., underscore the comma after "Building sewers" because it does not appear in the current administrative code.

n. In SECTION 9 of the proposed rule, s. SPS 305.90 (1) (b) 3. should be treated in a new SECTION of the proposed rule. The treatment should renumber and amend s. SPS 305.90 (1) (b) 3. as s. SPS 305.90 (1) (b) 3. (intro.). [See s. 1.04 (6) (g) and Example, Manual.] Change the introductory clause accordingly.

o. In SECTION 10 of the proposed rule, each of the subunits of s. SPS 305.90 (1) (b) 3. should end with a period, rather than a comma or a comma with the word "and". [s. 1.11 (3), Manual.]

p. In SECTIONS 11 and 12 of the proposed rule, follow the example shown in s. 1.04 (6) (g) of the Manual, as follows: renumber and amend s. SPS 305.90 (1) (b) 4. as s. SPS 305.90 (1) (b) 4. (intro.); insert an underscored numbering designation for subpar. a.; and create subpar. b. in another SECTION. Change the introductory clause accordingly.

q. In SECTION 15 of the proposed rule, in s. SPS 305.92 (5) (b), underscore the comma after "305.01" and remove "and" before "305.02,".

r. In SECTION 23 of the proposed rule, in s. SPS 305.99 (3) (intro.), the semicolon after "following" should be removed and the final colon should be shown without a strike-through. Also, the underscored phrase "; at a minimum, one of the following" should be moved to follow the stricken material.

s. In SECTION 25 of the proposed rule, s. SPS 305.99 (3) (bm) uses the acronym "ASSE". A definition for this acronym should be added to ch. SPS 305.

t. In SECTION 29 of the proposed rule, in s. SPS 381.01 (22m), is the last sentence necessary to the operation of the definition of "barometric loop"? If it serves only as background or context, it could be moved to a note.

u. In SECTIONS 32 and 33 of the proposed rule, the treatment sequence should be revised to appear as follows: to create s. SPS 381.01 (50e); to renumber s. SPS 381.01 (50g); and to create s. SPS 381.01 (50h) and (50L).

v. In SECTION 37 of the proposed rule, the definition of “health care related facility” should be created as s. SPS 381.01 (117m) instead of s. SPS 381.01 (116m) to retain alphabetical order.

w. In SECTION 46 of the proposed rule, in s. SPS 381.01 (229m), insert “SPS” after “s.”.

x. In SECTION 53 of the proposed rule, in s. SPS 381.20 (3), underscore “chs.381 to 387” because that does not appear in the current administrative code, and insert a space between “chs.” and “381”.

y. In SECTION 58 of the proposed rule, in s. SPS Table 380.20-9, the address for FMRC should not be underscored. The text of a repealed and recreated provision should be shown as it will appear after promulgation, without strike-throughs and underscores. [s. 1.04 (5) (b), Manual.]

z. In SECTION 59 of the proposed rule, in s. SPS Table 380.20-11m, is there a reason a mailing address is not provided for the Plumbing and Drainage Institute? Other similar tables contain mailing addresses.

aa. In SECTION 64 of the proposed rule, in s. SPS 382.20 (1) (am):

- (1) The paragraph title should not have quotation marks and should end in a period. [See s. 1.10 (2) (b) 4., Manual.]
- (2) Capitalize the word “in” at the beginning of the paragraph.
- (3) Do not use “(s)” to indicate that the word “configuration” may be singular or plural. Singular use is the favored style and includes the plural. [s. 1.05 (1) (c), Manual.]

bb. In SECTION 70 of the proposed rule, the department may wish to clarify whether the note following s. SPS 382.20 (4) (b) 4. b. is repealed along with the preceding rule text. If so, the treatment clause could be changed to “SPS 382.20 (4) (b) 2. to 4. and 4. b. (Note) are repealed”.

cc. In SECTION 77 of the proposed rule:

