



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 15-084

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

2. Form, Style and Placement in Administrative Code

a. Section NR 106.06 (2) (br) 3. d. does not appear to be a criterion that fits with the introduction to that provision. Consider moving it to a separate subdivision.

b. The commas that end s. NR 106.06 (6) (e) 1. and 2. should be replaced with periods. [s. 1.03 (4), Manual.]

c. In the treatment clause for SECTION 8 of the proposed rule, a reference to “NR 106.145 (2) (b)” should be inserted after the word “renumbered”. [s. 1.068 (Example), Manual.]

d. A specific deadline should be given for the submission of comments on the proposed rule. [s. 1.02 (2) (a) 13., Manual.]

4. Adequacy of References to Related Statutes, Rules and Forms

The agency could consider whether it would make sense to reference or use defined terms appearing in s. 281.346, Stats., rather than create new, different terminology to refer to waters within the Great Lakes basin.

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

a. The phrase “waters of the Great Lakes system” appears in some provisions of the proposed rule. In other provisions, the defined term “Great Lakes system” appears without “waters of” before it. If possible, those terms should be used consistently.

b. Throughout the proposed rule, consider replacing passive verb tenses with more active ones. Although the more passive verb tenses match the existing rule provisions in that chapter, it is acceptable to have un-matching styles in order to modernize the drafting style of new provisions, where possible.

c. In the new definition for the term “same waterbody” in s. NR 106.03 (11m), the use of the word “points” is unclear. For example, in ch. NR 198, the term “waterbody” is defined to mean certain types of whole waterbodies, rather than “points” of waterbodies. Also, would connected waterbodies always be limited to two?

d. In s. NR 106.06 (2) (a) (intro.), the phrase “For purposes of” should be replaced with “In”.

e. Would s. NR 106.06 (2) (a) 1. and 2. be made more accurate by adding the phrase “discharge from a” after “any” and before “point source”?

f. The first comma appearing in s. NR 106.06 (2) (br) (intro.) should be removed.

g. In s. NR 106.06 (2) (br) 2. (intro.), the word “provided” should be replaced with the word “if”.

h. In s. NR 106.06 (2) (br) 3. b., c., e., and f., and also in s. NR 106.06 (2) (c) 2., replace the word “shall”, which also appears in the introductions to those provisions, with active verbs. For example, replace the phrase “shall contain” with the word “contains.”

i. In s. NR 106.06 (6) (intro.), a comma should be inserted after the second instance of the word “substance”.

j. In s. NR 106.06 (6) (b) 4., the word “in” should be inserted before “the identified”.

k. In s. NR 106.06 (6) (c) (intro.), the phrase “applied as follows” should replace the phrase “included in the permit in accordance with the any [sic] of the following that applies”.