

## Chapter NR 104

## USES AND DESIGNATED STANDARDS

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**Note:** Chapter NR 104 as it existed on September 30, 1976 was repealed and a new chapter NR 104 was created effective October 1, 1976. Corrections made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1997, No. 500.

**Subchapter I — Intrastate Waters**

**NR 104.01 General. (1)** “It is...the goal of the state of Wisconsin that, wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish and wildlife and provides for recreation in and on the water be achieved by 1983. . .” s. 283.001 (1) (b), Stats. The long-range goal of Wisconsin water quality standards is, therefore, to permit the use of water resources for all lawful purposes. Surface waters which because of natural conditions are not conducive to the establishment and support of the complete hierarchy of aquatic organisms shall not be degraded below present levels, but shall be upgraded as necessary to support assigned uses. Most surface waters within the state of Wisconsin already meet or exceed the goals specified above. However, certain waters of the state may not meet these goals for the following reasons:

- The presence of in-place pollutants,
- Low natural streamflow,
- Natural background conditions, and
- Irrecoverable cultural alterations.

**(1m)** Where it is determined that one or more of these factors may interfere with the attainment of the statutory objectives, a variance from the criteria necessary to achieve those objectives is provided.

**(2)** Surface waters within the boundaries of the state shall meet the standards for fish and aquatic life and recreational use with the variances and additions listed below in ss. NR 104.05 to 104.10. A system is provided within which small streams and other surface waters which cannot support high quality uses are granted a variance from the high quality criteria.

**(3)** Effluent limitations specified in this chapter shall be achieved by industrial, private and municipal dischargers by July 1, 1983 unless an earlier date is otherwise provided in a permit issued under s. 283.31, Stats. Municipal dischargers eligible for state or federal grant-in-aid shall achieve the specified effluent limitations upon completion of construction or modification of facilities approved by the department of natural resources subsequent to adoption of this chapter unless otherwise provided in a permit issued under s. 283.31, Stats.

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76; am. (1), Register, December, 1977, No. 264, eff. 1-1-78.

**NR 104.02 Surface water classifications and effluent limitations. (1) HYDROLOGIC CLASSIFICATION.** “Surface waters” as defined in s. NR 102.03 (6), may be classified according to their hydraulic or hydrologic characteristics. For purposes

of this chapter, surface waters will be classified by the department into one of the following categories:

(a) *Lakes or flowages.* This classification includes bodies of water whose current is more or less stagnant or which lacks a uni-directional current.

(b) *Diffused surface waters.* This classification includes any water from rains, intermittent springs or melting snow which flows on the land surface, through ravines, etc., which are usually dry except in times of runoff. This category does not include waters at the land surface in the vicinity of agricultural or wastewater irrigation disposal systems.

(c) *Wetlands.* This classification includes areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

(d) *Wastewater effluent channels.* This classification includes discharge conveyances constructed primarily for the purpose of transporting wastes from a facility to a point of discharge. Drainage ditches (including those established under ch. 88, Stats.) constructed primarily for the purposes of relieving excess waters on agricultural lands shall not be construed as effluent channels. Modifications made to natural watercourses receiving wastewater effluents for the purpose of increasing or enhancing the natural flow characteristics of the stream shall not be classified as effluent channels.

(e) *Noncontinuous streams.* This classification includes watercourses which have a defined stream channel, but have a natural 7-day Q flow of less than 0.1 cfs and do not exhibit characteristics of being perpetually wet without wastewater discharges.

(f) *Continuous streams.* This classification includes watercourses which have a natural 7-day Q flow of greater than 0.1 cfs or which exhibit characteristics of a perpetually wet environment, are generally capable of supporting a diverse aquatic biota and flow in a defined stream channel.

**Note:** The application of this classification system is not dependent on the navigability properties of the watercourse, but is dependent upon the quantity-quality relationships of the surface water.

**(2) WATER QUALITY CLASSIFICATION.** (a) Whenever the goals as specified in s. 283.001 (1) (b), Stats., cannot be attained because of conditions enumerated in s. NR 104.01 (1), a variance may be provided. Variances from a specific water quality criteria may be given in s. NR 104.05 et. seq. or a variance under one of the categories provided in this chapter may be specified.

(b) Practices attributable to municipal, industrial, commercial, domestic, agricultural, land development, or other activities shall be controlled so that waters regardless of their hydrologic and water quality classifications meet the general aesthetic and acute toxicity conditions in s. NR 102.04 (1).

**(3) VARIANCE CATEGORIES.** (a) *Limited forage fish communities (intermediate surface waters).* 1. Applicability. This cate-

gory of variance may be applied to either the continuous or non-continuous stream hydrologic classification.

2. Surface water criteria. The following water quality criteria shall be met in all surface waters included in this variance category:

- a. Dissolved oxygen shall not be less than 3 mg/L.
- b. Ammonia nitrogen (as N) at all points in the receiving water shall not be greater than 3 mg/L during warm temperature conditions nor greater than 6 mg/L during cold temperatures to minimize the zone of toxicity and to reduce dissolved oxygen depletion caused by oxidation of the ammonia.
- c. The pH shall be within the range of 6.0 to 9.0.
- d. All other substances shall meet the acute and chronic toxicity criteria for limited forage fish communities specified in or developed pursuant to ss. NR 105.05 and 105.06.

3. Effluent criteria. a. The effluent limitations determined necessary to meet the surface water criteria listed above are enumerated in table 1.

TABLE 1

| Parameter                          | Monthly Average (mg/L) | Daily Maximum (mg/L) | Weekly Average (mg/L) | Other (mg/L) |
|------------------------------------|------------------------|----------------------|-----------------------|--------------|
| BOD <sub>5</sub>                   | 15                     | 30                   | -                     | -            |
| Total Suspended Solids             | 20                     | 30                   | -                     | -            |
| NH <sub>3</sub> N (May-October)    | -                      | -                    | 3                     | -            |
| NH <sub>3</sub> N (November-April) | -                      | -                    | 6                     | -            |
| Dissolved Oxygen                   | -                      | -                    | -                     | 4 (minimum)  |

b. Unless otherwise specified in table 1 above, effluent limitations for sewage treatment works shall be as adopted in ch. NR 210.

c. In addition to the effluent limitations enumerated in table 1, effluent limitations for these and any other substance necessary to protect assigned uses shall be met, including water quality based effluent limitations necessary to meet the criteria specified in or developed pursuant to ss. NR 105.05 and 105.06 for limited forage fish communities.

(b) *Limited aquatic life subcategory (marginal surface waters)*. 1. Applicability. This variance category may be applied to the continuous or noncontinuous stream hydrologic classification, except that it shall be applied to all surface waters classified as effluent channel, wetland or diffuse surface water.

2. Surface water criteria. The following surface water quality criteria shall be met in all surface waters included in this variance category:

- a. Dissolved oxygen shall not be less than 1 mg/L.
- b. The pH shall be within the range of 6.0 to 9.0.
- c. All other substances may shall meet the acute and chronic toxicity criteria for the limited aquatic life subcategory specified in or developed pursuant to ss. NR 105.05 and 105.06.

3. Effluent criteria. a. The effluent limitations determined necessary to meet the surface water criteria listed above are enumerated in table 2.

TABLE 2

| Parameter              | Monthly Average (mg/L) | Weekly Average (mg/L) | Other (mg/L) |
|------------------------|------------------------|-----------------------|--------------|
| BOD <sub>5</sub>       | 20                     | 30                    | -            |
| Total Suspended Solids | 20                     | 30                    | -            |
| Dissolved Oxygen       | -                      | -                     | 4 (minimum)  |

b. Unless otherwise specified in table 2 above, effluent limitations for sewage treatment works shall be as adopted in ch. NR 210.

c. In addition to the effluent limitations enumerated in table 2, effluent limitations for these and any other substance necessary

to protect assigned uses shall be met, including water quality based limitations necessary to meet the criteria for limited aquatic life surface water specified in or developed pursuant to ss. NR 105.05 and 105.06.

(4) OTHER CLASSIFICATIONS AND EFFLUENT CRITERIA. (a) *Surface waters significant to the environmental integrity of the state or region*. Under all hydrologic categories, the department reserves the right to require other effluent limitations, including allocation of wasteloads for organic material, toxicants and chlorine residuals if it is determined that the specified surface water is important to the overall environmental integrity of the area. In waters identified as trout streams, located in scientific areas or wild and scenic areas, providing endangered species habitat or of high recreational potential, effluent criteria will be evaluated on a case-by-case basis.

(b) *Surface waters classified for fish and aquatic life*. 1. Streams. Where flowing streams or rivers are specified to achieve fish and aquatic life criteria, wasteload allocation for organic material, toxicants and chlorine residuals shall determine effluent criteria necessary to achieve that standard.

2. Lakes and flowages. Effluent characteristics for discharges to lakes or flowages shall be based upon an evaluation of water quality necessary to protect fish and aquatic life taking into account mixing zone and nutrient removal criteria.

3. Minimum effluent criteria. If it can be reasonably demonstrated that the quality of the surface water is independent of a wastewater discharge, effluent limitations established under ss. 283.13 and 283.19, Stats., shall apply.

(c) *Wastewater treatment lagoons*. Effluents from fill-and-draw wastewater treatment lagoons or domestic waste stabilization ponds discharging to waters receiving a variance in this chapter may be permitted to vary from the limitations specified in table 1 or 2 provided the following conditions are met:

1. The discharge occurs only during the spring and fall of the year when the flow in the receiving water is normally high, and the temperature is low. The rate of discharge shall not exceed that specified in a permit under s. 283.31, Stats., or where no rate is indicated, the allowable discharge quantities shall be determined by the department based upon current evaluation of the receiving water.

2. In lieu of the previous conditions, the discharge from a fill-and-draw lagoon may occur at any time provided the rate does not exceed the assimilative capacity of the receiving water as specified in a permit under s. 283.31, Stats.

3. The dissolved oxygen in the effluent is maintained at a level greater than or equal to 4 mg/L, and the permitted rate of discharge shall be such that the dissolved oxygen and ammonia nitrogen criteria necessary to sustain fish and aquatic life are maintained in the stream during the period of discharge.

4. The effluent limitations do not exceed those established under ss. 283.13 and 283.19, Stats.

(5) CHANGES IN CLASSIFICATION. Surface waters which exhibit changing hydrologic and quality characteristics shall be classified accordingly. Effluent criteria for upstream discharges shall be based upon the most critical downstream classification and shall be specified by the department either on the basis of justified inference or by the application of a wasteload allocation analysis. Any subsequent changes in a stream's morphology or potential may necessitate the reevaluation of the classification.