- (1) In s. SPS 382.30 (4) (a) 1., after the words “drain piping”, the word “shall” should be inserted with a strike-through because that word appears in the current administrative code, and the word “may” should be shown with underscoring because that word does not appear in the current administrative code.
- (2) In s. SPS 382.30 (4) (a) 2., the period after the word “receptor” should be removed and the final period should be shown without underscoring.

dd. In SECTION 79 of the proposed rule, in s. SPS 382.30 (10) (d), underscore the period at the end of the inserted sentence.

ee. In SECTION 84 of the proposed rule, it appears that the matter proposed as sub. (14) (intro.) should instead be par. (a), and the matter proposed as pars. (a) to (c) should instead be subs. 1. to 3. of par. (a). In addition, make the following changes in s. SPS 382.30 (14):

- (1) Capitalize the word “If” to start the second sentence of proposed par. (c).
- (2) For each set of introductory paragraphs and following subunits, introductory material should generally contain words like “all of the following”, to indicate that each of the items in the list are applicable. [s. 1.11 (2), Manual.] Each subunit should end with a period, rather than a semicolon or a semicolon with the word “and”. [s. 1.11 (3), Manual.]

ff. In SECTION 85 of the proposed rule, in s. SPS 382.31 (16) (d) 1., the introductory material should generally contain words like “all of the following”, to indicate that each of the items in the list are applicable. [s. 1.11 (2), Manual.] Each subunit should end with a period, rather than a semicolon or a semicolon with the word “and”. [s. 1.11 (3), Manual.]

gg. In SECTION 86 of the proposed rule, in s. SPS 382.31 (17m):

- (1) In par. (a), is the hyphen following “or” intentional?
- (2) In par. (b), should the word “the” be inserted before “most downstream fixture”?
- (3) In par. (c) 1., avoid the use of the vague term “etc.”. [s. 1.08 (1) (f), Manual.]
- (4) In par. (c) 5., add a period.
- (5) In par. (c) 13., should “valves seal” be changed to “valve’s seal”?
- (6) In par. (c) 14., avoid the use of the slashed alternative “and/or”. The intended, appropriate applicability should be indicated. [s. 1.08 (1) (d), Manual.]
- (7) In par. (c) 14. (Note), indicate how a reader would contact the department.
- (8) In par. (e) 2., should “providing” instead be “provided”?
- (9) In par. (e) 3. e., insert “s. SPS” before “382.31 (14)”.

hh. In SECTION 87 of the proposed rule, provide a definition for the acronym “AAV”. Do not define it by inserting it in parentheses following “Air Admittance Valves” in the subsection title. [s. 1.08 (2) (a), Manual.]

ii. In SECTIONS 90 and 91 of the proposed rule, follow the example shown in s. 1.04 (6) (g) of the Manual, as follows: renumber and amend s. SPS 382.32 (3) (e) as s. SPS 382.32 (3) (e) (intro.); insert an underscored numbering designation for subd. 1.; and create s. SPS 382.32 (3) (e) 2. Change the introductory clause accordingly.

jj. In SECTION 91 of the proposed rule:

- (1) Change the caption “SPS 382.32 (3) (e) (1)” to “SPS 382.32 (3) (e) 1.”.
- (2) In s. SPS 382.32 (3) (e) 1., add a comma after “subd. 2.”.
- (3) In s. SPS 382.32 (3) (e) 2. a., b., and c., use either “showerhead” as one word or “shower head” as two words, but not both.

kk. In SECTION 99 of the proposed rule, is the inserted text intended to create an introduction that applies to each of the paragraphs under s. SPS 382.33 (9)? It appears that the treatment should be revised to specify that s. SPS 382.33 (9) (intro.) is repealed and recreated, as no other subunits are affected in SECTION 99. If the material is intended to operate as an introduction to the paragraphs in sub. (9), a phrase such as “in accordance with all of the following:” should be inserted.

ll. In SECTION 103 of the proposed rule, in s. SPS 382.33 (9) (c) 3. c., the final period should not be underscored.

