



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 04-022

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 October 2002.]

2. Form, Style and Placement in Administrative Code

a. In s. NR 208.03 (9), the first occurrence of the word “and” should be deleted and the word “given” should be inserted after “meaning.”

b. In s. NR 208.04 (2), par. (b) should begin on a separate line.

c. In s. NR 208.05 (3) (a), the definition included after the chart should not be in a footnote. Instead, the definition should be moved to sub. (3) (a) (intro.) and changed to: “In this section, “maximum month design flow” means the largest volume of flow...” In sub. (3) (b) and (c), “section” should be changed to “subsection.” Subsection (3) (b) (intro.) should be numbered subd. (3) (b) 1. and the paragraph after the chart should be numbered subd. (3) (b) 2. This change in numbering should also be made in sub. (3) (c), (e), (f), and (m). The definitions provided in footnotes in subs. (3) (a), (g), (i), (L), and (m) should be moved from the footnotes and placed in the text of the rule. Also, in sub. (3) (a), (i), (k) and (L), the format of the definitions provided should be changed to the format provided in s. 1.07 (7) (c), Manual.

d. In s. NR 208.06 (2), the words “whenever” and “wherever” should be changed to “if.”

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

a. In s. NR 208.03 (1), it appears that the rule should clarify that the owner must propose the corrective actions that will be undertaken. In sub. (6), the definition of “Intermittent

discharge” would be clearer if it were changed to “a discharge on a periodic basis and that occurs less than 12 months per year from a treatment works.”

b. Section NR 208.04 (2) (a) should specify that the CMAR shall be submitted to the department. In sub. (4) (intro.), “all of” should be inserted between “the” and “following.” In sub. (5) (intro.), it appears that the phrase “as determined by the department under s. NR 208.05 (1)” should be included after the comma; s. NR 208.05 (1) specifies which sections of s. NR 208.04 (5) apply to each owner.

c. In s. NR 208.05 (2), the rule should specify that a point score shall be calculated by the owner. In sub. (3) (intro.), the second sentence should be changed to the active voice, for example, “The department may require other section specific information that may be included within each CMAR section”. In sub. (3) (e) and (f), “which” should be changed to “that” to be consistent with the other provisions. In sub. (3) (g), the word “dischargers” should be changed to “discharges.” Subsection (3) (n) should specify that the summary will be provided by the department to the owner of the treatment works. The first sentence of sub. (3) (o) should be written in the active voice -- “Public and private treatment works owners shall complete and submit...” Subsection (4) should specify that the department calculates the grade point average of a CMAR.

d. In s. NR 208.06 (2), it is unclear why the information in the fourth and fifth sentences are included here when the same information is provided in sub. (3) (b) and (c). In sub. (3) (c), the word “plan” should be inserted between “response” and “shall” in the second sentence. In sub. (4) (b), the rule should specify whether the department or the owner recommends a facilities plan. In sub. (4) (c), the rule should specify whether the department or the owner is required to submit an implementation schedule. In sub. (5) (intro.), the period should be changed to a colon. In sub. (5) (b), “(DNR)” should be deleted from the title.