

May 1, 1967

RD 1, 2, 3, 4, 5  
RD 8, 9, 10, 11, 12, 13  
WP 1

Freeman Holmer, Director  
Department of Resource Development  
421 Wilson Street State Office Building  
Madison, Wisconsin

Re: Standards to be incorporated into Wisconsin  
Administrative Code, Chapter RD2

Dear Mr. Holmer:

You have requested my consent pursuant to sec. 227.025, Wis. Stats., for the Department of Resource Development to incorporate by reference in its proposed rules 2.01 and 2.02, several national standards in the following manner:

a. In sec. 2.01 (3): "Standard methods For The Examination of Water and Waste Water", (12th ed., 1965), prepared and edited by the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation; and, the United States Atomic Energy Commission Rules and Regulations, Title X, Part 20, entitled "Standards for Protection Against Radiation".

b. In sec. RD 2.02 (2) (d): "Public Health Service Drinking Water Standards" (Rev. 1962), issued by the United States Department of Health, Education and Welfare, Public Health Service.

It appears that your proposed rules are of limited public interest. It also appears that the publications to be incorporated by reference are readily available in publication form; that the references in the proposed rules are specific; that incorporating

Mr. Freeman Holmer  
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the publications by reference will save considerable space and expense; and that the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation, along with the United States Atomic Energy Commission and the Public Health Service of the United States Department of Health, Education and Welfare, all meet the statutory definition of "technical societies and organizations of recognized national standing."

Accordingly, I hereby consent to the incorporation by reference in the proposed rules RD 2.01 and 2.02.

Sincerely yours,

BRONSON C. LA FOLLETTE  
Attorney General

*ARLEN C. Christenson*  
ARLEN C. CHRISTENSON  
Deputy Attorney General

*James J. Burke*  
JAMES J. BURKE  
Revisor of Statutes

WFE:sal



STATE OF WISCONSIN

DEPARTMENT OF RESOURCE DEVELOPMENT

MADISON 53702

*Filed May 1, 1967  
8 am.*

OFFICE OF THE DIRECTOR

CERTIFICATE

STATE OF WISCONSIN )  
 )  
DEPARTMENT OF RESOURCE DEVELOPMENT ) SS

TO ALL OF WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Freeman Holmer, Director of the Department of Resource Development, and custodian of the official records of said department, do hereby certify that the annexed rules and regulations relating to Procedure and Practice; Water Quality Standards for Interstate Waters; Interstate Waters--Uses and Designated Standards; Interstate Joint Resolutions; Aquatic Nuisance Control; General Requirements for Waterworks, Sewerage, Refuse Disposal; Refuse Disposal Plants; Sewerage; Waterworks; Well Construction and Pump Installation; and Servicing of Septic Tanks, Seepage Pits, Grease Traps or Privies, were duly approved and adopted by this department on April 28, 1967, pursuant to policy determinations made by the Resource Development Board.

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 in the city of Madison this 1st day of May A. D. 1967.

*Freeman Holmer*

Freeman Holmer, Director



STATE OF WISCONSIN

DEPARTMENT OF RESOURCE DEVELOPMENT

MADISON 53702

OFFICE OF THE DIRECTOR

ORDER OF THE DEPARTMENT OF RESOURCE DEVELOPMENT  
REPEALING, AMENDING AND ADOPTING RULES

Pursuant to authority vested in the Department of Resource Development by Chapters 144, 146 and 162, Wis. Stats., the Department of Resource Development hereby repeals, amends and adopts rules as follows:

Chapter WP 1 is repealed.

Chapter RD 1 is created (Procedure and Practice).

Chapter RD 2 is created (Water Quality Standards for Interstate Waters).

Chapter RD 3 is created (Interstate Waters--Uses and Designated Standards).

Chapter RD 4 is reserved for the following subject: Water Quality Standards for Intrastate Waters.

Chapter RD 5 is reserved for the following subject: Intrastate Waters--Uses and Designated Standards.

The following rules of the Committee on Water Pollution are renumbered as shown in the following table:

<u>Old Number</u>	<u>Subject</u>	<u>New Number</u>
WP 3.01	Interstate Joint Resolutions	RD 6.01
WP 2.01	Aquatic Nuisance Control	RD 7.01

and the Department of Resource Development is substituted for reference to Committee on Water Pollution where appropriate.