mm. In SECTION 106 of the proposed rule, make the following changes in s. SPS 382.33 (9) (fm):

- (1) In par. (fm) (intro.), insert an introductory phrase that ends in a colon.
- (2) In subd. 2.:
 - (a) Insert “s.” before “SPS 382.35 (3) (a)”.
 - (b) Insert “s. SPS” before “382.35 (3) (g)”.
- (3) In subd. 4., insert “s. before “SPS”.
- (4) In subd. 5.:
 - (a) Insert “s.” before “SPS”.
 - (b) Remove the second period at the end of the sentence.
- (5) In subd. 6., insert “s. SPS” before “382.31 (17) (d)”.
- (6) In subd. 7., insert “s. SPS” before “382.32 (3) (c) 1.”.

nn. In SECTION 107 of the proposed rule, in s. SPS 382.33 (9) (g) 1., underscore the comma after “bar sink”.

oo. In SECTION 111 of the proposed rule, newly created s. SPS 382.34 (5) (d) 8. should have a title because other subdivisions under par. (d) have titles (save subd. 7., which should also have a title). [s. 1.10 (2) (a) 2., Manual.]

pp. In SECTION 113 of the proposed rule, it may be helpful to specify the precise location of the new note in s. SPS 382.34 (15) (e) 1. It refers to “this requirement”, the meaning of which will differ depending on the placement of the note. Also, capitalize the word “this”.

qq. In SECTION 115 of the proposed rule, in s. SPS 382.35 (6) (a), change “(6) (b)” to “par. (b)”.

rr. In SECTION 120 of the proposed rule, in s. SPS 382.36 (5) (a) 3. and (b), insert “SPS” before “381.20 (2)” both places that reference appears.

ss. In SECTION 124 of the proposed rule, newly created s. SPS 382.36 (7) (e) should have a title because other paragraphs under sub. (7) have titles. [s. 1.10 (2) (a) 2., Manual.]

tt. In SECTION 125 of the proposed rule, a stray hyphen precedes the word “or” in s. SPS 382.36 (8) (a) 4. a.

uu. In SECTION 126 of the proposed rule, the closing quotation mark for the title of s. SPS 382.36 (8) (a) 5. should follow the period, not precede it.

vv. In SECTION 127 of the proposed rule, make the following changes:

- (1) In s. SPS 382.36 (10) (a) (intro.), a phrase such as “the following” should precede the colon.
- (2) In s. SPS 382.36 (10) (d) 6., add a period.

ww. In SECTION 130 of the proposed rule, it is not clear how the new subdivision paragraphs relate to s. SPS 382.36 (13) (b) 1. Should these instead be new subds. 8. to 11. of s.

SPS 382.36 (13) (b)? In addition, add a period at the end of subpar. a. and do not capitalize “construction” in subpar. b.

xx. In SECTION 131 of the proposed rule:

- (1) Newly created s. SPS 382.365 (3) (am) should have a title because other paragraphs under sub. (3) have titles. [s. 1.10 (2) (a) 2., Manual.]
- (2) The acronym “DNR” is not defined and should be spelled out.

yy. In SECTION 132 of the proposed rule:

- (1) Section SPS 382.365 (3) (b) 1. should be renumbered as s. SPS 382.365 (3) (b) 1. (intro.) and the introductory clause changed accordingly. In addition, the subdivision should be modified so that it ends with a colon and forms a complete sentence with each of the new subdivision paragraphs that are added in SECTION 133 of the proposed rule. Alternatively, each new subdivision paragraph could be changed to form a complete sentence on its own.
- (2) Change “under subd. 1. a. or b.” to “under subpar. a. or b.”.

zz. In SECTION 133 of the proposed rule, in s. SPS 382.365 (3) (bm) (title), add a period at the end of the title.

aaa. In SECTION 138 of the proposed rule:

- (1) Do not add a period after “k” in the table footnote. The other footnote designations do not have periods.
- (2) Add “SPS” before “382.34 (4)” in the footnote.

