



Wisconsin Legislative Council

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 21-022

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

In the treatment clause for SECTION 3 of the proposed rule, the reference to “and a.” should be removed. [s. 1.04 (6) (g), Manual.]

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

a. In its rule analysis, the department states that “Because draft 2020 air quality data did not attain the 2015 ozone NAAQS, it is possible that once the data is certified EPA will reclassify the partial Kenosha County 2008 ozone NAAQS nonattainment area to ‘severe,’ effectively lowering the major source threshold to 25 tpy. The department has determined that such a reclassification could impact several sources in the area. The department will reach out to any affected source and revise its permits as needed, should this reclassification occur.”. The department should consider including a provision in the rule that would require the department to send written notification to affected sources if reclassification of a nonattainment area occurs.

b. In s. NR 407.02 (4) (c) 1. b., the grammatical structure should be reviewed and revised to form a readable sentence with the introduction in subd. 1. (intro.), similar to the structure in subd. par. a. [s. 1.11 (2), Manual.]

c. Also, in s. NR 407.02 (4) (c) 1. b., to increase clarity, the department should define the term “redesignation substitute” and explain how that relates to the major source threshold. This term is also in s. NR 408.24 (24) (c). The department could consider rearranging the sentence structure, if possible, to first reference the major source threshold and then reference the nonattainment classification. This may also help for the revision of the grammatical structure as noted in the previous comment. Lastly, if not clarified from these revisions, the department should also consider providing an example of how a source would determine how it is affected if both the 2008 and 2015 standards apply.