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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 04-077

#### 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. Section NR 504.06 (6) should be rewritten to read:

NR 504.06 (6) (a). Landfills shall meet the requirements of pars.  
(b) to (f) where they will accept municipal solid waste...these requirements shall take precedence.

The remaining paragraphs should be renumbered accordingly. This structure should be used because the current introduction of sub. (6) does not grammatically lead into the following subunits. The entire rule should be reviewed for this drafting method.

b. In s. NR 504.06 (6) (e), the phrase “all of” should be inserted before the phrase “the following design features.” Introductory phrases always should indicate to the reader whether all of the following requirements need to be met or whether any of the following requirements need to be met, even if the context may indicate which alternative is intended. The entire rule should be reviewed for the appropriate phrasing of introductory materials.

c. In the second version of s. NR 514.10, the phrase “Research program approval required” in sub. (1) (e) appears to be a title. If so, either this title should be deleted or a title should be added to paragraph (b) for consistent usage.

d. The virgule in s. NR 514.10 (4) (h) (first alternative) and in s. NR 514.10 (2) (m) (second alternative) should be replaced by “and.”

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

a. In the preface to the rule, in the second bullet of item 10, the word “a” should be deleted. Also, in item 11, the phrase “No small businesses” appears to be an incomplete statement.

b. In s. NR 504.095 (3) (b), the comma after the reference to s. NR 504.08 (1) should be replaced by the word “or.”

c. Section NR 506.07 (8) (intro.) provides that in the event of a conflict between the new provisions in s. NR 506.07 (8) and any other provision in ch. NR 506, the new requirements in s. NR 506.07 (8) take precedence. If the requirements that differ can be identified, they should be listed in the proposed rule, such as in a note. See also ss. NR 512.09 (6) (intro.) and 516.08 (intro.).

d. In s. NR 506.07 (8) (e), the word “summarized” in the fourth sentence should be replaced by the word “summarize.”

e. In s. NR 507.215 (4) (b), the word “An” should be replaced by the word “A.”

f. In s. NR 514.07 (6) (c), it appears that the word “of” should be inserted after the word “Documentation” in the first sentence.

g. In the first version of s. NR 514.10, it appears that the phrase “within three months of the anniversary date” in sub. (1) (b) 5. should be replaced by the phrase “within three months after the anniversary date.” [See also the second version in s. NR 514.10 (1) (b) 4.]

h. In the first version of s. NR 514.10, the second occurrence of the word “two” in sub. (4) (c) should be replaced by the word “on.”

i. Section NR 514.07 (1) (L) allows testing methods that are “acceptable to the department.” The procedure for requesting that determination should be specified in the rule.

j. “Control” appears twice in the first version of s. NR 514.10 (4) (h). One of the two words should be deleted.

k. In the second version of s. NR 514.10, it appears that the word “up” in sub. (1) (a) 2. should be replaced by the word “upon.”

l. In the third Note to s. NR 520 Table 5, the word “is” should be inserted after the word “also.”