bbb. In SECTION 141 of the proposed rule, the treatment of s. SPS 382.40 (3) (e) 1. should be moved into a new SECTION of the proposed rule to renumber and amend the provision as s. SPS 382.40 (3) (e) 1. (intro.). Change the introductory clause accordingly.

ccc. In SECTION 144 of the proposed rule, do not use “(s)” to indicate that the word “sprinkler” may be singular or plural. Singular use is the favored style and includes the plural. [s. 1.05 (1) (c), Manual.]

ddd. In SECTION 145 of the proposed rule, in s. SPS 382.40 (5) (a), change “subd. (am)” to “par. (am)”.

eee. In SECTION 147 of the proposed rule:

- (1) In s. SPS 382.40 (5) (am) 1., is the term “tankless type water heater” different from the term “tankless water heater”, which is used in par. (am) (intro.)?
- (2) In s. SPS 382.40 (5) (am) 2., change “subpart. 1.” to “subd. 1.”.
- (3) In s. SPS 382.40 (5) (am) 3., change “this subpart” to “subd. 2.”.

fff. In SECTION 148 of the proposed rule, in s. SPS 382.40 (5) (b) 7., do not use the ampersand symbol.

ggg. Following SECTION 148 of the proposed rule, there is the letter “s” and numbering for a SECTION 149 is skipped. Is a portion of the proposed rule missing?

hhh. In SECTION 152 of the proposed rule:

- (1) In s. SPS 382.40 (6) (c) (intro.), adding a period after “others” would add clarity.
- (2) In s. SPS 382.40 (6) (c) 2., do not use the abbreviation “min.”.
- (3) In s. SPS 382.40 (6) (c) 4. a., instead of the second sentence that contains several abbreviations, mirror the approach used in s. SPS 382.40 (5) (am) 2., as created in SECTION 147 of the proposed rule.

iii. In SECTION 154 of the proposed rule, in s. SPS 382.40 (7) (intro.), the period after the stricken word “department” should be removed, and the final period should be shown without underscoring.

jjj. In SECTION 155 of the proposed rule:

- (1) Indicate where within s. SPS 382.40 (7) the new note should be located.
- (2) In s. SPS 382.40 (7) (d) 1. d., is there a word, such as “the”, missing before both “manufacturer” and “fixture, appliance, or equipment”?

kkk. In SECTION 156 of the proposed rule, in s. SPS 382.40 (7) (e), change “par. (3) (e)” to “sub. (3) (e)”.

lll. In SECTION 157 of the proposed rule, is there a reason that the designation for s. SPS 382.40 (7) (g) 4. is used, and numbering as subd. 3. is skipped?

mmm. In SECTION 159 of the proposed rule, in s. SPS 382.40 (8) (d) 8., insert “chs.” before “NR 809”.

nnn. In SECTION 172 of the proposed rule, in Table 382.41-1, insert “SPS” after “s.” in footnote a.

ooo. In SECTIONS 170 and 171 of the proposed rule, follow the example shown in s. 1.04 (6) (g) of the Manual, as follows: renumber and amend s. SPS 382.41 (3) (d) as SPS 382.41 (3) (d) (intro.); insert an underscored numbering designation for subd. 1.; and create s. SPS 382.41 (3) (d) 2. Change the introductory clause accordingly.

ppp. In SECTION 174 of the proposed rule, in s. SPS 382.41 (4) (b) 1. (intro.), do not underscore the comma after “(o)” because it appears in the current administrative code.

qqq. In SECTION 176 of the proposed rule, in s. SPS 382.41 (4) (o) 3., avoid the use of the slashed alternative “tailpiece/trap”. Note that subd. 1. identifies “tailpiece or trap”.

