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# WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 02-012

### 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 NR 437.04 (2) (a) 21. lacks a cross-reference indicating where the protocol it identifies is incorporated by reference.
- b. Since s. NR 437.03 (4) (intro.) is not drafted properly as introductory material, it should be numbered par. (a) and the subsequent paragraphs should be renumbered. [See s. 1.03 (8), Manual.] Also, see s. NR 437.05 (intro.).
- c. In s. NR 437.07 (5) (c), a note should be added that specifies the department’s web site.

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

- a. The term “carbon dioxide equivalent” is, essentially, a comparison of the global warming potential of one gas to that of carbon dioxide. However, the definition of “global warming potential” also compares a gas to carbon dioxide. Should this latter term be defined in terms of absolute global warming impact, rather than in comparison to carbon dioxide?
- b. In s. NR 437.02 (9), (12), and (13), the word “which” should be replaced by the word “that.” Section NR 437.04 (1) should refer to “protocols *that are* listed in sub. (2) (a) or *that* have been submitted . . .” (emphasis added).

- c. The quotation mark at the end of s. NR 437.02 (9) should be omitted.
- d. In s. NR 437.03 (2) (d), does the use of renewable energy projects to create a VER include the purchase of electricity that includes renewable resources in its portfolio? This may warrant clarification.
- e. In s. NR 437.03 (4) (c), the words “several or many” should be replaced by “multiple.”
- f. The rule does not explicitly state how mercury handled in a collection and disposal project is to be equated to emission reductions. The only possible hint is in s. NR 437.03 (4) (d)--does this paragraph indicate that 10 pounds of mercury collected and disposed of will be treated as equivalent to one pound of avoided emissions? If so, this should be stated more clearly; if not, then the equivalency that will be used should be stated somewhere in the rule.
- g. When an applicant submits an alternative protocol under s. NR 437.04 (2) (b), does the department have the option to review and reject the proposed protocol or is the department obliged to accept any protocol submitted to it? Similarly, may the department reject an alternative baseline submitted under s. NR 437.05 (2)? These should be clarified.
- h. Since electric utilities are not the only entities that generate electric power, and so are not likely to be the only entities avoiding emissions through renewable energy projects, s. NR 437.05 (1) (b) should refer to electric power generators (or some such term) rather than electric utilities.
- i. Section NR 437.07 (2) (b) 7. should indicate that the amount of mercury collected must be reported for each year in which it is collected, in conformity with s. NR 437.06 (1). Compare to the preceding subdivision.
- j. Section NR 437.07 (4) (b) 1. should start with the word “An”; in the following subdivision, the word “a” should be inserted before “recalculated.”