The following rules of the Board of Health are renumbered as shown in the following table:

ORDER OF THE DEPARTMENT OF RESOURCE DEVELOPMENT  
REPEALING, AMENDING AND ADOPTING RULES  
(con't.)

<u>Old Number</u>	<u>Subject</u>	<u>New Number</u>
H 51.01	General Requirements	RD 8.01
H 51.02		RD 8.02
H 51.03		RD 8.03
H 52.01	Refuse Disposal Plants	RD 9.01
H 53.01	Sewerage	RD 10.01
H 53.02		RD 10.02
H 54.01	Waterworks	RD 11.01
H 54.02		RD 11.02
H 55.01	Well Construction	RD 12.01
H 55.02		RD 12.02
H 55.03		RD 12.03
H 55.04		RD 12.04
H 55.05		RD 12.05
H 55.06		RD 12.06
H 55.07		RD 12.07
H 55.08		RD 12.08
H 55.09		RD 12.09
H 55.10		RD 12.10
H 55.11		RD 12.11
H 55.12		RD 12.12
H 55.13		RD 12.13
H 55.14		RD 12.14
H 55.15		RD 12.15
H 66.01	Servicing Septic Tanks	RD 13.01
H 66.02		RD 13.02
H 66.03		RD 13.03
H 66.04		RD 13.04
H 66.05		RD 13.05
H 66.06		RD 13.06

and the Department of Resource Development is substituted for reference to Board of Health where appropriate.

The rules attached hereto shall take effect on June 1, 1967, pursuant to authority granted by Section 227.026 (1).



Freeman Holmer, Director  
Department of Resource Development

Dated: April 28, 1967



(2) FORM OF PETITION; VERIFICATION. Every such petition shall be in substantially the following form:

To the Department of Resource Development:

The undersigned hereby petitions for a review of the order of this agency dated . . . . ., 19 . . . . ., whereby it was ordered . . . . .  
The grounds for this petition are . . . . .  
The modification or change desired is . . . . .  
Date . . . . .  
Verification . . . . .

(3) PROCEDURE. Upon the filing of the petition, the agency shall order a public hearing, shall fix a time for such hearing, and shall enter a decision accompanied by findings of fact and conclusions of law which shall affirm, repeal, or change the order in question. The decision of the agency shall be entered not more than 60 days after the close of the hearing.

(4) SERVICE AND FILING OF PAPERS. Unless otherwise provided by law, all orders, notices and other papers may be served by the agency by first class or registered mail addressed to the last known post office of the addressee. Papers required to be filed with the agency may be mailed to the agency at the following address:

State Office Building  
One West Wilson Street  
Madison, Wisconsin 53702

(5) CONDUCT OF HEARINGS; CONTINUANCES; APPEARANCES; EXAMINATION OF WITNESSES. All hearings shall be conducted on behalf of the agency by any member designated by such agency to serve for that purpose, or by the director. Continuances and adjournments may be granted by such presiding officer for cause shown. Witnesses competent to take an oath shall be sworn by the presiding officer or the legal counsel or his representative, or, with the permission of the presiding officer, by the petitioner or his attorney.

(6) SUBPOENAS. The presiding officer or other member of the agency may sign and issue subpoenas.

(7) ARGUMENTS. Except as provided in section 227.12, Wis. Stats., arguments shall be submitted to the agency in writing, unless otherwise ordered. The number of copies of such argument and the time for filing shall be fixed by the presiding officer.

(8) VARIANCES. The provisions of section 263.28, Wis. State., shall apply to proceedings under these rules with reference to variances between allegations in the petition and proof.

RD 1.05 General orders or rules. (1) PETITION. Any interested person or persons may petition the agency in writing for the adoption, repeal or amendment of any general order or rule which is within the scope of the rule-making powers of the agency.

(2) FORM OF PETITION.

(a) For adoption of general order or rule:  
To the Department of Resource Development:

The undersigned hereby petitions for the adoption of a rule relating to . . . . .  
Date . . . . .  
Name  
Verification . . . . .

Name

Address

(b) For repeal of a general order or rule:  
To the Department of Resource Development:

The undersigned hereby petitions for the repeal of rule (or regulation) number . . . . . which provides as follows:  
The grounds for this petition are: . . . . .  
Date . . . . .  
Name  
Verification . . . . .