rrr. In SECTIONS 180 and 181 of the proposed rule, the amendment of s. SPS 382.50 (2) (b) (intro.) should be treated in its own SECTION of the proposed rule. Then, separately, follow the example shown in s. 1.04 (6) (g) of the Manual, as follows: renumber and amend s. SPS 382.50 (2) (b) 1. as s. SPS 382.50 (2) (b) 1. (intro.); insert an underscored numbering designation for subpar. a.; and create s. SPS 283.50 (2) (b) 1. b. Change the introductory clause accordingly.

sss. In SECTION 182 of the proposed rule, revise the treatment to renumber and amend s. SPS 382.50 (2) (b) 2. to s. SPS 382.50 (2) (b) (intro.). Change the introductory clause accordingly. An introductory statement should also be inserted in the text.

ttt. In SECTION 184 of the proposed rule, in s. SPS 382.50 (3) (a) 2., underscore the comma following “(7)”, but do not underscore the period at the end of the sentence because it appears in the current administrative code.

uuu. In SECTION 185 of the proposed rule, in s. SPS 382.50 (3) (b) 2m. (intro.), an introductory statement should be inserted.

vvv. In SECTION 188, the amendment, in concert with the repeals in SECTION 189, converts it into s. SPS 382.50 (3) (b) 6. This action should be moved to a separate SECTION from the amendment to s. SPS 382.50 (3) (b) 5., for a treatment that renumbers and amends s. SPS 382.50 (3) (b) 6. (intro.) to s. SPS 382.50 (3) (b) 6. Change the introductory clause accordingly.

www. In SECTION 192 of the proposed rule, in Table SPS 382.50-1, add a period without underscoring at the end of footnote a. A period appears there in the current administrative code.

xxx. In SECTION 199 of the proposed rule, in s. SPS 384.11:

- (1) Do not use “(s)” to indicate that the word “standard” may be singular or plural. Singular use is the favored style and includes the plural. [s. 1.05 (1) (c), Manual.]
- (2) Remove the designation “Wis. Adm. Code”.
- (3) In the note, change “ch.” to “s.”.

yyy. In SECTION 202 of the proposed rule:

- (1) Section SPS 384.20 (5) (p) 1. should not have a title because the other subdivisions under par. (p) do not have titles. [s. 1.10 (2) (a) 2., Manual.]
- (2) In s. SPS 384.20 (5) (p) 3., do not use a strike-through on “3/4”. Rather, show the text as it will appear after promulgation. [s. 1.04 (5) (b), Manual.]
- (3) In s. SPS 384.20 (5) (p) 6., should “dwellings” be changed to “dwelling”?

zzz. In SECTION 204 of the proposed rule, in repealed and recreated s. SPS 384.20 (6) (c):

- (1) Do not add a paragraph title because other paragraphs under sub. (6) do not have titles. [s. 1.10 (2) (a) 2., Manual.]
- (2) Paragraph (c) (intro.) should end with words like “all of the following” before the colon.
- (3) In par. (c) 1., replace “, and” with a period.
- (4) In par. (c) 2. a., replace the comma with a period.

aaaa. In SECTION 207 of the proposed rule, make the following changes in the various tables:

- (1) In the footnotes to Tables 384.30-1 and 384.30-2, do not show stricken-through superscript letters “a”, “b”, and “c” because they do not appear in the current administrative code.
- (2) In Table 384.30-2, strike-through the final semicolon in the first line (following “ASTM D266”) and add a period at the end of footnote d.
- (3) In Table 384.30-3, strike-through the final semicolon in the first line (following “ASTM D2751”).

(4) In Table 384.30-5:

- (a) Strike-through the final semicolon in the first line (following “ASTM D2661”).
- (b) Add a period at the end of footnote b. (it is in the current administrative code).

bbbb. In SECTION 209 of the proposed rule, in Table 384.30-6, strike-through the final semicolon in the first line (following “ASTM D2751”).

cccc. In SECTION 210 of the proposed rule, in s. SPS 384.30 (4) (a), remove the designation “Wis. Adm. Code”.

dddd. In SECTION 211 of the proposed rule:

- (1) In Table 384.30-7, underscore “a.” and “b.” in the footnotes and add a period at the end of footnote d.
- (2) In Table 384.30-8, add a period at the end of footnote g.