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76; am. Tables 1 and 2, (2), (3) (a) 2a and d., (3) (b) 2a and c., (4) (c), Register, December, 1977, No. 264, eff. 1-1-78; am. (3) (a) 2a, Register, June, 1978, No. 270, eff. 7-1-78; am. (1) (c), Register, June, 1984, No. 342, eff. 2-1-84; r. (3) (a) 2. b. to d., (b) 2. b. and c., renum. (3) (a) 2. e. to g. and (3) (b) 2. d. and e. to be (3) (a) 2. b. to d. and (3) (b) 2. b. and c. and am. (3) (a) 2. g. and (3) (b) 2. c., am. (3) (a) 3. a. and (3) (b) 3. a., Register, October, 1986, No. 370, eff. 11-1-86; am. (1) (intro.), (2) (b), (3) (a) (intro.) and 3. c., and (3) (b) 3. c., r. and recr. (3) (a) 2. d. and (3) (b) 2. c., Register, February, 1989, No. 398, eff. 3-1-89.

**NR 104.04 Provision for changes.** The surface waters specified in this chapter are not intended to be an exclusive listing nor do the specified effluent criteria purport to meet the 1983 water quality goals set forth in ch. 283, Stats. Additions to or deletions from these listings may be made based upon the accumulation of information necessary to make such determination and in accordance with the requirements of ch. 227, Stats.

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76.

**NR 104.05 Variances and additions applicable in the southern district.** Subject to the provision of s. NR 104.04,

intrastate surface waters in the southern district counties of Columbia, Dane, Dodge, Grant, Green, Iowa, Jefferson, Lafayette, Richland, Rock and Sauk shall meet the criteria for fish and aquatic life and recreational use with exceptions and additions as follows:

(1) ADDITION. The public water supply standard shall be met on the Wisconsin river in section 8, township 10 north, range 7 east.

(2) VARIANCE. Surface waters in the southern district subject to a variance under s. NR 104.02 (3) are listed in table 3.

TABLE 3  
SOUTHERN DISTRICT

| Surface Water (Facility Affected)                            | Reach Description  | Hydrologic Classification | Applicable Criteria (1) | Effluent Limitations (2)              |
|--|--|---------------------------|-------------------------|---------------------------------------|
| 1. Goose Lake Tributary (Arlington)                          | Tributary upstream from Goose Lake   | Noncontinuous             | II                      | Effluent limitations to be determined |
| 2. Tributary – East Branch Pecatonica River (Barneveld)      | From the Barneveld STP downstream to the East Branch Pecatonica River  | Noncontinuous             | II                      | B                                     |
| 3. Williams Creek (Blue Mounds)                              | From the Blue Mounds STP downstream to the east line of Sec. 14, T6N, R5E  | Noncontinuous             | I                       | A                                     |
| 4. Sanders Creek (Boscobel)                                  | From the Boscobel STP downstream to the Wisconsin River  | Continuous                | I                       | A                                     |
| 5. Allen Creek (Brooklyn)                                    | Upstream from Butts Corner Road  | Continuous                | I                       | A                                     |
| 6. Kummel Creek (Brownsville)                                | From Brownsville STP downstream to CTH “HH”  | Noncontinuous             | I                       | A                                     |
| 7. Spring Brook and Tributary (Clinton)                      | Tributary from the Clinton STP to Spring Brook   | Effluent ditch            | II                      | B                                     |
|  | Spring Brook in Clinton Township   | Continuous                | II                      | NA                                    |
| 8. Tributary – Dead Creek (Clyman)                           | Tributary from Clyman STP downstream to Dead Creek   | Noncontinuous             | II                      | B                                     |
| 9. West Branch Pecatonica River (Cobb)                       | From the Cobb STP downstream to confluence with an unnamed tributary NE1/4, NW1/4, Sec. 2, T5N, R1E.                       | Continuous                | I                       | A                                     |
| 10. Door Creek (Cottage Grove)                               | Door Creek upstream from STH 12 & 18   | Noncontinuous             | I                       | A                                     |
|  | From STH 12 & 18 downstream to Lake Kegonsa  | Continuous                | I                       | NA                                    |
| 11. Coon Branch (Cuba City)                                  | Upstream from westerly tributary approximately 1 mile above STH 11   | Noncontinuous             | II                      | B                                     |
|  | Downstream from above tributary to confluence with Galena River  | Continuous                | I                       | NA                                    |
| 12. Mud Creek and Tributary (Deerfield)                      | Tributary from Deerfield STP to confluence with Mud Creek  | Effluent ditch            | II                      | B                                     |
|  | Mud Creek from above tributary downstream to confluence with Koshkonong Creek  | Continuous                | I                       |                                       |
| 13. Indian Creek and Tributary (Dickeyville)                 | Tributary from Dickeyville STP to confluence with Indian Creek   | Noncontinuous             | II                      | NA                                    |
|  | Indian Creek from above tributary downstream to confluence with Platte River   | Continuous                | I                       | A                                     |
| 14. Dodge Branch (Dodgeville)                                | Upstream from a point approximately 3,500 feet downstream from STH 191   | Noncontinuous             | I                       | A                                     |
| 15. Tributary – North Branch Crawfish River (Fall River)     | Tributary from the Fall River STP downstream to the North Branch Crawfish River  | Noncontinuous             | II                      | Effluent limitations to be determined |
| 16. Gregory Branch (Fennimore)                               | Upstream from STH “61”   | Continuous                | I                       | A                                     |
| 17. Tributary – Rock River (Hidden Meadows Mobile Home Park) | Tributary from the Hidden Meadows Mobile Park STP discharge downstream to the Rock River                                   | Noncontinuous             | II                      | B                                     |
| 18. Big Spring Branch (Highland)                             | Upstream from the North line of Sec. 19, T7N, R1E  | Noncontinuous             | I                       | A                                     |
| 19. Pedler Creek (Iowa Co. Nursing Home)                     | From the Iowa Co. Nursing Home STP downstream to the confluence with an unnamed tributary, SE1/4, SE1/4, Sec. 34, T6N, R2E | Noncontinuous             | I                       | A                                     |
| 20. Tributary – Wildcat Creek (Iron Ridge)                   | From the Iron Ridge STP downstream to Wildcat Creek  | Noncontinuous             | II                      | B                                     |
| 21. Tributary & Rock River Tributary                         | From the Ixonia San. Dist. STP downstream to the juncture with the Rock River Tributary                                    | Noncontinuous             | II                      | B                                     |

|     |   |  |                                 |         |  |
|-----|---|--|---------------------------------|---------|--|
|     | (Ixonia San. Dist.)                                     | Rock River Tributary from above tributary to confluence with Rock River  | Continuous                      | II      | NA   |
| 22. | Tributary – Menominee River (Jamestown San. Dist. #2)   | From Jamestown San. Dist. #2 STP to the Menominee River  | Diffused surface water          | II      | B  |
| 23. | Dead Creek (Juneau)                                     | Upstream from CTH “M”<br>From CHT M to St. Helena Rd.  | Effluent ditch<br>Continuous    | II<br>I | B<br>NA  |
| 24. | Sinnipee Creek (Kieler San. Dist. #1)                   | From Kieler lagoon outfall to Bluff Road   | Continuous                      | I       | A  |
| 25. | Rock Creek (Lake Mills)                                 | From the Lake Mills STP downstream to CTH “V”<br>From CTH “V” to Harper’s Mill Pond  | Noncontinuous<br>Continuous     | I<br>I  | A<br>NA  |
| 26. | Tributary – Pigeon Creek (Lancaster)                    | Tributary from Lancaster STP downstream to south line of section 10<br>Tributary from above point downstream to confluence with Pigeon Creek | Continuous<br>Continuous        | II<br>I | Effluent limitations to be determined  |
| 27. | Tributary – Baker Creek (Lebanon San. Dist.)            | From Lebanon STP downstream to Baker Creek   | Noncontinuous                   | II      | B  |
| 28. | Little Platte River (Livingston)                        | From Livingston STP downstream to New California Road  | Noncontinuous                   | I       | A  |
| 29. | Tributary–East Branch Rock River (Lomira)               | Tributary upstream from confluence with East Branch Rock River.  | Noncontinuous                   | I       | A  |
| 30. | (Madison Metro Sewerage Commission)                     | From the STP outfall aerator to the Oregon Branch  | Effluent ditch                  | II      | Effluent limitations to be determined  |
| 31. | Brewery (Furnance) Creek (Mineral Point)                | Brewery Creek upstream from confluence with Mineral Point Branch   | Continuous                      | II      | B<br>(Note: the above limitation shall remain in effect until significant nonpoint source problems can be corrected) |
| 32. | Tributary – Blue River (Montfort)                       | From the Montfort STP downstream to the Blue River   | Continuous                      | I       | A  |
| 33. | Little Grant River (Mount Hope)                         | From the Mt. Hope STP downstream to the west boundary of Sec. 10, T5N, R4W   | Noncontinuous                   | I       | A  |
| 34. | West Branch Sugar River (Mt. Horeb)                     | From Mt. Horeb STP downstream to CTH “JG.”   | Continuous                      | I       | A  |
| 35. | Tributary – Austin-Branch (Orchard Manor)               | Drainage from Orchard Manor outfall to Austin Branch   | Diffused surface waters         | II      | Effluent limitations to be determined  |
| 36. | Oregon Branch – Badfish Creek (Oregon)                  | From the Oregon outfall downstream to juncture with the Madison Met effluent ditch<br>From this point downstream to CTH “A”                  | Noncontinuous<br>Continuous     | II<br>I | Effluent limitations to be determined  |
| 37. | Swan Creek and Tributary (Orfordville)                  | Tributary from Orfordville ST Poutfall to Swan Creek.<br>Swan Creek from confluence with above tributary to Dicky Road.                      | Effluent ditch<br>Noncontinuous | II<br>I | NA<br>A  |
| 38. | Tributary – Blake Fork (Patch Grove)                    | Tributary from the Patch Grove STP downstream to Blake Fork  | Noncontinuous                   | I       | A  |
| 39. | Tributary – Honey Creek (Plain)                         | From the Plain STP downstream to Honey Creek   | Continuous                      | I       | Effluent limitations to be determined  |
| 40. | Randolph Branch – Tributary<br>Beaver Creek (Randolph)  | From the Randolph STP downstream to Beaver Creek Tributary<br>Tributary to Beaver Creek upstream from Beaver Creek                           | Noncontinuous<br>Noncontinuous  | II<br>I | Effluent limitations to be determined  |
| 41. | Tributary – Beaver Dam River (Reeseville)               | Tributary from Reeseville STP to confluence with Beaver Dam River  | Noncontinuous                   | I       | A  |
| 42. | Conley – Smith Creek (Ridgeway)                         | From the Ridgeway STP downstream to the south boundary of Sec. 14, T6N, R4E  | Noncontinuous                   | I       | Effluent limitations to be determined  |
| 43. | Tributary – Rocky Run Creek (Rio)                       | From the Rio STP downstream to Rocky Run Creek   | Noncontinuous                   | II      | B  |
| 44. | Tributary – Narrows Creek (Sauk Co. Health Care Center) | From the Sauk County Health Care Center STP downstream to Narrows Creek  | Noncontinuous                   | I       | A  |
| 45. | Duck Creek and Tributary (Sullivan)                     | Tributary from the Sullivan STP to Duck Creek  | Effluent channel                | II      | Effluent limitations to be determined  |

