



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 24-030

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. In the treatment clause for SECTION 4 of the proposed rule, the format could be revised to provide the full citation for the renumbered provision. For example, the proposed treatment clause states that “NR 439.02 (1) is renumbered (1s)”, but should state that “NR 439.02 (1) is renumbered NR 439.02 (1s)”. Compare, for example, the format for the treatment clauses in SECTIONS 7g and 10 of the proposed rule, which provide the full citation for the renumbered provisions. This comment also applies to SECTIONS 13, 15, 38, and 66 of the proposed rule. [See the examples in s. 1.04 (6), Manual.]

b. SECTIONS 7g and 7r of the proposed rule should be renumbered as SECTIONS 8g and 8r, in order for the treated provisions to remain in sequential order.

c. SECTION 9m of the proposed rule should be renumbered as SECTION 10m, in order for the treated provision to remain in sequential order.

d. In the treatment clause for SECTION 16 of the proposed rule, the series of consecutive subunits could be condensed as “1. to 7.”, rather than listing each number. Consider also condensing the citations for each series of consecutive subunits in other treatment clauses, including SECTIONS 39, 57, 59, 63, 68, 78, and 81 of the proposed rule. [s. 1.08 (1) (h), Manual.]

e. SECTION 17 of the proposed rule should be divided into three SECTIONS: (1) to renumber and amend s. NR 439.03 (2) as sub. (2) (intro.), showing the designation for par. (a) with underscoring; (2) to create s. NR 439.03 (2) (b), showing the new text without underscoring; and (3) to amend s. NR 439.03 (3). [s. 1.04 (6) (g), Manual.]

f. In SECTION 30 of the proposed rule, creating s. 430.04 (2m), the abbreviation “chs.” should be revised to the singular “ch.”. [s. 1.15 (2) (d), Manual.]

g. In the treatment clause for SECTION 38 of the proposed rule, the designation “(intro.)” should be inserted after “(1)”.

h. In SECTION 54 of the proposed rule, the amendments in s. NR 439.075 (2) (b) 1. and 3. should be revised. In par. (b) 1., the strike-through of the word “or” and the underscored “, s. NR” should be removed to simply retain the word “or”. In par. (b) 3., similarly, the strike-through of the word “or” should be removed, and the two instances of the underscored “s. NR” should be removed, so that the phrase appears as “s. NR 449.04, 449.05, or 449.06 (1), (2), (3), or (4), or 40 CFR...”.

i. In the treatment clause for SECTION 55 of the proposed rule, when a subunit and all its subunits are affected, the identification could be simplified to list only the highest subunit. For example, it appears that the treatment clause could be revised to remove the following subunits for which the higher subunit is affected in its entirety: NR 439.075 (2) (title), (a) ~~(intro.), 1., 2., 3. and 4.~~, (b) ~~(intro.), 1., 2., 3. and 4.~~, and (c) (intro.), 1. a. to x., 2., 3. a. to L., 4., 5., and 6. a. to e. and (3) (b).

j. SECTION 66 of the proposed rule should be divided into three SECTIONS: (1) to renumber and amend s. NR 439.09 (10) (intro.) to NR 439.09 (10) (ag) (intro.); (2) to create s. NR 439.09 (10) (ag) 1. to 14.; and (3) to renumber and amend s. NR 439.09 (10) (a) (intro.) to NR 439.09 (10) (ar) (intro.). The text for the subdivision paragraphs under renumbered s. NR 439.09 (10) (ag) should be shown in the new SECTION. Compare, for example, the treatment in SECTIONS 13 and 14 of the proposed rule.

k. The rule caption’s listing of affected provisions should be updated to reflect any changes made in response to these comments.

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

a. A definition for the phrase “part 70 source” could be created in s. NR 400.02 or 439.02 to clarify the meaning of that phrase and the phrase “non-part 70 source” in the several sections of the rule where those phrases appear.

b. In SECTION 14 of the proposed rule, the phrase “taken, or that will be taken” in s. NR 439.03 (1) (b) 3. d. could be revised to read “that have been or will be taken”. Similarly, in SECTION 19, the phrase “taken or will be taken” could be revised to read “that have been or will be taken” in s. NR 439.03 (4) (am) 4. and (cm) 4.

c. In SECTION 19 of the proposed rule, what does it mean for an event to “become discoverable”? Will the meaning be clear to permittees?

d. In SECTION 32 of the proposed rule, s. NR 439.04 (4) (e) should be revised to match the style of other paragraphs in that subsection. It could be revised to read as follows, or something similar: “Records demonstrating that a process line, facility, or source meets the conditions for an exemption under s. NR 422.03, if applicable.”.

e. In SECTION 40 of the proposed rule, the semicolon in s. NR 439.055 (1g) should be revised to a comma.

f. In SECTION 47 of the proposed rule, the new language beginning with “Nothing in this chapter...”, in s. NR 439.06 (intro.), could be clarified. By whom would the evidence or information be used? In what circumstances “would” a source have been in compliance?

g. In SECTION 53 of the proposed rule, the phrase “, including initial certification tests and relative accuracy tests performed under s. NR 439.09” in the first sentence of s. NR 439.07 (9) (intro.) could be moved to follow the word “test” at the end of the sentence.

h. In SECTION 66 of the proposed rule, the phrase “soot blowing” in s. NR 439.09 (10) (ag) 10. should be revised to “sootblowing”, for consistency with the defined term in s. NR 439.02 (12).

i. In SECTION 74 of the proposed rule, is there a missing comma and an unnecessary “and” or “or” in the phrase “calibrating replacing, or validating, and repairing” in s. NR 439.11 (1r) (a)?