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# WISCONSIN LEGISLATIVE COUNCIL

## RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 02-019

#### 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. In s. NR 106.145 (2) (b) (intro.), the phrase “For this determination” should be replaced by the phrase “For the determination under par. (a).” Also, the introduction should conclude with the phrase “comply with all of the following.”

b. In s. NR 106.145 (3) (intro.), the first sentence should read: “In this paragraph, “major municipal discharge” and “minor municipal discharge” have the meanings specified in s. NR 200.02 (7) and (8).” The last sentence of the introduction, of course, then should be deleted and a colon should follow the word “location.”

c. In s. NR 106.45 (7) (b) (intro.), the phrase “do all of the following” should be inserted after the word “permittee.” In s. NR 106.45 (7) (c) (intro.), “all of” should be inserted before the phrase “of the following.”

d. In s. NR 106.45 (7) (e) (intro.), the phrase “any of” should be inserted after the word “consider.” In par. (e) 6., the semi-colon should be replaced by a period.

e. In s. NR 106.45 (7) (f), the introduction should conclude with the phrase “include all of the following.”

f. In s. NR 106.45 (7) (g), the introduction should conclude with the phrase “include all of the following.” Subdivisions 1. and 2. should begin with the phrases “An evaluation of” and “Identification of,” respectively.

g. In s. NR 106.45 (8) (a), the introduction should conclude with the phrase “do all of the following.” Similarly, in par. (a) 3., the introduction should conclude with the phrase “meet all of the following requirements.”

h. In s. NR 106.45 (8) (b), the introduction should conclude with the phrase “for all of the following.”

i. In s. NR 106.45 (9) (a), the terms “grab sample” and “24-hour composite sample” in the second sentence, should be placed within quotation marks.

j. The Note to s. NR 145.06 (9) (b) should indicate how the EPA publication may be obtained.

k. In s. NR 145.06 (9) (c), the introduction should be renumbered as subd. 1., and the remaining subdivisions and internal cross-references should be renumbered accordingly.

l. Section NR 145.06 (10) (a) should be rewritten to read “In this subsection, ‘method blank,’ ‘matrix spike’ and ‘limit of detection’ have the meanings specified in s. NR 149.03.”

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

a. In s. NR 106.45 (2) (b), it is unclear whether the phrase “12 daily discharge concentrations spread out over a period of at least 2 years” means 12 discharge concentrations per day over a two-year period or 12 days of discharge concentrations over a two-year period.

b. In s. NR 106.45 (3) (a) 5., “determines” is a better word choice than “believes.” Does the department intend to exempt food processing industries from the monitoring requirement, when their industrial discharges have average flow rates, with the sentence “The department may exempt discharges . . . such as for food processing industries.”?

c. In s. NR 106.45 (4) (b), should any of the occurrences of the word “section” be replaced by the word “subsection”? If not, this provision, or a portion of it, should be placed as a separate subsection at the end of s. NR 106.45.

d. Are there circumstances when an existing discharger that relocates its outfall would be covered under s. NR 145.06 (4) (b)? If so, these circumstances should be included in the rule.

e. In s. NR 145.06 (7) (c) 4., who determines “other appropriate mercury reduction activities”? The department? The department in consultation with the permittee?

f. In s. NR 106.45 (7) (f) 4., it appears that the word “is” should be replaced by the word “are.”

g. In s. NR 145.06 (10) (d), the first comma should be deleted.