



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 19-080

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 538.01 (1), the period following the phrase “with good engineering practices” should not be underscored.
- b. In s. NR 538.04 (6), the comma should be removed, as that is not part of the current text of the rule. Also, the final period should not be underscored.
- c. In the treatment clause for SECTION 5 of the proposed rule, the phrase “and (Note) are” should replace the word “is”. Also, the note should be identified in the rule caption’s listing of created provisions.
- d. In s. NR 538.10 (2) (f) 5., the phrase “shall not” should be changed to “may not”. The same issue occurs in sub. (3) (c). [s. 1.01 (2), Manual.]
- e. In s. NR 538.12 (2) (b), the reference to “538.10 (2) (f) (5)” should be changed to “538.10 (2) (f) 5.”.
- f. In s. NR 538.12 (2) (c), it appears that the word “will” should be changed to “shall”. The same issue occurs in sub. (3).
- g. In s. NR 538.14 (6), the word “will” should be changed to “shall”.
- h. The material in the note following s. NR 538.14 (7) contains substantive material that should be placed in the text of the rule. [s. 1.09 (1), Manual.]

- i. In s. NR 538.16 (1) (a) 1., the word “must” should be changed to “shall”. In sub. (1) (a) 2., “paragraph” should be changed to “par.”.
- j. In s. NR 538.18 (1) (a) (Note), the abbreviation “ss.” should be changed to “s.”.
- k. In s. NR 538.18 (2) (b) 3., the reference to “538.16 (a) (3)” should be changed to “538.16 (1) (b) 3.”.

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

- a. In the rule summary’s explanation of agency authority, the acronym “EPA” should be spelled out and the acronym included afterward in parentheses. The same issue occurs in section (E) of the plain language analysis section regarding “NRCS”.
- b. In s. NR 538.08 (6) (c) 2., will the department decide what “an appropriate analytical method” is? If so, “, as determined by the department” should be added after “appropriate analytical method”.
- c. In s. NR 538.10 (2) (e), the word “the” should be added between “authority of” and “Wisconsin”.
- d. In s. NR 538.10 (2) (f) 1., it is unclear what the “regulatory authority” is.
- e. In s. NR 538.12 (2) (c), can the department clarify what it considers to be “good engineering practices”?
- f. In s. NR 538.24 (5), the word “with” should be added between “in accordance” and “an eligible use”.