eeee. In SECTION 213 of the proposed rule, in s. 384.30 (5) (c) 12., underscore the comma after “A”.

ffff. In SECTIONS 217 and 218 of the proposed rule, follow the example shown in s. 1.04 (6) (g) of the Manual, as follows: renumber and amend s. SPS 384.30 (6) (b) as s. SPS 384.30 (6) (b) (intro.); insert an underscored numbering designation for subd. 1.; and create subd. 2. in another SECTION. Change the introductory clause accordingly.

gggg. In SECTION 220 of the proposed rule, repealed and recreated s. SPS 384.40 (16) should have a title because other subsections of this section have titles. [s. 1.10 (2) (a) 2., Manual.]

hhhh. Would the proposed rule benefit from an initial applicability clause? [s. 1.03 (3), Manual.] For instance, would the new requirements apply to an installation if the department or an agent municipality had approved plumbing plans on the date the rule takes effect, but installation had not yet begun or was not yet complete? Or what if plumbing plans had been submitted but were not yet approved on the date the rule takes effect?

iiii. The introductory clause for the proposed rule should be updated to reflect any changes not already noted in the comments above.

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

a. In SECTION 97 of the proposed rule, in s. SPS 382.33 (8) (d), should “8.” instead be “9.”? SECTION 98 of the proposed rule adds both subds. 8. and 9. to s. SPS 382.33 (8) (d).

b. In SECTION 117 of the proposed rule, in s. SPS 382.36 (3) (e) 1., “this subsection” could be changed to “this paragraph” if the relevant requirements are all contained in s. SPS 382.36 (3) (e). On the other hand, if some requirements are contained elsewhere in s. SPS 382.36 (3), disregard this comment.

c. In SECTION 161 of the proposed rule, in s. SPS 382.40 (8) (jm) (intro.), change “this section” to “this paragraph” if the reference is confined to items within par. (jm).

d. In SECTION 176 of the proposed rule, in s. SPS 382.41 (4) (o) (intro.), the reference to “this section” covers all of s. SPS 382.41. Is that the intent? Alternatively, is a more precise reference desired, such as “this paragraph”, which would cover only s. SPS 382.41 (4) (o)?

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

a. Section SPS 305.10 (1) (intro.) of the current administrative code addresses disciplinary actions regarding four types of credentials: license; certification; registration; and enrollment. SECTION 5 of the proposed rule removes “enrollment” from s. SPS 305.10 (1) (intro.). Elsewhere in s. SPS 305.10 (1), however, disciplinary actions regarding all four types of credentials are addressed. Should the treatment of credentials be uniform throughout s. SPS 305.10 (1)?

b. In SECTIONS 9 and 10 of the proposed rule, the department should examine for clarity s. SPS 305.90 (1) (b) 3. (intro.), especially as it relates to s. SPS 305.90 (1) (b) 3. a., which is created in SECTION 10. As currently proposed, these two provisions would read as follows (with the opening language paraphrased for simplicity): “[Plumbing activities that may be undertaken by specified persons] shall be limited to connections with an existing water distribution system which do not require a direct connection to the drain system for the installation and modification of the following: Items requiring connection with a water distribution system”. First, overall this language is difficult to understand. Second, it is confusing that both “connections with an existing water distribution system” and “items requiring connection with a water distribution system” appear in the same sentence. Are they different? Third, are “stormwater use or reclaimed water supply systems” listed in subd. 3. b. already covered by the more generic “items” listed in subd. 3. a.? If not, perhaps “items” in subd. 3. a. needs clarification. Fourth, it is not clear whether “connections with an existing water distribution system” as it appears in subd. 3. (intro.) is meant to modify each of the items appearing in subd. 3. a. to c.

c. In SECTION 11 of the proposed rule, in s. SPS 305.90 (1) (b) 4., in keeping with similar amendments throughout the proposed rule, should “registered pipelayer” be changed to “pipelayer”?

d. In SECTION 15 of the proposed rule, in s. SPS 305.92 (5) (b), remove “and” before “305.02.”.

e. In SECTION 17 of the proposed rule, in s. SPS 305.94 (3) (a), given the addition of “one continuous year”, is it necessary to also add “per year”?

f. In SECTION 22 of the proposed rule, in s. SPS 305.98 (1):

(1) In keeping with similar amendments throughout the proposed rule, should “registered pipelayer” be changed to “pipelayer”?

