



NR 102, 104

State of Wisconsin

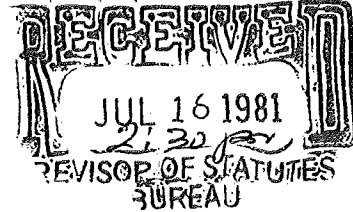
DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

BOX 7921
MADISON, WISCONSIN 53707

IN REPLY REFER TO: _____

STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES) ss



TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carroll D. Besadny, Secretary of the Department of Natural Resources and custodian of the official records of said Department do hereby certify that the annexed copy of Natural Resources Board Order No. WQ-10-81 was duly approved and adopted by this Department on March 26, 1981 and June 25, 1981. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at General Executive Facility #2 in the City of Madison, this 14th day of July, 1981.

Carroll D. Besadny
Carroll D. Besadny, Secretary

90-1-81

(SEAL)

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD

REPEALING AND RECREATING RULES

.....
IN THE MATTER of repealing and recreating sections .
NR 102.03(3), NR 104.07(3) and NR 104.08(3) of the .
Wisconsin Administrative Code pertaining to water . WQ-10-81
quality standards and use designations .
.....

Analysis Prepared by Department of Natural Resources

The revisions to the water quality standards and use designations would accomplish two objectives. The revision to s. NR 102.03(3), Wis. Adm. Code, expands the choice of methods available to determine those conditions under which water quality standards will not be attained due to naturally occurring conditions.

The water quality standards call for a minimum of 5.0 parts per million of dissolved oxygen to be maintained at all times in surface waters, with variances from this standard applying to portions or all of some streams. The revisions to ch. NR 104, Wis. Adm. Code, would remove existing variances from portions of the Fox and Wisconsin Rivers since analysis conducted over the past five years shows that the 5.0 ppm dissolved oxygen standard is achievable in those river segments. The variance for the Wisconsin River from the Rhinelander dam downstream to Crescent Creek will be maintained until June 30, 1984.

The revisions to chs. NR 102 and NR 104, Wis. Adm. Code, relate directly to the waste load allocation approach under the proposed ch. NR 212, Wis. Adm. Code.

Pursuant to the authority vested in the State of Wisconsin Natural Resources Board by ss. 144.025 and 227.014, Stats., the State of Wisconsin Natural Resources Board hereby repeals and recreates rules interpreting s. 144.025, Stats., as follows:

SECTION 1 - Section NR 102.03 (3) is repealed and recreated to read:

(3) STREAMFLOW. Water quality standards will not be maintained under all natural occurrences of flow, temperature or other water quality characteristics. The design of water quality related effluent limitations or other management practices shall be based upon:

(a) The average minimum 7-day low streamflow which occurs once in 10 years (7-day Q₁₀); or,

(b) In the case of dissolved oxygen and wherever sufficient data on streamflow and temperature are available, by application of a 0.274% level of nonattainment. This is equivalent to an expected nonattainment of the dissolved oxygen criterion of one day per year.

SECTION 2 - Section NR 104.07 (3) is repealed and recreated to read:

(3) OTHER VARIANCES. (a) The Fox river from the De Pere dam downstream to the mouth shall meet the standards for fish and aquatic life and recreational use except that the dissolved oxygen may not be lowered to less than 2.0 mg/l at any time.

(b) The Oconto river from the bridge in Oconto Falls to the county highway "J" bridge 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.

SECTION 3 - Section NR 104.08 (3) is repealed and recreated to read:

(3) VARIANCE. 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.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on March 26, 1981 and June 25, 1981.

The rules contained herein shall take effect as provided in s. 227.026 (1)(intro.), Stats.

Dated at Madison, Wisconsin

July 14, 1981

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By Carroll D. Besadny
Carroll D. Besadny, Secretary

(SEAL)



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

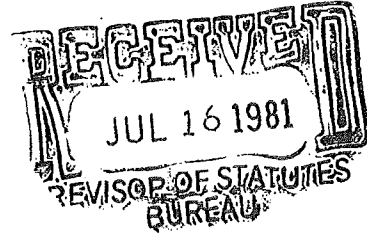
Carroll D. Besadny
Secretary

July 15, 1981

BOX 7921
MADISON, WISCONSIN 53707

IN REPLY REFER TO: 1020

Mr. Orlan L. Prestegard
Revisor of Statutes
411 West
C A P I T O L

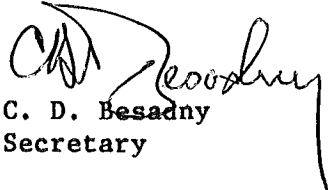


Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. WQ-10-81. These rules were reviewed by the Assembly Committee on Environmental Resources and the Senate Committee on Agriculture and Natural Resources pursuant to s. 227.018, Stats. Modifications were submitted at the request of the Senate Committee.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,


C. D. Besadny
Secretary

Enc.