|     |  |   |               |    |                                       |
|-----|--|---|---------------|----|---------------------------------------|
|     |  | Duck Creek from the effluent ditch downstream juncture with northerly drainage ditch in Sec. 5, T6N, R16E | Noncontinuous | I  |                                       |
| 46. | Koshkonong Creek (Sun Prairie)   | Koshkonong Creek upstream from first bridge above Sun Prairie STP   | Noncontinuous | II | Effluent limitations to be determined |
|     |  | Koshkonong Creek from above location to CTH "T".  | Continuous    | II |                                       |
| 47. | Badger Mill Creek (Verona)   | Badger Mill Creek from road at Verona STP downstream to STH "69".   | Continuous    | I  | A                                     |
| 48. | Tributary - Murphy Creek (Wisconsin Department of Health & Family Services - Oakwood State Camp) | Tributary from Oakwood State Camp STP downstream to Murphy Creek  | Noncontinuous | II | B                                     |

- (1) Criteria I requires the maintenance of surface water criteria specified in NR 104.02 (3) (a)2. Criteria II requires the maintenance of surface water criteria specified in NR 104.02 (3) (b)2.
- (2) Effluent limitation A requires those limits specified in NR 104.02 (3) (a)3. Effluent limitation B requires those limits specified in NR 104.02 (3) (b)3.  
NA—Not applicable

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76; am. table 3, r. (3), Register, December, 1977, No. 264, eff. 1-1-78.

**NR 104.06 Variances and additions applicable in the southeast district.** Subject to the provisions of s. NR 104.04, intrastate surface waters in the southeast district counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington and Waukesha shall meet the criteria for fish and aquatic life and recreational use with exceptions and additions as follows.

(1) VARIANCE. Surface waters in the southeast district subject to a variance under s. NR 104.02 (3) are listed in table 4.

(2) OTHER VARIANCES. (a) The following surface waters in the southeast district shall meet the standards for fish and aquatic life except that the dissolved oxygen shall not be lowered to less than 2 mg/L at any time, nor shall the membrane filter fecal coliform count exceed 1,000 per 100 ml as a monthly geometric mean based on not less than 5 samples per month nor exceed 2,000 per 100 ml in more than 10% of all samples during any month:

1. Underwood creek in Milwaukee and Waukesha counties below Juneau boulevard.
2. Barnes creek in Kenosha county.
3. Pike creek, a tributary of Pike river, in Kenosha county.

4. Pike river in Racine county.
5. Indian creek in Milwaukee county.
6. Honey creek in Milwaukee county.
7. Menomonee river in Milwaukee county below the confluence with Honey creek.
8. Kinnickinnic river in Milwaukee county.
9. Lincoln creek in Milwaukee county.

(b) The following surface waters in the southeast district shall meet the standards for fish and aquatic life except that the dissolved oxygen may not be lowered to less than 2 mg/L at any time, nor may the membrane filter fecal coliform count exceed 1,000 per 100 mL as a monthly geometric mean based on not less than 5 samples per month nor exceed 89°F at any time at the edge of the mixing zones established by the department under s. NR 102.05 (3):

1. Milwaukee river in Milwaukee county downstream from the North Avenue dam.
2. South Menomonee canal and Burnham canal in Milwaukee county.

**TABLE 4  
SOUTHEAST DISTRICT**

|    | Surface Water (Facility Affected)   | Reach Description   | Hydrologic Classification                                | Applicable Criteria (1) | Effluent Limitations (2)                        |
|----|---|---|--|-------------------------|---|
| 1. | Tributary - Onion River (Belgium)   | From Belgium to the Onion River   | Noncontinuous  | II                      | B   |
| 2. | Tributary - Des Plaines River (Bristol)                                       | Tributary from Bristol to the Des Plaines River   | Noncontinuous  | II                      | Effluent limitations to be determined           |
| 3. | Tributary - Darien Creek - Little Turtle Creek (Darien)                       | Darien Creek tributary from the origin to Darien Creek<br>Darien Creek from its origin to Little Turtle Creek<br>Little Turtle Creek from its origin to Turtle Creek                                      | Effluent ditch<br>Continuous<br>Continuous               | II<br>I<br>I            | B<br>NA<br>NA                                   |
| 4. | Eagle Creek (Eagle Lake San. Dist.)   | From Eagle Lake to CTH "J"<br>From CTH "J" to the Fox River   | Noncontinuous<br>Noncontinuous                           | II<br>I                 | B<br>NA   |
| 5. | East Branch Root River Canal (Fonk Mobile Home Park #1)                       | Upstream from STH "20"<br>From STH "20" downstream to the West Branch Root River Canal  | Noncontinuous<br>Noncontinuous                           | II<br>I                 | B<br>NA   |
| 6. | Tributary - Des Plaines River (Fonk Mobile Home Park #2 and Union Grove Ind.) | From Fonks tributary downstream to the Union Grove Industrial tributary<br><br>The Union Grove Industrial tributary to the juncture of Fonks tributary<br><br>The Union Grove tributary below Fonks Trib. | Noncontinuous<br><br>Effluent ditch<br><br>Noncontinuous | II<br><br>II<br><br>I   | Effluent limitations to be determined<br><br>NA |
| 7. | Hales Corners Tributary (Hales Corners)                                       | Upstream from the Hales Corners STP (except for Upper Kelly Lake)<br><br>From Hales Corners STP downstream to Whitehall Park Pond   | Noncontinuous<br><br>Noncontinuous                       | II<br><br>I             | NA<br><br>A                                     |

|     |  |  |                        |    |                                       |
|-----|--|--|------------------------|----|---------------------------------------|
| 8.  | Dover Ditch – Goose Lake Branch Canal (Holy Redeemer College)      | Dover Ditch upstream from Dover Line Road  | Noncontinuous          | II | B                                     |
| 9.  | Tributary–Muskego Lake (Muskego)                                   | From the Muskego STP downstream to wetland near Muskego Lake   | Effluent ditch         | II | Effluent limitations to be determined |
|     |  | Drainage from above location to Muskego Lake   | Wetland                | II |                                       |
| 10. | Tess Corners Creek (Muskego NE District)                           | Upstream from STH “45”   | Noncontinuous          | I  | A                                     |
|     |  | From STH “45” downstream to Whitnall Park Pond   | Continuous             | I  | NA                                    |
| 11. | Poplar Creek (New Berlin High School & Cleveland Heights School)   | From the treatment plant outfalls downstream to the Chicago & Northwestern railroad bridge                     | Noncontinuous          | II | B                                     |
|     |  | From the railroad bridge downstream to the confluence of The Fox River   | Continuous             | I  | NA                                    |
| 12. | Drainage and Tributary – Root River (New Berlin Memorial Hospital) | From the New Berlin Memorial Hospital STP to Root River tributary  | Diffuse Surface Waters | II | B                                     |
|     |  | Tributary to the Root River downstream from New Berlin Memorial Hospital STP                                   | Noncontinuous          | II | NA                                    |
| 13. | Deer Creek (New Berlin–Regal Manor)                                | Deer Creek from its origin to Poplar Creek   | Noncontinuous          | II | B                                     |
| 14. | Tributary – Lake Michigan (North Park)                             | Tributary from its origin to Lake Michigan   | Noncontinuous          | I  | A                                     |
| 15. | Drainage – Tributary – Brighton Creek (Paddock Lake)               | Drainage at Paddock Lake STP and near Brighton Creek   | Wetland                | II | B                                     |
|     |  | Tributary between above wetlands areas   | Noncontinuous          | II | NA                                    |
| 16. | Drainage – Mud Lake (Paramski Mobile Home Park)                    | From the Mobile Home STP to Mud Lake   | Wetland                | II | B                                     |
| 17. | Tributary – Lake Michigan (Pleasant Park San. Dist.)               | From the Pleasant Park STP to the Illinois State line  | Noncontinuous          | II | B                                     |
| 18. | Pleasant Prairie Tributary (Pleasant Prairie Util. District D)     | Pleasant Prairie Tributary from its origin to the Des Plaines River  | Noncontinuous          | II | Effluent limitations to be determined |
| 19. | Tributary – Des Plaines (Pleasant Prairie S.D. #73-1)              | From its origin to the Illinois State line   | Noncontinuous          | II | B                                     |
| 20. | Tributary and Hoods Creek (Racine County Hwy. & Park Comm.)        | Tributary up from Hoods Creek towards Ives Grove   | Noncontinuous          | II | B                                     |
|     |  | Hoods Creek from STH “20” downstream to confluence with Root River   | Noncontinuous          | I  | NA                                    |
| 21. | Tributary – Root River (Rawson Homes Sanitary Trust)               | From the Rawson Homes STP to the Root River  | Noncontinuous          | II | B                                     |
| 22. | Salem Branch (Salem Utility District 1)                            | Salem Branch from Salem Utility District 1 STP downstream to 216th Avenue.                                     | Noncontinuous          | I  | A                                     |
| 23. | Little Turtle River (Sharon)                                       | Little Turtle River from Sharon STP downstream to Rock– Walworth County line                                   | Noncontinuous          | II | B                                     |
| 24. | Drainage – Kenosha County (Sienadale Motherhouse)                  | From the Sienadale STP downstream to an intermittent stream  | Effluent ditch         | II | Effluent limitations to be determined |
|     |  | Intermittent stream in Secs. 13, 14,23, T1N, R22E  | Noncontinuous          | II |                                       |
| 25. | Tributary–Rubicon River (Slinger)                                  | Rubicon River from origin downstream to easterly tributary confluence in NW1/4 ,NE1/4 , Section 13, T10N, R18E | Noncontinuous          | II | Effluent limitations to be determined |
|     |  | Easterly tributary which flows into the Rubicon River at above location.                                       | Wetland                | II |                                       |
|     |  | Rubicon River from above location downstream to confluence with Slinger tributary                              | Noncontinuous          | I  | Effluent limitations to be determined |
|     |  | Tributary of the Rubicon River from the Slinger STP downstream to the wetland adjacent to Slinger Road.        | Effluent ditch         | II | Effluent limitations to be determined |
|     |  | Wetland adjacent to Slinger Road downstream from Slinger STP   | Wetland                | II |                                       |
|     |  | Tributary from above location downstream to Rubicon River  | Noncontinuous          | II |                                       |
| 26. | Tributary – South Branch Pike River (Somers Util Dist. 1)          | Tributary from its origin to South Branch Pike   | Noncontinuous          | II | Effluent limitations to be determined |
|     |  | South Branch Pike River from Somers Tributary to Pike River  | Continuous             | I  |                                       |
| 27. | Tributary – Pike River (St. Bonaventure School)                    | Tributary from St. Bonaventure School STP downstream to Sturtevant tributary                                   | Noncontinuous          | II | Effluent limitations to be determined |
| 28. | Wayne Creek (St. Killian Cheese Factory)                           | Wayne Creek from its origin to the Kohlsville River  | Noncontinuous          | I  | A                                     |