(2) Underscore the comma after “private interceptor main sewers” because it does not appear in the current administrative code.

g. In SECTION 28, in s. SPS 381.01 (18), could the word “and” between “check valves” and “separated” be omitted, or perhaps changed to something like “that are”?

h. SECTION 34 of the proposed rule amends two related definitions. In doing so, slightly different syntax is inserted. Section SPS 381.01 (65m) adds the phrase “to meet” and s. SPS 381.01

(66) adds the phrase “in meeting”. If possible, without jeopardizing meaning, the wording should be harmonized.

- i. In SECTION 38 of the proposed rule, in s. SPS 381.01 (117):
 - (1) The inserted word “function” should probably be changed to “functioning”.
 - (2) Avoid the use of the slashed alternatives “washer/disinfector” and “appliances/fixtures”. [s. 1.08 (1) (d), Manual.] In addition, the use of the word “fixtures” is awkward in a definition that relates only to “appliances”.
 - (3) The final period should be shown without underscoring.
- j. In SECTION 44 of the proposed rule, in s. SPS 381.01 (197m):
 - (1) Change “Dept.” to “Department” in each instance.
 - (2) Add a comma between “Agriculture” and “Trade” to reflect the name of the agency.
 - (3) Change “Institute” to “Institutes” to reflect the name of the agency.
 - (4) Should “public lavatory fixtures” be changed to “public lavatories” in the second sentence? “Public lavatory fixtures” is not a defined term.
- k. In SECTION 114 of the proposed rule:
 - (1) In s. SPS 382.35 (3) (a), insert “s.” before “SPS”.
 - (2) In s. SPS 382.35 (3) (f), clarify the meaning of “not 60 inches above the lowest floor”. Should this instead be “not **more** than 60 inches above the lowest floor”? Or is any location other than 60 inches above the lowest floor acceptable?
- l. In SECTION 117 of the proposed rule, in s. SPS 382.36 (3) (d) 1., the phrase “additional inlets and outlets” is vague. Does it mean that a manhole or a cleanout must be provided at **all** additional inlets and outlets? If so, the language should be clarified. If not, who decides which inlets and outlets must be provided with a manhole or cleanout?
- m. In SECTION 119 of the proposed rule, s. SPS 382.36 (4) (b) 4. is not clear in the following two respects:
 - (1) First, should a verb precede both “at a point” and “in such a manner”, such as “installed”, “located”, or “configured”?
 - (2) Second, it is not clear how the three requirements of this subdivision interact with one another. The first and second requirements are separated by the conjunctive “and”. The second and third requirements are separated by the disjunctive “or”. Given that, it is not clear whether the third requirement is an alternative to everything that precedes it in that sentence or rather only to the second requirement. In other words, if a subsoil drain connection is provided with a backwater valve (third requirement), does it also have to be at a point above the horizontal center line of the storm sewer (first requirement)?
- n. In SECTION 121 of the proposed rule, is the term “vector control” as used in s. SPS 382.36 (6) (g) 4. easily understood? That term also appears in s. SPS 382.36 (13) (b) 6. of the current administrative code, but is not defined.

o. In SECTION 137 of the proposed rule, in s. SPS 382.37 (3) (b) 4., insert a comma after “individual campsites” to enhance clarity.

p. In SECTION 142 of the proposed rule, in s. SPS 382.40 (3) (e) 1. a., should “sprink led” be changed to “sprinklered”?

q. In SECTION 161 of the proposed rule:

