WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 17-002

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 the plain language analysis prepared by the department, in the section regarding fundamentally different factors variances and other ELG variances, consider including the material provided in the asterisked footnote in the body of the text.

b. In s. NR 106.117 (3) (b) 1., "shall not" should be changed to "may not". This issue also occurs in s. NR 220.32 (5) (intro.). [s. 1.01 (2), Manual.]

c. In s. NR 205.067 (1) (b), "must" should be changed to "shall".

d. In s. NR 220.33 (1) (a) 1., "currently" should be deleted. [s. 1.01 (9) (b), Manual.]

e. In SECTION 25, the reference to "NR" in the statute citation should be removed.

f. A section and entry should be inserted in the rule analysis for the place and deadline to submit comments on the proposed rule. [s. 1.02 (2) (a) 13., Manual.]

g. The terms "total maximum daily load" and "TMDL" are used throughout the rule but are not defined. The board could consider creating a definition in chs. NR 205 and 207, or citing to the definition that exists in s. NR 121.03 (16). [s. 1.01 (8), Manual.]

h. In SECTION 23, the board should create a definition of "fundamentally different factors variance or (FDFV)" in the rule.

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

a. In s. NR 106.117 (3) (a), "schedules" should be changed to "schedule". In the first Note following sub. (3) (e), it may be helpful to include examples of interim permit requirements that are not a numerical effluent limitation. In the second Note following sub. (3) (e), "can" should be changed to "may" and a period should be added at the end of the sentence.

b. In s. NR 200.07 (5) (b) (intro.), "all of" should be added before "the following". In sub. (5) (b) 4., it appears that "animals" should be changed to "animal". In the Note following this subsection, "storm water" should be changed to "stormwater".

c. In s. NR 200.21 (2), it may be clearer if "Alternatively" were replaced with "As an alternative to sub. (1)".

d. In s. NR 207.11 (1), "of the Clean Water Act" should be deleted in order to be consistent with the manner in which other federal law citations are included in the rule. In sub. (3), it appears that "State Technology Based Treatment Standard" should be changed to "State technology based treatment standard". In the Note following this subsection, "Department" should be changed to "department".

e. In s. NR 207.12 (2) (e) 2., a period should be added after "s". In the Note following this subsection, it appears that "BPJ" should be changed to "best professional judgment".

f. In s. NR 220.15 (2) (b), the first comma should be deleted.