|     |   |  |                |    |    |
|-----|---|--|----------------|----|----|
| 29. | Tributary – Pike River (Sturtevant)                           | Tributary from Sturtevant STP downstream to first rail-road crossing at S.C. Johnson Co. | Effluent ditch | II | NA |
|     |   | Tributary from above location downstream to confluence with Pike River                   | Continuous     | I  | A  |
| 30. | West Branch Root River Canal (Union Grove)                    | West Branch Root River Canal from 67th Drive downstream to CTH “C”                       | Noncontinuous  | II | NA |
|     |   | West Branch Root River Canal from above location downstream to STH “20.”                 | Noncontinuous  | I  | A  |
| 31. | Tributary – Des Plaines River (Wis. DOT Kenosha Rest Area 26) | From the Information Center STP to the Des Plaines River                                 | Noncontinuous  | II | B  |

- (1) Criteria I requires the maintenance of surface water criteria specified in NR 104.02 (3) (a) 2.  
Criteria II requires the maintenance of surface water criteria specified in NR 104.02 (3) (b) 2.
- (2) Effluent limitation A requires those limits specified in NR 104.02 (3) (a) 3.  
Effluent limitation B requires those limits specified in NR104.02 (3) (b) 3.  
NA—Not applicable

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76; am. Table 4, Register, December, 1977, No. 264, eff. 1-1-78; reprinted to correct error in table 4, line 11, Register, August, 1982, No. 320; am. (2) (b), Register, February, 1989, No. 398, eff. 3-1-89.

**NR 104.07 Variances and additions applicable in the Lake Michigan district.** Subject to the provisions of s. NR 104.04, intrastate surface waters in the Lake Michigan district counties of Brown, Calumet, Door, Florence, Fond du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Shawano, Sheboygan, Waupaca, Wausara and Winnebago shall meet the criteria for fish and aquatic life and recreational use with exceptions and additions as follows:

(1) ADDITION. The public water supply standard shall be met

in the following surface waters:

- (a) Lake Winnebago.
- (b) Fox river from Lake Winnebago downstream to the upper dam in the city of Appleton.
- (c) West branch Wolf river at Neopit.
- (d) Rainbow lake in Waupaca county.

(2) VARIANCE. Surface waters in the Lake Michigan district subject to a variance under s. NR 104.02 (3) are listed in table 5.

TABLE 5  
LAKE MICHIGAN DISTRICT

|     | Surface Water (Facility Affected)                                  | Reach Description  | Hydrologic Classification | Applicable Criteria (1) | Effluent Limitations (2)              |
|-----|--|--|---------------------------|-------------------------|---------------------------------------|
| 1.  | Ditch – Tributary – Rock River (Alto Co-op Creamery)               | Ditch from the Alto Co-op process water discharge to the tributary                           | Effluent ditch            | II                      | Effluent limitations to be determined |
| 2.  | Tributary – Dutchman Creek (Austin Straubel Field)                 | Tributary from its origin to the Rock River  | Noncontinuous             | I                       |                                       |
|     |  | Tributary upstream from CTH “GH”   | Noncontinuous             | II                      | B                                     |
| 3.  | Bear Creek (Bear Creek)  | From CTH “GH” to Dutchman Creek  | Noncontinuous             | I                       | NA                                    |
| 4.  | Bear Creek (Bear Creek)  | From the Bear Creek STP to the Embarrass River   | Continuous                | I                       | A                                     |
| 5.  | Tributary – Fox River (Beucher & Sons of WI, Inc.)                 | From the discharge location downstream to the Fox River                                      | Noncontinuous             | II                      | B                                     |
| 6.  | Black Creek (Black Creek)  | Black Creek from Black Creek STP to confluence with Shioc River (see Black Creek at Seymour) | Noncontinuous             | I                       | A                                     |
| 7.  | Drainage to Gallagher Marsh (Brandon)                              | Upstream from STH “49” to Brandon  | Effluent ditch            | II                      | B                                     |
|     |  | Drainage from STH “49” to Diffuse surface water  | Diffuse surface water     | II                      | NA                                    |
| 8.  | Tributary–Spring Creek (Brillion)                                  | Channel from Brillion STP to Spring Creek  | Effluent ditch            | II                      | NA                                    |
|     |  | Spring Creek upstream from Brillion Marsh  | Continuous                | I                       | A                                     |
| 9.  | Barr Creek–Tributary (Cedar Grove)                                 | Barr Creek and tributary to Cedar Grove STP upstream from Lake Michigan                      | Noncontinuous             | II                      | B                                     |
| 10. | Tributary – Taycheedah Creek (Congregation of St. Agnes Utilities) | Tributary from the Congregation of St. Agnes Utilities STP to Taycheedah Creek               | Noncontinuous             | II                      | B                                     |
| 11. | Tributary – Rat River (Dale S.D. #1)                               | Tributary from Dale to the Winnebago–Outagamie County Line                                   | Noncontinuous             | II                      | B                                     |
|     |  | From the County Line to the Rat River  | Continuous                | I                       | NA                                    |
| 12. | Tributary–Neshota River (Denmark)                                  | Tributary from Denmark downstream to Neshota River   | Noncontinuous             | I                       | A                                     |
| 13. | Tributary and Red River (Du Vall Farmers Co-op)                    | Tributary from the cheese factory discharge to the Red River                                 | Diffused surface water    | II                      | B                                     |
|     |  | Red River upstream from Green Bay  | Noncontinuous             | I                       | NA                                    |
| 14. | Tributary–DeNeveu Creek (Eden)                                     | DeNeveu Creek tributary from Eden STP downstream to confluence with DeNeveu Creek            | Continuous                | I                       | A                                     |
| 15. | Tributary – Grand River (Fairwater)                                | Tributary from the STP to the Grand River  | Noncontinuous             | II                      | Effluent limitations to be determined |
| 15. | Tributary – West Twin River (Francis Creek)                        | Tributary from the Francis Creek STP to CTH “Q”  | Noncontinuous             | II                      | B                                     |

|     |   |   |  |               |                                       |
|-----|---|---|--|---------------|---------------------------------------|
| 16. | Tributaries and Duck Creek<br>(Freedom Elementary School)<br>(Freedom San. Dist.) | Ditch leading from the STP to the tributary of Duck Creek<br>Tributary to Duck Creek at Freedom Elementary School<br>Duck Creek upstream from CTH "J" | Effluent ditch<br>Noncontinuous<br>Noncontinuous | II<br>II<br>I | B<br>NA<br>A                          |
| 17. | Seven Mile Creek<br>(Haven San. Dist.)  | Seven Mile Creek upstream from confluence with Meeme River  | Noncontinuous                                    | II            | B                                     |
| 18. | Tributary-North Branch Manitowoc River (Hilbert)                                  | Tributary to Hilbert upstream from confluence with North Branch Manitowoc River   | Noncontinuous                                    | I             | A                                     |
| 19. | Tributary - Wolf River<br>(Hillshire Farms Co.)                                   | From the upstream CTH 'D' crossing downstream for 1/2 mile<br>From above location downstream to marsh at Wolf River                                   | Noncontinuous<br>Noncontinuous                   | II<br>I       | Effluent limitations to be determined |
| 20. | Tributaries-Plum Creek<br>(Holland San. Dist.)                                    | Tributary from CTH "D" downstream to Plum Creek<br>Tributary from Holland Sanitary District STP downstream to above named tributary                   | Noncontinuous<br>Noncontinuous                   | II<br>II      | B<br>B                                |
| 21. | Tributary - Suamico River (Howard-Suamico School)                                 | Tributary from the STP to the Suamico River   | Noncontinuous                                    | II            | B                                     |
| 22. | Tributary-Kriwaniks Creek (Kellnersville)   | Tributary from Kellnersville downstream to Kriwaniks Creek  | Noncontinuous                                    | I             | A                                     |
| 23. | Drainage Ditch (Lakeview Mobile Home Park)  | From Lakeview Mobile Home Park STP downstream to Lake Winnebago   | Noncontinuous                                    | II            | B                                     |
| 24. | Arrowhead River<br>(Larsen San. Dist. #1)   | Arrowhead River upstream from a point one-half mile upstream from STH "110"<br>From STH 110 to CTH "M"  | Noncontinuous<br>Continuous                      | II<br>I       | B<br>NA                               |
| 25. | Jones Creek (Lena)  | Jones Creek upstream from CTH "J"<br>Jones Creek from CTH J downstream to confluence with Little River  | Noncontinuous<br>Continuous                      | II<br>I       | B<br>NA                               |
| 26. | Meeme River (Town of Liberty San. Dist.)  | From Little Pigeon Lake outlet to Spring Valley Dam   | Continuous                                       | I             | A                                     |
| 27. | School Creek<br>(Luxemburg)   | School Creek upstream from confluence with Kewaunee River   | Noncontinuous                                    | I             | A                                     |
| 28. | Tributary-Grand River<br>(Markesan)   | Ditch tributary from Markesan STP outfall to Grand River  | Effluent ditch                                   | II            | Effluent limitations to be determined |
| 29. | Neenah Slough<br>(Menasha Corporation)  | From the Menasha Corporation STP to the Neenah Slough<br>Neenah Slough downstream to 500 feet below the Hwy 41 bridge                                 | Effluent ditch<br>Noncontinuous                  | II<br>I       | Effluent limitations to be determined |
| 30. | Tributary - Sheboygan River (Mt. Calvary)   | From the Mt. Calvary STP to the Sheboygan River   | Noncontinuous                                    | I             | A                                     |
| 31. | Tributary - Jordan Creek - Pine Creek<br>(New Holstein)                           | Tributary from Tecumseh Products to Jordan Creek<br>Jordan Creek from its origin to Pine Creek<br>Pine Creek upstream from Danes Road                 | Effluent ditch<br>Noncontinuous<br>Continuous    | II<br>II<br>I | B<br>B<br>NA                          |
| 32. | Black River (Oostburg)  | From Oostburg STP to Wilson-Lima Road   | Noncontinuous                                    | II            | B                                     |
| 33. | Tributary - Mud Creek<br>(Outagamie County Airport)                               | From Outagamie County Airport STP to tributary<br>Tributary upstream from Casloma Rd.   | Effluent ditch<br>Noncontinuous                  | II<br>II      | B<br>NA                               |
| 34. | Wetland - Door County<br>(Peninsula State Park)                                   | Wetland adjacent to Peninsula State Park STP  | Wetlands   | II            | B                                     |
| 35. | Drainage Ditch - Wolf River (Peters Poultry Dressing)                             | From the discharge location downstream to the east-west drainage ditch<br>Drainage ditch upstream from the Wolf River                                 | Effluent ditch<br>Noncontinuous                  | II<br>II      | B<br>NA                               |
| 36. | Tributary - Little Suamico River (Pickle-Rite, Inc.)                              | From the Pickle-Rite, Inc. discharge downstream to the Little Suamico River   | Noncontinuous                                    | II            | B                                     |
| 37. | Tributary - North Branch Manitowoc River (Potter San. Dist.)                      | Tributary from the STP to the North Branch of the Manitowoc River   | Effluent ditch                                   | II            | B                                     |
| 38. | Tributary-Beaver Creek (Pound)  | Tributary of Beaver Creek from Pound STP downstream to confluence with Beaver Creek.  | Noncontinuous                                    | I             | A                                     |
| 39. | Little Suamico River<br>(Pulaski)   | Little Suamico River upstream from Jaworski Road  | Noncontinuous                                    | II            | B                                     |
| 40. | Silver Creek (Random Lake)  | Silver Creek from Random Lake STP downstream to first crossing of Creek Road  | Continuous                                       | I             | A                                     |
| 41. | Mud Creek - Manitowoc River (Reedsville)  | From the Reedsville STP downstream to the Manitowoc River   | Noncontinuous                                    | II            | B                                     |
| 42. | Tributary - Arrowhead River (Ridgeway Country Club)                               | Tributary to the Arrowhead River from the Ridgeway Country Club STP   | Noncontinuous                                    | II            | B                                     |