- (1) In s. SPS 382.40 (8) (jm) (intro.), change “the criteria set forth in this section.” to something like “all of the following criteria:”, ending the introduction with a colon.
- (2) In s. SPS 382.40 (8) (jm) 2. a., change “s. SPS 384” to “ch. SPS 384”.
- (3) In s. SPS 382.40 (8) (jm) 2. c., the requirement that exterior translucent tanks be “covered” is ambiguous. Would an overhanging roof provide cover, or must the tank have a close-fitting cover, such as a tarp?
- (4) In s. SPS 382.40 (8) (jm) 6. a., should “Tanks or reservoir” be changed to “Tanks or reservoirs”?
- (5) In s. SPS 382.40 (8) (jm) 6. f., change “and each” to something like “where each” to add clarity.
- (6) In s. SPS 382.40 (8) (jm) 7. a., add “s.” before “SPS”.
- (7) In s. SPS 382.40 (8) (jm) 8. d., should “locked secured” be changed to “locked securely”?
- (8) In s. SPS 382.40 (8) (jm) 10. c., should “or” after “opening” be removed?
- (9) In s. SPS 382.40 (8) (jm) 10. d., it is not clear how the two requirements regarding minimum vent size interact. Would it capture the department’s intent to replace the first period with “, but”?
- (10) In s. SPS 382.40 (8) (jm) 11., subpar. b. prohibits standing surface water within 50 feet of a tank, but subpar. d. allows the department to approve standing water within 50 feet of a tank. This contradiction should be resolved.
- (11) In s. SPS 382.40 (8) (jm) 11. e., what is meant by “normal ground surface”?
- (12) In s. SPS 382.40 (8) (jm) 12. e., begin the first sentence with an article, such as “A” or “The”.
- (13) In s. SPS 382.40 (8) (jm) 12. h., is it intentional that “thermometer” is singular but “sensors” is plural?
- (14) In s. SPS 382.40 (8) (jm) 17. a., add “s.” before “NR”.

r. In SECTION 163 of the proposed rule, end each note after Tables SPS 382.40-12 and -13 with a period.

s. In SECTION 173 of the proposed rule, in Table 382.41-2:

- (1) Insert “SPS” after “s.” in footnote a.
- (2) There appears to be an errant number “5” at the end of footnote d.
- (3) There appears to be missing text in footnote e.

- t. In SECTION 179 of the proposed rule, in s. SPS 382.41 (5) (e) 3. a., adding a comma after “reduced pressure detector backflow preventer” would add clarity.
- u. In SECTION 191 of the proposed rule:
 - (1) In s. SPS 382.50 (3) (b) 7m, avoid the use of the slashed alternative “shower/tub”.
 - (2) In s. SPS 382.50 (3) (b) 10., should “systems” be changed to “system”?
- v. In SECTION 193 of the proposed rule, in s. SPS 382.51 (2) (e), will it be understood what “fps” means?
- w. In SECTION 196 of the proposed rule:
 - (1) In s. SPS 382.70 (5) (intro.), should “by and ANSI” be changed to “by an ANSI”?
 - (2) In s. SPS 382.70 (5) (a) 2. (intro.):
 - (a) Fix the typographical error “and maintenance and maintenance”.
 - (b) Should an article, such as “the”, appear before “system owner”?
 - (3) In s. SPS 382.70 (5) (a) 2. d., should “manufacturers” be changed to “manufacturer’s”?
- x. In SECTION 200 of the proposed rule, in SPS Table 384.11:
 - (1) In line 31., should “Water Closets.” be changed to “Water Closets,”?
 - (2) In line 64., remove the final closing parenthesis.
 - (3) In line 104., remove the closing parenthesis.
 - (4) Use periods consistently at the end of each footnote.
- y. In SECTION 206 of the proposed rule, in s. SPS 384.30 (1), clarity may be improved by adding a comma before “due” and changing “is installed” to either “is to be installed” or “will be installed”.