

Chapter NR 104

INTRASTATE WATERS-USES AND
DESIGNATED STANDARDS

NR 104.01	General intrastate use classification	NR 104.05	Variances and additions applicable in the north central district
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NR 104.04	Variances and additions applicable in the Lake Michigan district		

History: Chapter NR 104 as it existed on September 30, 1973 was repealed and a new chapter NR 104 was created, Register, September, 1973, No. 213, eff. 10-1-73.

NR 104.01 General intrastate use classification. (1) 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 sections NR 104.02 to NR 104.07.

(2) The long-range goal of Wisconsin water quality standards is to permit the use of water resources for all lawful purposes. It is equally a goal of the standards to restore and maintain the waters of the state as suitable for public water supply, whole body contact recreation, and the reproduction of game fish and minnows. Standards and use classifications which are presently inconsistent with the long-range goals are interim standards and use classifications and will be progressively upgraded until the goals are attained.

History: Cr. Register, September, 1973, No. 213, eff. 10-1-73.

NR 104.02 Variances and additions applicable in the southern district. Intrastate surface waters in the southern district include those in Columbia, Dane, Dodge, Grant, Green, Iowa, Jefferson, Lafayette, Richland, Rock, and Sauk counties.

(1) **VARIANCE.** The following surface waters in the southern 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:

(a) Badfish Creek from the east limits of the village of Oregon to the Dane-Rock county line.

(b) West Branch of Sugar River from the south city limits of Mount Horeb to the east limits of the town of Blue Mounds in Dane county.

(c) Brewery Creek from state highway 23 in the city of Mineral Point to the junction with the Mineral Point Branch.

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(2) **ADDITION.** The public water supply standard shall be met on the Wisconsin River in section 8, town 10 north, range 7 east.

History: Cr. Register, September, 1973, No. 213, eff. 10-1-73.

NR 104.03 Variances and additions applicable in the southeast district. Intrastate surface waters in the southeast district include those in Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha counties.

(1) **VARIANCE.** 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:

(a) Underwood Creek in Milwaukee and Waukesha counties below Juneau Boulevard.

(b) Barnes Creek in Kenosha county.

(c) Pike Creek, a tributary of the Pike River, in Kenosha county.

(d) Pike River in Racine county.

(e) Indian Creek in Milwaukee county.

(f) Honey Creek in Milwaukee county.

(g) Menomonee River in Milwaukee county below the confluence with Honey Creek.

(h) Kinnickinnic River in Milwaukee county.

(i) Lincoln Creek in Milwaukee county.

(j) Sussex Creek in Waukesha county.

(2) **VARIANCE.** 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, nor shall the temperature exceed 89° F at any time at the edge of the mixing zones established by the department under section NR 102.03 (4):

(a) Milwaukee River in Milwaukee county downstream from the North Avenue Dam.

(b) South Menomonee Canal and Burnham Canal in Milwaukee county.

History: Cr. Register, September, 1973, No. 213, eff. 10-1-73.

NR 104.04 Variances and additions applicable in the Lake Michigan district. Intrastate surface waters in the Lake Michigan district include those in Brown, Calumet, Door, Florence, Fond du Lac,

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Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Shawano, Sheboygan, Waupaca, Waushara and Winnebago counties.

(1) VARIANCE. The Fox River from the upper dam at Appleton downstream to the village of Wrightstown 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 during any consecutive 8 hours of a 24-hour period nor to less than 5.0 mg/l for the remainder of the day. When natural conditions at the outlet of Lake Winnebago do not permit compliance with the above criteria, the dissolved oxygen of the water flowing from the lake in the Menasha Channel shall not be lowered more than 2.0 mg/l in the section of the Fox River from the upper dam at Appleton downstream to Wrightstown.

(2) VARIANCE. The Fox River below the village of Wrightstown downstream to the mouth shall meet the standards for fish and aquatic life and recreational use except that the dissolved oxygen shall not be lowered to less than 2.0 mg/l at any time.

(3) VARIANCE. 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 shall not be lowered to less than 3.0 mg/l at any time.

(4) 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.

History: Cr. Register, September, 1973, No. 213, eff. 10-1-73.

NR 104.05 Variances and additions applicable in the north central district. Intrastate surface waters in the north central district include those in Adams, Forest, Juneau, Langlade, Lincoln, Marathon, Oneida, Portage, Vilas, and Wood counties.

(1) 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.

(2) VARIANCE. The Wisconsin River from the Rothschild Dam downstream to state highway '34' 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 mg/l at any time.

(3) VARIANCE. The Wisconsin River from the state highway '73' bridge at Nekoosa downstream to state highway '82' bridge shall meet the standards for fish and aquatic life and recreational use except that the dissolved oxygen shall not be lowered to less than 2 mg/l from January 1 to April 15 annually.

(4) **VARIANCE.** Mill Creek from Wood county highway 'E' downstream to the Wood-Portage county line shall meet the standards for fish and aquatic life except that the dissolved oxygen shall not be lowered to less than 2.0 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.

(5) **VARIANCE.** Scotch Creek above Marathon county highway 'S' 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.

(6) **ADDITION.** The public water supply standard shall be met in Lake Nepco in Wood county.

History: Cr. Register, September, 1973, No. 213, eff. 10-1-73.

NR 104.06 Variances and additions applicable in the west central district. Intrastate surface waters in the west central district include those in Barron, Buffalo, Chippewa, Clark, Crawford, Dunn, Eau Claire, Jackson, La Crosse, Monroe, Pepin, Pierce, Polk, St. Croix, Trempealeau and Vernon counties.

(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.

History: Cr. Register, September, 1973, No. 213, eff. 10-1-73.

NR 104.07 Variances and additions applicable in the northwest district. Intrastate surface waters in the northwest district include those in Ashland, Bayfield, Burnett, Douglas, Iron, Price, Rusk, Sawyer, Taylor and Washburn counties.

(1) **VARIANCE.** 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 shall not be lowered to less than 3.0 mg/l at any time.

(2) **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.

(3) **VARIANCE.** Newton Creek from Stinson avenue to the mouth at Superior Bay in the city of Superior, Douglas county is classified as a noncontinuous stream. The water quality of Newton Creek shall meet those criteria specified in NR 102.02(1), Wis. Adm. Code, and shall be maintained at a dissolved oxygen concentration of at least 5.0 mg/l at all times. Superior Bay shall meet the standards for fish and aquatic life and recreational uses except that the average total ammonia nitrogen concentration in the bay shoreward from Hog Island shall not exceed

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2.83 mg/l. Determinations of average total ammonia nitrogen concentration shall be based on samples taken at 4 representative locations.

History: Cr. Register, September, 1973, No. 213, eff. 10-1-73; cr. (3), Register, April, 1976, No. 244, eff. 5-1-76.