|     |   |   |                        |    |                                       |
|-----|---|---|------------------------|----|---------------------------------------|
| 43. | Tributary – Mud Creek (Town of Rockland San. Dist. #1)                          | From the Rockland STP downstream to Mud Creek   | Effluent ditch         | II | B                                     |
|     |   | From Mud Creek downstream to the Manitowoc River  | Noncontinuous          | II | NA                                    |
| 44. | Tributary–West Branch Fond du Lac River (Rosendale)                             | Tributary from Rosendale STP downstream to confluence with West Branch Fond du Lac River                | Noncontinuous          | I  | A                                     |
| 45. | Tributary – Vincent Point   | Tributary from the golf course pond downstream to Vincent Point Creek                                   | Effluent ditch         | II | B                                     |
| 46. | Vincent Point Creek (Royal Scott San. Dist. #1)                                 | Vincent Point Creek upstream from Green Bay   | Noncontinuous          | II | NA                                    |
| 47. | Maple Creek (Sevastopol San. Dist. #1)  | Maple Creek from the Sevastopol S.D. STP to the center of Sec. 19, T28N, R27E                           | Noncontinuous          | II | B                                     |
|     |   | From the center of Sec. 19 to Mud Lake  | Wetlands               | II | NA                                    |
| 48. | Black Creek (Seymour)   | Black Creek from Seymour STP downstream to confluence with Shioc River (see Black Creek at Black Creek) | Noncontinuous          | I  | A                                     |
| 49. | Tributary – Onion River (Sheboygan Co. Comprehensive Health Center)             | Tributary upstream from the Onion River   | Noncontinuous          | II | B                                     |
| 50. | Diffused surface runoff to Sheboygan River (Sheboygan Falls–Kohler Incinerator) | For approximately 100 yards below the discharge location  | Effluent ditch         | II | B                                     |
|     |   | For the remainder of the distance to the Sheboygan River  | Diffused surface water | II | NA                                    |
| 51. | Drainage – Kankapot Creek (Sherwood)  | Drainage tributary from Sherwood STP downstream to wetland  | Noncontinuous          | II | B                                     |
|     |   | Wetland receiving above tributary   | Wetland                | II | NA                                    |
| 52. | Bear Creek (Stephensville San. Dist.) (Greenville San. Dist.)                   | Bear Creek from STH 76 to the tributary in Sec. 19, T22N, R17E  | Noncontinuous          | II | B                                     |
|     |   | Bear Creek from above location downstream to the Wolf River   | Continuous             | I  | A                                     |
| 53. | Pine Creek (Stock Mfg. Corp. & Dinner Club)                                     | From Carstens Lake outlet downstream to tributary east of Hwy 141 in Sec.27, T18N, R23E                 | Noncontinuous          | II | B                                     |
|     |   | From tributary downstream to Lake Michigan  | Continuous             | II | NA                                    |
| 54. | Drainage to Mud Creek (Stockbridge Sanitary District)                           | Immediate vicinity of discharge before appearance of defined channel                                    | Wetland                | II | B                                     |
|     |   | Tributary from wetland area above to Mud Creek  | Effluent ditch         | II | NA                                    |
|     |   | Mud Creek upstream from confluence with Lake Winnebago  | Noncontinuous          | I  | NA                                    |
| 55. | Tributary – Manitowoc River (Valders)   | Tributary from Valders STP downstream to Manitowoc River  | Noncontinuous          | II | B                                     |
| 56. | Tributary – Hempton’s Lake (Whitelaw)   | Tributary from Whitelaw downstream to Hempton’s Lake  | Noncontinuous          | II | Effluent limitations to be determined |
| 57. | Tributary – Rat River (Winchester San. Dist.)                                   | Tributary from Winchester to the Rat River  | Noncontinuous          | II | B                                     |
| 58. | Tributary – East River (Wrightstown San. Dist. #1)                              | Drainage from STP   | Effluent ditch         | II | Effluent limitations to be determined |
|     |   | Tributary from Green leaf to East River   | Continuous             | I  |                                       |
| 59. | Birch Creek (Wrightstown San. Dist. #2)   | Birch Creek from Norgaard’s Pond downstream to the St. Paul & Pacific RR tracks                         | Noncontinuous          | II | B                                     |
|     |   | From the RR tracks downstream to the East River   | Continuous             | II | NA                                    |

- (1) Criteria I requires the maintenance of surface water criteria specified in NR 104.02 (3) (a) 2.  
Criteria II requires the maintenance of surface water criteria specified in NR 104.02 (3) (b) 2.
- (2) Effluent limitation A requires those limits specified in NR 104.02 (3) (a) 3.  
Effluent limitation B requires those limits specified in NR 104.02 (3) (b) 3.  
NA—Not applicable

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76; am. Table 5, Register, December, 1977, No. 264, eff. 1-1-76; r. entry 46, Table 5, Register, July, 1981, No. 307, eff. 8-1-81; r. and recr. (3) Register, August, 1981, No. 308, eff. 9-1-81; r. (3) (a), Register, May, 1986, No. 365, eff. 6-1-86; r. (3), Register, November, 1989, No. 407, eff. 12-1-89.

**NR 104.08 Variances and additions applicable in the north central district.** Subject to the provisions of NR 104.04, intrastate waters in the north central district counties of Adams, Forest, Juneau, Langlade, Lincoln, Marathon, Oneida, Portage, Vilas and Wood shall meet the criteria for fish and aquatic life and recreational use with exceptions and additions as follows:

(1) ADDITION. The public water supply standards shall be met in Lake Nepco in Wood county.

(2) VARIANCE. Surface waters in the north central district subject to a variance under s. NR 104.02 (3) are listed in table 6.

