

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## ***RULES CLEARINGHOUSE***

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## **CLEARINGHOUSE RULE 00-175**

### **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. SECTION 19 attempts to change s. NR 460.09 (2) (b) 7. to an introductory paragraph by means of an amendment. This should be accomplished by a renumbering and amendment.

b. New s. NR 460.09 (2) (b) 7. c. contains a cross-reference to “subd. 7. (intro.)” Would this cross-reference be more accurate as a reference to “this subdivision”?

c. When a defined term is used, it is unnecessary to follow the defined term by a cross-reference to the definition of that term. See s. NR 464.01 (1) (a) in which “major source” is used.

d. In s. NR 464.03 (1) (a) 2. (intro.), “subd. 2. a. or b.” and “subd. 2. c.” should replace the references to subparagraphs. [See s. 1.07 (2), Manual.] Also see s. NR 464.09 (10) (b) 2. b.

e. The amendment in SECTION 30 should precede SECTION 29. A reference to “table 1” should be included in the treatment clause of SECTION 29, “table 2” should be referenced in the treatment clause of SECTION 31 and “table 5” should be referenced in the treatment clause of SECTION 32.

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

Is s. 227.14 (1m), Stats., being used by the department as authority for the format of the rule? If so, that statute should be cited under “Authorizing statutes” in the analysis.

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

- a. In s. NR 460.02 (22r) (c), are the quotation marks intentional?
- b. “Ton” is used in s. NR 464.04 (3) (b) 1. “Ton” can describe various units of weight, and does not appear to be defined in the air pollution rules. Does this term need a definition?
- c. Section NR 464.07 authorizes an alternative method of controlling emissions, but provides in the same sentence that the owner or operator “shall” demonstrate that certain requirements are met. If this is an alternative that is optional with the owner or operator, should “may” be substituted for “shall”? This comment applies at several other places in the proposed rule. “May” is used in connection with an alternative requirement in s. NR 464.07 (6).
- d. In s. NR 464.09 (1), one occurrence of “as defined” should be deleted.
- e. A reporting requirement with a deadline of April 16, 1999 is established in s. NR 464.11 (1). Is this a new requirement, or does it restate a requirement that previously existed? If this is a previously established requirement, it would be more appropriate to restate it as a cross-reference to the rule that establishes the reporting requirement, or to add a note that describes the initial reporting requirement.