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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 18-095

#### 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. In s. NR 812.08 (2) (d) (intro.), it appears that “all of” should be added between “if” and “the”.
- b. In s. NR 812.08 (4), “shall not” should be changed to “may not”. In addition, “will not” should be changed to “may not”.
- c. In s. NR 812.09 (4) (u), “subchapter” should be changed to “subch.”. The same issue occurs in s. NR 812.09 (8).
- d. In s. NR 812.091 (8), “will” should be changed to “shall”.
- e. In s. NR 812.10 (12) “should” should be changed to “shall”. The same issue occurs in s. NR 812.11 (12).
- f. In s. NR 812.11 (15) (intro.), “must” should be changed to “shall”.
- g. In s. NR 812.14 (intro.), “all of” should be added between “meet” and “the following requirements”. In sub. (3) (c), “must” should be changed to “shall”.
- h. In the title of s. NR 812.151, the words after “Heat” should be changed to the lowercase. [s. 1.05 (2) (b), Manual.]
- i. In s. NR 812.24 (1) (b), it appears that “should” should be changed to “shall”.

j. In the treatment clause of SECTION 122, “(intro.)” should be inserted between “NR 812.31” and “(Note)”.

k. In the treatment clause of SECTION 127, “(intro.)” should be added between “(2)” and the comma.

l. In s. NR 812.42 (1) (b) 6. b., “ten” should be changed to “10”. In sub. (1) (b) 7., “forty” should be changed to “40”.

m. In s. NR 812.46 (2) (b) 2., “shall not” should be changed to “may not”.

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

a. In s. NR 738.03 (9) (Note), the quotation marks before “any” and after “groundwater” should be deleted.

b. SECTION 15 should be deleted since SECTION 14 is already treating the same provision, s. NR 812.07 (33).

c. In s. NR 812.07 (32), it appears that “driving the point is combined with” should be replaced with “driving a point in combination with” in order to be consistent with s. NR 812.07 (35).

d. In s. NR 812.07 (43) (Note), the comma before “floodfringe” should be deleted.

e. In s. NR 812.07 (55s) (Note), the capital “A”s should be deleted.

f. In s. NR 812.07 (60m), “, as defined in sub. (52)” should be added after “high capacity well”.

g. In s. NR 812.07 (80) (Note), both instances of “Includes” should be changed to the lowercase. In addition, “Does” should be changed to the lowercase. Also, the periods in between “system” and “(b)” and “system” and “c”, should be changed to semicolons.

h. In s. NR 812.10 (1) (c), it appears that “NR 812.07 (125)” should be changed to “NR 812.07 (35)”.

i. In the title of s. NR 812.15 (3) (f), “Casing” should be changed to the lowercase.

j. In the title of s. NR 812.24 (1) (b), “Curbing” should be changed to the lowercase.

k. In s. NR 812.26 (3) (b), “, Stats.” should be added after “s. 281.17 (3)”. In sub. (5) (i), the comma at the end of the sentence should be changed to a period.

l. In s. NR 812.31 (3) (intro.), “of ch. NR 812 Appendix” should be changed to “in the Appendix”. The same issue occurs in s. NR 812.32 (6) (a), (7) (a) and (b), and (9) (d); however, the entire rule should be checked for this issue. In sub. (4) (a), “in the Appendix” should be added after “Figure 2”.

m. In s. NR 812.37 (3m), the term “existing well” may need a separate definition in the rule; it appears that an “existing well” is included in the definition of “existing installations” in s. NR 812.07 (38), but the term “existing well” is used throughout the rule. The same issue occurs with the use of the term “existing water system” in s. NR 812.42 (intro.) and “existing pits and

alcoves” in s. NR 812.42 (3m). In addition, there does not appear to be a definition of “non-community well” although that term is used in s. NR 812.37 (4) (a).

n. In s. NR 812.42 (6) (b) (intro.), “noncommunity” should be hyphenated. This issue also occurs in s. NR 812.46 (9) (c); however, the entire rule should be checked for this issue. In sub. (8) (a) (intro.), does a “noncomplying well cap” mean a well cap that does not comply with the requirements of ch. NR 812? A similar issue occurs regarding a “noncompliant casing height” in sub. (11) (a).

o. In s. NR 812.46 (1) (a) 1., the semicolon between “well” and “or” should be deleted.