TABLE 6  
NORTH CENTRAL DISTRICT

|     | Surface Water<br>(Facility Affected)   | Reach Description   | Hydrologic<br>Classification | Applicable<br>Criteria (1) | Effluent Limita-<br>tions(2)        |
|-----|--|---|------------------------------|----------------------------|-------------------------------------|
| 1.  | Elm Brook<br>(Abbotsford)  | Upstream from Lincoln Road  | Noncontinuous                | II                         | B                                   |
|     |  | From Lincoln Road downstream to Dill Creek  | Noncontinuous                | I                          | NA                                  |
| 2.  | Hemlock Creek<br>(Arpin)   | Hemlock Creek above junction with tributary in<br>NW1/4 , NW1/4 , Sec. 26, T24N,R4E       | Noncontinuous                | II                         | B                                   |
|     |  | From above location downstream to Dawes Creek   | Noncontinuous                | I                          | NA                                  |
| 3.  | Little Bear Creek<br>(Auburndale)  | From Auburndale STP downstream to a tributary<br>in the NW1/4 , SW1/4 , Sec. 24, T25N,R4E | Noncontinuous                | II                         | B                                   |
|     |  | Little Bear Creek from above location downstream<br>to CTH H                              |                              | I                          | NA                                  |
| 4.  | Dill Creek (Colby)   | Upstream from confluence with Elm Brook   | Noncontinuous                | I                          | A                                   |
|     |  | Dill Creek from Elm Brook to the town road<br>between sections 29 and 32,T28N, R2E        | Continuous                   | I                          | NA                                  |
| 5.  | Tributary – Peshtigo<br>Lake (Crandon)   | From the Crandon STP to Peshtigo Lake   | Noncontinuous                | II                         | Effluent limits to be<br>determined |
| 6.  | Scotch Creek (Edgar)   | From CTH H downstream to Soda Creek   | Noncontinuous                | I                          | A                                   |
| 7.  | Tributary – Mill Creek<br>(Junction City)                                      | From the Junction City STP downstream to Mill<br>Creek                                    | Noncontinuous                | II                         | B                                   |
| 8.  | Tributary – Wisconsin<br>River (Land O Lakes)                                  | From outfall to unnamed lake in the NW1/4,<br>SW1/4, Sec. 2, R10E,T42N                    | Noncontinuous                | II                         | B                                   |
|     |  | From the above location to Wisconsin River  | Continuous                   | I                          | NA                                  |
| 9.  | Tributary – North<br>Branch Prairie River<br>(Lincoln Hills School)            | From outfall to small pond in the NW1/4, SW1/4<br>of Sec. 15, T33N, R7E                   | Noncontinuous                | II                         | B                                   |
| 10. | Mill Creek (Marsh-<br>field)   | Mill Creek upstream from CTH K.   | Effluent ditch               | II                         | B                                   |
| 11. | Randall Creek (Milan)<br>or the 2nd alternative<br>Marsh Creek (Milan<br>S.D.) | From the discharge location to the middle north<br>half of Sec. 21, T29N, R3E             | Wetland                      | II                         | B                                   |
|     |  | From proposed discharge site to the middle of<br>Section 19, T29N, R3E                    | Diffused surface water       | II                         | B                                   |
|     |  | From that point to the town road bridge between<br>Sections 25 & 36                       | Noncontinuous                | II                         | NA                                  |
|     |  | From above location to Randall Creek  | Noncontinuous                | I                          | NA                                  |
| 12. | Spirit Lake Drainage<br>(Northern Lake Ter-<br>race)                           | The area between the Northern Lake Terrace<br>discharge and Spirit Lake                   | Wetland                      | II                         | B                                   |
| 13. | Tributary – Deerskin<br>River (Phelps)   | From the Phelps STP discharge to STH 17   | Wetland                      | II                         | B                                   |
|     |  | From STH 17 to the town road between Secs. 12<br>& 13, T41N, R11E                         | Noncontinuous                | II                         | NA                                  |
|     |  | From above location to Deerskin River   | Noncontinuous                | I                          | NA                                  |
| 14. | Tributary – Wild Creek<br>(Rozellville)  | From STP to tributary of Wild Creek   | Diffused surface waters      | II                         | B                                   |
|     |  | Tributary upstream from Wild Creek  | Noncontinuous                | II                         | NA                                  |
|     |  | Wild Creek upstream from Eau Pleine River   | Noncontinuous                | I                          | NA                                  |
| 15. | Tributary – Wisconsin<br>River (Rudolph)                                       | From the Rudolph STP downstream to the town<br>road in Sec. 16, T23N, R6E                 | Effluent ditch               | II                         | B                                   |
|     |  | From above road down to tributary in Sec. 26,<br>T23N,R3E                                 | Noncontinuous                | II                         | NA                                  |
|     |  | From above tributary downstream to the Wiscon-<br>sin River                               | Continuous                   | I                          | NA                                  |
| 16. | Tributary – Little Eau<br>Pleine River (Spencer)                               | From the Spencer STP to the tributary in the NE<br>corner of Sec. 8, T26N, R2E            | Effluent ditch               | II                         | B                                   |
|     |  | From above location downstream to the Little Eau<br>Pleine River                          | Noncontinuous                | II                         | NA                                  |
| 17. | Tributary–Big Eau<br>Pleine River (Stratford)                                  | Tributary from Stratford downstream to Big Eau<br>Pleine R.                               | Noncontinuous                | II                         | B                                   |
| 18. | Drainage to Town Line<br>Lake (Three Lakes<br>Sanitary District)               | Drainage area between Three Lakes Sanitary Dis-<br>trict STP and Town Line Lake           | Wetland                      | II                         | B                                   |
| 19. | Tributary – Hemlock<br>Creek (Vesper)  | From Vesper STP to the confluence with Hemlock<br>Creek                                   | Noncontinuous                | II                         | NA                                  |
|     |  | Hemlock Creek from the Vesper Dam to Dawes<br>Creek                                       | Noncontinuous                | I                          | A                                   |

- (1) Criteria I requires the maintenance of surface water criteria specified in NR 104.02 (3) (a)2.
- (2) Criteria II requires the maintenance of surface water criteria specified in NR 104.02 (3) (b)2.
- Effluent limitation A requires those limits specified in NR 104.02 (3) (a) 3.
- Effluent limitation B requires those limits specified in NR 104.02 (3) (b) 3.
- NA—Not applicable

**(3) VARIANCE.** (a) The Wisconsin river from the Rhinelander dam downstream to Crescent creek shall meet the standards for fish and aquatic life and recreational use except that the dissolved oxygen shall not be lowered to less than 3.0 mg/L at any time. This variance to the 5.0 mg/L dissolved oxygen criterion provided by this subsection shall expire on June 30, 1984.

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76; am. Table 6, Register, December, 1977, No. 264, eff. 1-1-78; am. Table 6, entry 10, Register, June, 1978, No. 270, eff. 7-1-78; r. and recr. (3), Register, August, 1981, No. 308, eff. 9-1-81.

**NR 104.09 Variances and additions applicable in the west central district.** Subject to the provisions of s. NR

104.04, intrastate waters in the west central district counties of Barron, Buffalo, Chippewa, Clark, Crawford, Dunn, Eau Claire, Jackson, La Crosse, Monroe, Pepin, Pierce, Polk, St. Croix, Trempealeau and Vernon shall meet the criteria for fish and aquatic life and recreational use with exceptions and additions as follows:

**(1) ADDITION.** The public water supply standard shall be met in the following surface waters:

- (a) Black river at Neillsville.
- (b) Town creek at Black River Falls.

**(2) VARIANCE.** Surface waters in the west central district subject to a variance under s. NR 104.02 (3) are listed in table 7.

**TABLE 7  
WEST CENTRAL DISTRICT**

|     | Surface Water<br>(Facility Affected)  | Reach Description   | Hydrologic<br>Classification | Applicable Criteria<br>(1) | Effluent Limitations<br>(2)           |
|-----|---|---|------------------------------|----------------------------|---------------------------------------|
| 1.  | Drainage Area – CR. 31-16, Meyer’s Valley Creek (Arcadia)                   | Drainage area south of railroad tracks and west of stabilization ponds in N1/2, NE1/4, Sec. 1, T20N, R10W | Wetland                      | II                         | B                                     |
|     |   | Cr. 31-16 (Meyer’s Valley Creek) North of railroad tracks to Trempealeau River                            | Continuous                   | I                          | NA                                    |
| 2.  | Baldwin Creek–Rush River (Baldwin)  | Baldwin Creek–upstream from confluence with Rush River.   | Noncontinuous                | I                          | A                                     |
|     |   | Rush River–upstream from St. Croix–Pierce County line.  | Noncontinuous                | I                          | A                                     |
| 3.  | Tributary – Hay Creek (Boyd)  | Tributary from Boyd STP downstream 1,300 feet   | Noncontinuous                | II                         | Effluent limitations to be determined |
|     |   | Tributary from above location to Hay Creek  | Continuous                   | I                          |                                       |
| 4.  | Little La Crosse River (Cashton)  | Little La Crosse River upstream from 0.2 miles north of line between Sections 24 and 25, T15N, R4W.       | Noncontinuous                | I                          | A                                     |
| 5.  | Drainage Area Tributary – South Branch Yellow River (Chili)                 | Drainage area in center of sec. 22, T25N, R1E   | Wetland                      | II                         | B                                     |
| 6.  | Drainage – Tributary – South Branch Beaver Brook (Clayton)                  | Drainage area east of railroad tracks in W1/2, SE1/4, NE1/4, Sec. 13, T33N, R15W                          | Diffused surface waters      | II                         | B                                     |
| 7.  | Tributary – Willow River (Clear Lake)                                       | Tributary from Clear Lake STP downstream to Yellow River  | Noncontinuous                | I                          |                                       |
| 8.  | Hay River (Cumberland)  | Hay River from dam at Beaver Dam Lake downstream to Town Road at northwest corner of Section 9.           | Noncontinuous                | I                          | A                                     |
| 9.  | Drainage – Tributary – East Fork Poplar River (Curtiss)                     | Drainage area in center of S1/2, NW1/4, Sec. 32, T29N, R1E  | Wetland                      | II                         | B                                     |
|     |   | Tributary from 500 feet north of STH “29” to 500 feet south of STH “29”                                   | Noncontinuous                | II                         | NA                                    |
| 10. | Tributary – North Fork Poplar River (Dorchester)                            | Tributary from Dorchester STP to North Fork Poplar River  | Noncontinuous                | I                          | A                                     |
| 11. | Drainage Area – Tributary to Fish Hatchery Creek (Dresser)                  | Drainage area upstream from constructed drainage ditch to the tributary of Fish Hatchery Creek.           | Wetland                      | II                         | B                                     |
|     |   | Drainage ditch and tributary to Fish Hatchery Creek.  | Noncontinuous                | I                          | A                                     |
| 12. | Drainage – Tributary –Muddy Creek (Elk Mound)                               | Drainage Area from Elk Mound STP to culvert under I-94  | Wetland                      | II                         | Effluent limitations to be determined |
|     |   | Tributary from I-94 downstream to Muddy Creek   | Noncontinuous                | I                          |                                       |
| 13. | Isabella Creek (Ellsworth)  | Isabella Creek upstream from Town Road between Sections 28 and 33.  | Noncontinuous                | II                         | B                                     |
|     |   | Isabella Creek in Section 33.   | Noncontinuous                | I                          | NA                                    |
|     |   | Isabella Creek from above location downstream to CTH V.   | Continuous                   | I                          | NA                                    |
| 14. | Drainage Area – Tributary Hutton Creek (Emerald, Emerald and Glenwood S.D.) | From Emerald STP discharge to E/W town road in Sec. 13, T30N, R16W  | Effluent ditch               | II                         | B                                     |
|     |   | From E/W town road to Hutton Creek tributary  | Diffused surface waters      | II                         | NA                                    |
|     |   | Tributary to Hutton Creek and Hutton Creek  | Noncontinuous                | II                         | NA                                    |

