Chapter NR 104

INTRASTATE WATERS — 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Note: Chapter NR 104 as it existed on September 30, 1976 was repealed and a new chapter NR 104 was created effective October 1, 1976.

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. 147.01(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 heirarchy 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:

(a) The presence of inplace pollutants,

(b) Low natural streamflow,

(c) Natural background conditions, and

(d) Irretrievable 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. 147.02, Stats. Municipal dischargers eligible for state or federal grant-in-aid shall achieve the specified effluent limitations upon completion of con-

struction 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. 147.02, 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 unidirectional 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 $Q \cong$*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 $Q \cong$*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 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. 147.01(1)(b), Stats., cannot be attained because of conditions enumerated in s. NR 104.01(1), a variance may 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 con-

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	Noncontinuous	II	B
		Bardon Creek	Noncontinuous	I	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	Diffused surface water	II	Effluent limits to be determined
		Noncontinuous tributary to an unnamed tributary to Whittlesey Creek	Noncontinuous	I	
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 - Couderay 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	Effluent ditch	II	Effluent limits to be determined
		West Branch Big Eau Pleine River downstream to tributary in the NW¼ , SW¼ , Sec. 29, T30N, R2E	Noncontinuous	I	
22.	Drainage to Pokegama River (Superior, Village of)	Drainageway from Village of Superior lagoon to Pokegama River	Diffused surface water	II	B
		Pokegama River from above location to St. Louis Bay	Continuous	I	
23.	Drainage to Deertail Creek (Tony)	Channel from Tony lagoon to wetland	Effluent ditch	II	B
		Drainage from effluent ditch to Town Line Rd.	Wetland	II	NA
		Tributary to Deertail Creek below Town Line Rd.	Noncontinuous	I	NA
24.	Tributary - Clam River (Webster)	Tributary from the Webster lagoon to the Clam River	Noncontinuous	II	B
25.	Tributary - Soft Maple Creek (Weyerhauser)	Drainage from Weyerhauser lagoon to tributary	Diffused surface water	II	B
		Tributary of Soft Maple Creek upstream from CTH "F"	Noncontinuous	II	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 SW¼ , SW¼ , 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 NR 104.02(3)(a)3.
Effluent limitation B requires those limits specified in NR 104.02(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.