



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 06-047

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 January 2005.]

2. Form, Style and Placement in Administrative Code

a. If the department intends that a claim of exemption from construction permitting requirements required under s. NR 406.04 (1) (zi) 6. must be submitted to the department on a form specified by the department, then the department should modify the rule to conform to the preferred style for the treatment of forms in s. 1.09 (2), Manual.

b. The reference to the department-approved forms in s. NR 407.03 (1) (za) 3. is vague and should provide more specific information on where the forms can be obtained. See s. 1.09 (2), Manual.

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

a. The plain language analysis accompanying the rule is incomplete, as it does not summarize the provisions in the rule relating to the exclusions from modifications for changes to process lines emitting VOCs and changes to use a clean fuel in s. NR 406.04 (4) (h) and (i).

b. The construction permit exemptions in s. NR 406.04 (1) (zh) and (zi) do not apply to the relocation of a specified stationary source. If that is not the department’s intent, the rule should be modified accordingly. Also, in sub. (1) (zi) 4., the use of the word “new” is vague. A reference to provisions created on the effective date of the rule is clearer.

c. Section NR 410.03 (intro.) provides an overview of the application fees set forth in s. NR 410.03 (1) to (3). Though not necessary to specify the required fees for the construction

permit exemption created by the rule, for consistency, the department may wish to consider adding a reference in s. NR 410.03 (intro.) to the new permit exemption fee created by the rule in s. NR 410.03 (1) (f). This reference would correspond to the existing treatment of the determination of exemption fee under s. NR 410.03 (1) (b).