



# Wisconsin Legislative Council

## RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 21-027

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]**

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

- a. In s. NR 216.003 (1), the reference to s. NR 205.08 should not be underscored.
- b. In SECTIONS 4 and 16 of the proposed rule, the stricken “and” should precede the addition of new material. Similarly, the order of stricken and underscored text in SECTIONS 14, 30, 32, 41, 45, 47, 53, 57, 65, and 66 should be reviewed.
- c. SECTION 8 of the proposed rule should refer more specifically to the treatment of s. NR 216.03 (1).
- d. In s. NR 216.07 (intro.), “Department” should be changed to the lowercase. In sub. (8) (b), “subs.” should be indicated as “~~sub-~~subs.”. In sub. (10) (b) Note, “two” should be changed to “2” and “Department” should be changed to the lowercase. In sub. (11), a period should follow “RECORDS”.
- e. In s. NR 216.075, it appears that the numbering and internal references in the rule are incorrect. In the second notation of sub. (2), “shall not” should be changed to “may not”.
- f. In SECTIONS 29 and 59 of the proposed rule, newly created material should not be underscored.
- g. In SECTION 43 of the proposed rule, provisions that are not amended should be excluded from the rule text, and the treatment clause should be revised accordingly to cite only the provisions subject to amendment. [s. 1.04 (6) (d), Manual.] As renumbered in this SECTION, in sub. (5) (e), “must” should be changed to “shall”.
- h. In s. NR 216.42 (3m), a subsection title should be added because the other subsections of s. NR 216.42 contain subsection titles. [s. 1.10 (2) (a) 2., Manual.]

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

a. Section NR 216.006 (6) and (7) (b) use the term “owner” and sub. (7) (intro.) and (7) (a) (intro.) and 7., use the term “landowner”. The department should review these provisions to ensure it intended to use a different term in each.

b. The material created in SECTION 10 should not be duplicated in SECTION 14. However, in SECTION 14, the treatment of s. NR 216.031 (1) (a), as renumbered, should be reviewed. At minimum, it appears this material should be underscored.

c. In s. NR 216.06 (4) Note, it appears that either “Department’s Internet site” should be changed to “department website”, the term used in s. NR 216.03 (1) Note, or “department website” should be changed to “department’s internet site”. The entire rule should be checked to ensure that the same term is used consistently.

d. In s. NR 216.27 (1), “a” should be inserted between “with” and “storm water discharge”.

e. In s. NR 216.29 (1) (f), it is unclear what type of “plans and submissions” should be submitted for review and approval.

f. In s. NR 216.10 (5) (g), it would improve the clarity of the rule if the department could be more specific about what “non-compliance issues which cannot be resolved” means.

g. In s. NR 216.42 (2), “Stat.” should be changed to “Stats.”.

h. In s. NR 216.47 (7), it appears that “the storm water management plan required under s. NR 216.46” should be changed to “the erosion control plan required under s. NR 216.46”. In addition, is the storm water management plan requirement to “identify measures taken to avoid or minimize those impacts” referring to impacts identified in the erosion control plan?

i. In s. NR 216.49 (4), “EPA approved” should be hyphenated.