|     |  |   |                         |    |  |
|-----|--|---|-------------------------|----|--|
| 15. | Tributary – Schoolhouse Creek (Fairchild)                          | From Fairchild STP to railroad grade in NW1/4 , Sec. 2, T24N,R5W                          | Effluent ditch          | II | Effluent limitations to be determined  |
|     |  | From above location along railroad grade to spring flow                                   | Noncontinuous           | I  |  |
|     |  | From spring flow to Schoolhouse Creek   | Continuous              | I  |  |
| 16. | Brown Brook Tributary – Trade River (Frederic)                     | Tributary from Frederic STP to confluence with Trade River                                | Noncontinuous           | I  | A                                      |
| 17. | Drainage Area (Hammond)  | Drainage area in center of N1/2 , Sec. 28, T29N, R17W                                     | Diffused surface waters | II | B                                      |
| 18. | Tributary – Yellow River (Lakeland San. Dist.)                     | Tributary from Lakeland stabilization ponds to Yellow River                               | Noncontinuous           | I  | A                                      |
| 19. | Bear Creek (Loyal)   | Bear Creek from Loyal STP downstream to Town Road on north line of Section 8.             | Noncontinuous           | I  | A                                      |
| 20. | Drainage – North Star Creek tributary to Trade River (Luck)        | Tributary from Luck STP downstream to center of Section 21                                | Effluent ditch          | II | B                                      |
| 21. | Drainage Area Tributary Rice Lake (Milltown)                       | Drainage area north of Rice Lake in Section 17  | Wetland                 | II | B                                      |
| 22. | Drainage Area – Duncan Creek (New Auburn)                          | Drainage Area in S1/2 , SE1/4 , Sec. 36, T32N, R10W                                       | Wetland                 | II | B                                      |
| 23. | Tributary – Allen Creek (Oakdale)                                  | From Oakdale stabilization pond discharge south 375 feet to drainage ditch                | Effluent ditch          | II | B                                      |
|     |  | Drainage ditch south 900 feet and east to Allen Creek                                     | Noncontinuous           | II | NA                                     |
|     |  | Allen Creek   | Continuous              | I  | NA                                     |
| 24. | Twin Lakes (Roberts)   | Twin Lakes (east lake)  | Wetland                 | II | B                                      |
| 25. | Drainage – La Crosse River (Rockland)                              | Drainage area in N1/2 , NW1/4 , Sec. 36, T17N, R5W  | Wetland                 | II | B                                      |
| 26. | Tributary – Mormon Creek (St. Joseph)                              | Tributary from St. Joseph STP to Mormon Creek   | Noncontinuous           | I  | A                                      |
| 27. | Tributary – North Fork Eau Claire River (Thorp)                    | Tributary from Thorp STP downstream to North Fork Eau Claire River                        | Noncontinuous           | I  | A                                      |
| 29. | Tributary to Springville Branch Bad Axe River (Vernon County Home) | Tributary from Vernon County Home in Sec. 29 downstream to large spring above Springville | Noncontinuous           | II | B                                      |
| 30. | Tributary to Springville Branch Bad Axe River (Viroqua)            | Tributary from Viroqua STP in Sec. 31 downstream to large spring above Springville.       | Noncontinuous           | II | Effluent limitations to be determined. |
| 31. | Tributary to North Fork Bad Axe River (Westby)                     | Tributary from Westby STP downstream to line between Sec. 35 and 36, T14N, R5W.           | Noncontinuous           | II | B                                      |
| 32. | Drainage Area – Trempealeau River (Whitehall)                      | Drainage area from Whitehall STP to Trempealeau River                                     | Wetland                 | II | B                                      |
| 33. | Tributary–Eau Galle River (Woodville)                              | Tributary from Woodville STP downstream to Eau Galle River                                | Noncontinuous           | II | B                                      |
|     |  | Eau Galle River downstream to CTH N   | Noncontinuous           | II | NA                                     |

- (1) Criteria I requires the maintenance of surface water criteria specified in NR 104.02 (3) (a)2.  
Criteria II requires the maintenance of surface water criteria specified in NR 104.02 (3) (b)2.
- (2) Effluent limitation A requires those limits specified in NR104.02 (3) (a)3.  
Effluent limitation B requires those limits specified in NR104.02 (3) (b)3.  
NA – Not applicable.

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76; am. table 6, Register, December, 1977, No. 264, eff. 1-1-78; r. (2) table 7, entry 28, Register, September, 1981, No. 309, eff. 10-1-81.

**NR 104.10 Variances and additions applicable in the northwest district.** Subject to the provisions of s. NR 104.04, intrastate waters in the northwest district counties of Ashland, Bayfield, Burnett, Douglas, Iron, Price, Rusk, Sawyer, Taylor and Washburn shall meet the criteria for fish and aquatic life and recreational use with exceptions and additions as follows:

- (1) ADDITION. The public water supply standard shall be met in the following surface waters:
- (a) Lake Lavina in Iron county.
  - (b) Little Rib lake in Taylor county.
- (2) VARIANCE. Surface waters in the northwest district subject to a variance under s. NR 104.02 (3) are listed in table 8.

TABLE 8  
NORTHWEST DISTRICT

|     | Surface Water<br>(Facility Affected)   | Reach Description   | Hydrologic<br>Classification               | Applicable Criteria<br>(1) | Effluent Limitations<br>(2)      |
|-----|--|---|--|----------------------------|----------------------------------|
| 1.  | Drainage to Amnicon River (Camp Amnicon)   | Drainageway from the Camp Amnicon lagoon to the Amnicon River   | Diffused surface water                     | II                         | B                                |
| 2.  | Ditch & Seepage Area (Clam Lake Field Sta.)                                      | Channel receiving Clam Lake Field Station polishing pond effluent   | Effluent ditch                             | II                         | B                                |
| 3.  | Bear Creek (Douglas Co. Health Care Facility)                                    | Bear Creek from the Douglas Co. Health Care Facility STP to Allouez Bay   | Noncontinuous                              | I                          | A                                |
| 4.  | Drainage to Hackett Creek (Flambeau State Camp)                                  | Drainage from Flambeau State Camp lagoon to Hackett Creek   | Wetland                                    | II                         | B                                |
| 5.  | Drainage to Yellow River (Gilman)  | Drainage area from Gilman lagoon to Yellow River  | Diffused surface water                     | II                         | B                                |
| 6.  | Tributary – Deertail Creek (Glen Flora Sch.)                                     | Channel from Glen Flora School polishing pond to Deertail Creek   | Effluent ditch                             | II                         | Effluent limits to be determined |
| 7.  | South Fork Main Creek (Hawkins)  | South Fork Main Creek from Hawkins Millpond Dam downstream to CTH M   | Continuous                                 | I                          | A                                |
| 8.  | Bradley Brook (Hayward)  | From Hayward STP outfall to the confluence with Namekagon River   | Continuous                                 | I                          | A                                |
| 9.  | Tributary – Cemetery Creek (Iron Belt)   | Channel from the Iron Belt STP outfall to Cemetery Creek  | Effluent ditch                             | II                         | Effluent limits to be determined |
| 10. | Wetland near Frog Creek (Minong)   | Wetland receiving Minong STP effluent   | Wetland                                    | II                         | B                                |
| 11. | Tributary & Bardon Creek (Northwestern Junior–Senior High School)                | From the school polishing pond to Bardon Creek<br>Bardon Creek  | Noncontinuous<br>Noncontinuous             | II<br>I                    | B<br>NA                          |
| 12. | Wetland near Holmes Creek (Ogema)  | Wetland receiving Ogema lagoon effluent   | Wetland                                    | II                         | B                                |
| 13. | Drainageway and Tributary to a Tributary of Whittlesey Creek (Ondossagon School) | Drainageway from Ondossagon School polishing pond to a noncontinuous tributary to an unnamed tributary to Whittlesey Creek<br>Noncontinuous tributary to an unnamed tributary to Whittlesey Creek | Diffused surface water<br>Noncontinuous    | II<br>I                    | Effluent limits to be determined |
| 14. | Drainage to the Black River (Pattison State Park)                                | Drainageway from Pattison Park STP to the Black River   | Diffused surface water                     | II                         | Effluent limits to be determined |
| 15. | Drainage to Meads Creek (Pence)  | Drainage Area from Pence STP to Meads Creek   | Wetland                                    | II                         | B                                |
| 16. | Drainage to Lake Superior (Pureair)  | Drainageway from the Pureair STP to Lake Superior   | Diffused surface water                     | II                         | B                                |
| 17. | Drainage Area – Couderey River (Radisson)  | Wetland receiving Radisson STP effluent   | Wetland                                    | II                         | B                                |
| 18. | Sheep Ranch Creek (Rib Lake)   | Sheep Ranch Creek from Rib Lake STP downstream to first town road   | Continuous                                 | I                          | A                                |
| 19. | Tributary – Sawyer Creek (Shell Lake)  | Channel from the Shell Lake STP outfall to Sawyer Creek   | Diffused surface water                     | II                         | Effluent limits to be determined |
| 20. | Wetland (Siren)  | Wetland receiving Siren STP effluent  | Wetland                                    | II                         | B                                |
| 21. | Ditch & West Branch Big Eau Pleine River (Stetsonville)                          | Channel from the Stetsonville lagoon to the West Branch Big Eau Pleine River<br>West Branch Big Eau Pleine River downstream to tributary in the NW1/4, SW1/4, Sec. 29, T30N, R2E                  | Effluent ditch<br>Noncontinuous            | II<br>I                    | Effluent limits to be determined |
| 22. | Drainage to Pokegama River (Superior, Village of)                                | Drainageway from Village of Superior lagoon to Pokegama River<br>Pokegama River from above location to St. Louis Bay  | Diffused surface water<br>Continuous       | II<br>I                    | B                                |
| 23. | Drainage to Deertail Creek (Tony)  | Channel from Tony lagoon to wetland<br>Drainage from effluent ditch to Town Line Rd.<br>Tributary to Deertail Creek below Town Line Rd.   | Effluent ditch<br>Wetland<br>Noncontinuous | II<br>II<br>I              | B<br>NA<br>NA                    |
| 24. | Tributary – Clam River (Webster)   | Tributary from the Webster lagoon to the Clam River   | Noncontinuous                              | II                         | B                                |
| 25. | Tributary – Soft Maple Creek (Weyerhaeuser)                                      | Drainage from Weyerhaeuser lagoon to tributary<br>Tributary of Soft Maple Creek upstream from CTH “F”   | Diffused surface water<br>Noncontinuous    | II<br>II                   | B<br>NA                          |
| 26. | Seepage Area near Brunet River (Winter)  | Area receiving the Winter lagoon effluent   | Diffused surface water                     | II                         | B                                |
| 27. | Drainage from Village of Turtle Lake to Moon Creek (Turtle Lake)                 | Drainage area from effluent pipes to impoundment  | Wetland                                    | II                         | B                                |

|  |               |    |    |
|--|---------------|----|----|
| Impoundment formed by constructed dam in the SW1/4, SW1/4, sec. 32, T34N, R14W | Flowage       | II | NA |
| Drainage from the dam to the south line of sec. 32, T34N, R14W                 | Noncontinuous | I  | NA |
| Drainage area from the north line to the south line of sec. 5, T33N, R14W      | Wetland       | II | NA |

- (1) Criteria I requires the maintenance of surface water criteria specified in NR 104.02 (3) (a)2.  
Criteria II requires the maintenance of surface water criteria specified in NR 104.02 (3) (b)2.
- (2) Effluent limitation A requires those limits specified in NR104.02 (3) (a)3.  
Effluent limitation B requires those limits specified in NR104.02 (3) (b)3.  
NA – Not applicable

(3) OTHER VARIANCES. (a) The Flambeau river from the upper dam at Park Falls downstream to the Crowley dam shall meet the standards for fish and aquatic life and recreational use, except that the dissolved oxygen may not be lowered to less than 3.0 mg/L at any time. On June 30, 1984, this variance shall expire and after that date all portions of the Flambeau river shall meet the standards for fish and aquatic life and recreational use, including the dissolved oxygen standard of 5.0 mg/L.

