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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Ronald Sklansky**  
*Clearinghouse Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

### CLEARINGHOUSE RULE 04-035

#### 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.]**

#### **1. Statutory Authority**

In s. Comm 82.365 (5) (b), the department exercises its authority pursuant to s. 160.19, Stats. That reference should be listed in the statutory authority section of the rule. Further, there does not appear to be a statement of that fact along with a rationale for the rule as required by s. 160.19 (2) (b), Stats.

#### **2. Form, Style and Placement in Administrative Code**

- a. In s. Comm 82.36 (3) “the 10-year, 24-hour storm event” should be defined.
- b. In s. Comm 82.36 (8) (a) 2., the cross-reference should read “subd. 2. c. and d.”
- c. In s. Comm 82.36 (13) (b) (intro.), the phrase “all of” should precede the phrase “the following information.”
- d. In s. Comm 82.365 (3) (f) 2. Note, the cross-references should read “ss. NR 811.16 (4) (d) and 812.018” and “Sections NR 811.16 (4) (d) or 812.08.”
- e. In s. Comm 82.365 (5) (b) 3. (intro.), the phrase “shall be” should be replaced by the phrase “is any (or all?) of the following.”

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

- a. In s. Comm 81.01 (186s), “. . . activities which existed . . .” should be changed to “. . . activities, that existed . . .”

b. Section Comm 82.36 (1) in part states that the provisions of the section set forth the requirements for the conveyance and detention of stormwater and clearwater plumbing systems. It would be more accurate to state that the section sets forth the requirements for the conveyance and treatment of stormwater and clearwater in stormwater and clearwater plumbing systems. The same comment may also apply to the use of the word “treatment.”

c. In s. Comm 82.36 (6) (c), “. . . provided subd. 2. . . .” should be “. . . provided in subd. 2. . . .”

d. In s. Comm 82.36 (7) (c) 1. a. and b., all uses of “which” should be changed to “that.”

e. In s. Comm 82.36 (7) (c) 1. b., the use of “. . . will be recorded . . .” is confusing. Should it be changed to “. . . is recorded . . .”?

f. In s. Comm 82.36 (7) (d) 4., should “. . . be installed comply . . .” be changed to “. . . be installed to comply . . . .”

g. In s. Comm 82.36 (7) (d) 7., “. . . sewers receiving clearwater and which may be . . .” should be changed to “sewers that receive clearwater and that may be . . . .”

h. In s. Comm 82.36 (9) (b) 3. Note, “. . . specifies . . .” should be “. . . specify . . . .”

i. In s. Comm 82.36 (10) (b), “. . . type shall be level . . .” should be “. . . type, shall be level . . . .”

j. In s. Comm 82.36 (12) (a) 1. and 2., the use of “shall be required” should be changed to “are required.”

k. In s. Comm 82.36 (13), “. . . acres and installed . . .” should be changed to “. . . acres that are installed . . . .”

l. In s. Comm 82.365 (4) (a) 1., “. . . plumbing systems . . .” should be “. . . plumbing system . . . .”

m. In s. Comm 82.365 (4) (b) 3., what does it mean for soil to be “rolled into a ¼-wire”?

n. In s. Comm 84.30 (6) (k) (intro.), “. . . which is used . . .” should be “. . . that is used . . . .”