(b) Newton creek in the city of Superior, from the headwaters to its mouth into Hog Island Inlet of Superior Bay shall be classified as a noncontinuous stream and shall also be classified for fish and aquatic life uses with the subcategory of limited forage fish communities. Hog Island Inlet and Superior Bay shall be classified for fish and other aquatic life uses with the subcategory of great lake communities.

**History:** Cr. Register, September, 1976, No. 249, eff. 10-1-76; am. table 8, Register, December, 1977, No. 264, eff. 1-1-78; cr. entry 27, table 8, Register, September, 1981, No. 309, eff. 10-1-81; am. (3) (a), Register, May, 1983, No. 329, eff. 6-1-83; am. (3) (b), Register, February, 1989, No. 398, eff. 3-1-89; am. (3) (b), Register, April, 1991, No. 424, eff. 5-1-91.

## Subchapter II — Interstate Waters

**NR 104.20 Wisconsin-Illinois waters.** (1) The Des Plaines River, Pitscasaw Creek, Nippersink Creek and Turtle Creek upstream of the Rock-Walworth county line are used for wildlife and stock watering, waste assimilation, warm water fishery and recreation. Dutch Gap Canal and Trevor Creek have similar uses excepting waste assimilation. The main stems of these streams shall meet the requirements for recreational use and fish and aquatic life.

(2) The Fox River is used for recreation, waste assimilation, industrial supply, fishing and irrigation. Water quality in the Fox River shall meet the standards for recreational use and fish and aquatic life.

(3) Benet/Shangrila, Cross and Elizabeth Lakes are located on the Wisconsin-Illinois boundary and used for fishing and recreation. Their water quality shall meet the requirements for fish and aquatic life and recreational use.

(d) The Rock River and Sugar River are used for waste assimilation, recreation, fish and aquatic life, irrigation, stock and wildlife watering and hydropower. Their waters shall meet water quality standards for recreational use and fish and aquatic life.

(5) Turtle Creek below the Rock-Walworth county line, Racoon Creek, East Fork Raccoon Creek, East Fork Galena River, Spafford Creek, Menominee River, Pecatonica River and Galena River are used for recreation, stock and wildlife watering, waste assimilation and fish and aquatic life. Richland Creek and East Branch Richland Creek, Apple River and West Fork Apple River, Sinsinawa River, Little Menominee River and a tributary of the East Fork Galena River have similar uses excepting waste assimilation. Water quality of these streams shall meet standards for recreational use and fish and aquatic life.

(6) Honey Creek is used for waste assimilation, stock and wildlife watering, recreation and fish and aquatic life. A section from the Wisconsin-Illinois state line upstream to the Clarno-Cadiz town line shall meet the requirements for recreational use and fish and aquatic life.

(7) The sector of Honey Creek above the Clarno-Cadiz town line shall meet the standards for fish and aquatic life except that the dissolved oxygen shall not be lowered to less than 2 mg/L at any time. The membrane filter fecal coliform count in this sector shall not exceed 1,000 per 100 ml as a monthly geometric mean based on not less than 5 samples per month, nor exceed 2,000 per ml in more than 10% of all samples during any month.

**History:** Cr. Register, September, 1973, No. 213, eff. 10-1-73; renum. from NR 103.01, Register, July, 1991, No. 427, eff. 8-1-91.

**NR 104.21 Wisconsin-Minnesota-Iowa-Illinois waters.** The Mississippi River is used for commercial and recreational fishing, industrial and cooling water supply, boating, hunting, commercial shipping and waste assimilation. Water quality shall meet the standards and requirements for recreational use and fish and aquatic life.

**History:** Cr. Register, September, 1973, No. 213, eff. 10-1-73; renum. from NR 103.02, Register, July, 1991, No. 427, eff. 8-1-91.

**NR 104.22 Wisconsin-Minnesota waters.** (1) The St. Croix River has high scenic and aesthetic value and is used for recreation, fishing, hydropower, commercial shipping, stock and wildlife water supply, and waste assimilation. An anticipated use involves industrial and cooling water supply. Its water quality shall meet the standards and requirements for recreational use and fish and aquatic life. The standards for public water supply shall be met downstream from the north line of Polk county.

(2) Upper Tamarack River, East Branch Hay Creek and West Branch Hay Creek are used for recreation, fishing, and stock and wildlife water supply. Their water quality shall meet the requirements for recreation and fish and aquatic life.

(3) The St. Louis River adjoining Wisconsin is used for recreation, fishing, waste assimilation and commercial shipping. It is anticipated that a future use in the Lower St. Louis River will include cooling and industrial water supply. The St. Louis River water quality shall meet standards for recreational use and fish and aquatic life.

(4) Black River and Black Lake, Nemadji River and South Fork Nemadji River, Mud Creek, Clear Creek, Pokegama River and Red River are used for fishing, stock and wildlife water supply and recreation. Water quality of these streams shall meet the standards and requirements for recreation and fish and aquatic life. A section of Black River is classified for trout.

**History:** Cr. Register, September, 1973, No. 213, eff. 10-1-73; renum. from NR 103.03, Register, July, 1991, No. 427, eff. 8-1-91.

**NR 104.23 Wisconsin-Minnesota-Michigan waters.** Lake Superior is used for recreation, commercial and recreational fishing, shipping, municipal water supply, industrial and cooling water, and waste assimilation. Lake Superior open waters shall meet the criteria and requirements for public water supplies. All waters of Lake Superior shall meet the standards for recreational use and fish and aquatic life.

**History:** Cr. Register, September, 1973, No. 213, eff. 10-1-73; renum. from NR 103.04, Register, July, 1991, No. 427, eff. 8-1-91.

**NR 104.24 Wisconsin-Michigan waters.** (1) The Montreal River is used for hydropower, recreation, wildlife and stock watering, waste assimilation and has aesthetic value. Its

waters shall meet the standards and requirements for recreational use and fish and aquatic life.

(2) Several waters cross the Wisconsin-Michigan line including Wester Creek, Black River tributaries, McDonald Creek tributaries, Bena Lake Inlet, Harris Creek, Moraine Creek, Oxbow Lake Inlet, Unnamed Creek between Little Presque Isle Lake and Twin Island Lake, South and East Branch Presque Isle River, tributary to Palmer Lake, Johnson Springs Outlet, Lobischer Creek and Elvoy Creek and the following lakes:

- |                                 |                      |
|---------------------------------|----------------------|
| (a) Unnamed (T44N, R5E, Sec.18) | (j) Big              |
| (b) Moraine                     | (k) West Bay         |
| (c) Stateline                   | (L) Mamie            |
| (d) Basin                       | (m) Big Bateau       |
| (e) Little Presque Isle         | (n) Mill             |
| (f) Roach                       | (o) Crystal          |
| (g) Tenderfoot                  | (p) Eleanor          |
| (h) Plum                        | (q) Lac Vieux Desert |
| (i) Crampton                    | (r) Nurwood          |
|                                 | (s) Smoky            |

Uses of these waters include fishing, recreation, aesthetic, and stock and wildlife watering. Their water quality shall meet the requirements and standards for recreation and fish and aquatic life. The Black River tributaries and Elvoy Creek are classified as trout waters.

(3) The Brule and Menominee Rivers are used for hydro-power production and the latter stream is used for waste assimilation and industrial water supply. Fishing, recreation, aesthetic values and stock, and wildlife watering are common to both. The Brule River is classified as a trout stream and it shall meet the requirements for recreation and the standards for trout waters. Waste quality requirements and standards on the Menominee River shall meet the standards for recreational use and fish and aquatic life.

(4) Green Bay is used for public water supply, recreation, commercial and recreational fishing, industrial and cooling water, and waste assimilation. The waters of Green Bay, except as provided below, shall meet the standards for fish and aquatic life and recreational use.

(5) Green Bay waters southeasterly from the navigation channel and southerly from the north line of Brown County shall from January 1 to April 1 annually meet the standards for recreational use and fish and aquatic life except that the dissolved oxygen shall not be lowered to less than 2 mg/L at any time.

**History:** Cr. Register, September, 1973, No. 213, eff. 10-1-73; renum. from NR 103.05, Register, July, 1991, No. 427, eff. 8-1-91.

**NR 104.25 Wisconsin-Michigan-Illinois-Indiana**

**waters.** Lake Michigan is used for recreation, commercial and recreational fishing, shipping, public water supply, waste assimilation, and industrial and cooling water. All Lake Michigan waters shall meet the standards for public water supplies and the standards for recreational use and fish and aquatic life, in addition to the thermal criteria contained in s. 102.04, Stats.

**History:** Cr. Register, September, 1973, No. 213, eff. 10-1-73; reprinted to correct printing error, Register, February, 1987, No. 374; renum. from NR 103.06, Register, July, 1991, No. 427, eff. 8-1-91.

**NR 104.26 Trout waters.** Trout waters include the open waters of Lakes Superior and Michigan as well as those classified by the department of natural resources. They must be given special protection as required by the fish and aquatic life standards.

**History:** Cr. Register, September, 1973, no. 213, eff. 10-1-73; reprinted to correct printing error, Register, February, 1987, No. 374; renum. from NR 103.07, Register, July, 1991, No. 427, eff. 8-1-91.

**NR 104.27 Fish reproduction.** Standards adequate to maintain fish reproduction shall be maintained in the open waters of Lake Superior and Lake Michigan and in all other interstate waters which are designated by the department as of primary importance in the public interest for the maintenance of fish reproduction.

**History:** Cr. Register, September, 1973, No. 213, eff. 10-1-73; renum. from NR 103.08, Register, July, 1991, No. 427, eff. 8-1-91.

**NR 104.28 Revision of designated uses.** Modification of the uses and designated standards established in this chapter may be initiated by the department, by petition of any interested person, or by the natural resources board, subject to the provisions of ch. 227, Stats.

**History:** Cr. Register, September, 1973, No. 213, eff. 10-1-73; renum. from NR 103.08, Register, July, 1991, No. 427, eff. 8-1-91.