Name

Address

(c) For amendment of a general order or rule:  
To the Department of Resource Development:

The undersigned hereby petitions for the amendment of rule (or regulation) number . . . . . which provides as follows:  
The grounds for this petition are: . . . . .  
The modification or change desired is . . . . .  
Date . . . . .  
Name  
Verification . . . . .

Name

Address

(3) PETITION BY MORE THAN ONE PERSON. A petition may be for the adoption, amendment or repeal of more than one general order or rule, provided that each proposal shall be separately stated in conformity with paragraphs (a), (b), or (c) of Rule RD 1.05 (2). The petition may be signed by more than one natural person.



(4) SUPPORTING DATA. Whenever the adoption, repeal or amendment of any rule is sought by reason of the existence of a factual situation which the petitioner claims exists, the petition shall be accompanied by a sworn statement or affidavit of at least one of the petitioners stating what facts the petitioner claims exist justifying the agency in taking the action prayed for and stating what evidence of such facts the petitioner has in his possession and desires to present to the agency. Any petition requiring such supporting data may in the agency's discretion be summarily rejected if it does not conform to this rule.

(5) PROCEDURE. The procedure set forth in Rules RD 1.04 (3), (4), (5), (6), (7), and (8) shall also apply where a petition has been made for the adoption, repeal or amendment of agency general orders or rules.

RD 1.06 Declaratory rulings. (1) WHO MAY PETITION. Any person in interest or his duly authorized agent or attorney may petition the agency for a declaratory ruling with respect to the applicability to any persons, property or state of facts of any rule or statute enforced by the agency. Two or more persons similarly situated may join in a single petition and additional parties may intervene by petition. Whenever a petitioner desires a declaratory ruling as to a prospective course of action, the petition shall allege and proof must show that the petitioner in good faith intends to pursue such course in the event of a favorable ruling. Whenever the petition or proof shows that the question presented is moot or hypothetical, or that the petitioner has no legal interest therein, the agency may serve an order dismissing the petition, stating the grounds for such action.

(2) FORM OF PETITION; VERIFICATION. The form of a petition to the agency for a declaratory ruling shall be filed with the agency as provided in RD 1.04 (1) and shall be in the following form:

To the Department of Resource Development:

In the matter of the applicability of rule (or regulation or statute) . . . . . to the petitioner. Said rule (or regulation or statute) provides as follows: . . . . .

The grounds for this petition are to determine the applicability of the above rule (or regulation or statute) to the petitioner because of the following state of facts:

. . . . .

Date . . . . .

Name

Verification . . . . .

Address

(3) INVESTIGATION; NOTICE OF HEARING. Upon the filing of such petition for a declaratory ruling, the agency may cause to be made an investigation of the facts alleged in the petition. If any of the allegations of the petition be untrue or should be qualified, or if material facts may not have been alleged, said agency shall prepare and mail to the petitioner or intervenor a notice of hearing at which the petitioner shall be required to produce evidence. If there are no questions of fact, the notice of hearing shall state that only issues of law will be considered. Notice of hearing shall be as soon as possible after the filing of the petition.

(4) PROCEDURE. The procedure set forth in RD 104 (3), (4), (5), (6), (7), and (8) shall also apply to where a petition has been made for a declaratory ruling as to the applicability of any order, rule, regulation, or statute which is administered by the agency.

RD 1.07 Prehearing conference. (1) In any matter pending before it the agency may direct any party or attorney for any party to appear before the agency, the director, or legal counsel who has the matter in charge to consider:

- (a) Simplification of the issues;
- (b) The necessity or desirability of amendments to the pleadings;
- (c) The possibility of obtaining admissions of fact or as to documents which will avoid unnecessary proof;
- (d) Such other matters as may aid in the disposition of the matter.

(2) The agency, director, or legal counsel having the matter in charge may make an order reciting the action taken at the prehearing conference, the amendments made to pleadings and the agreements made as to any of the matters considered, and limiting the issues to those not disposed of by admissions or agreements. Such orders shall control the subsequent course of the proceedings unless modified at the hearing to prevent manifest injustice.

Preface

Water quality standards are statements of the characteristics of a water which must be maintained to make it suitable for specified uses. The standards are meaningful for pollution control when applied to specific waters, such as a lake or stretch of river.

The standards are based on available scientific knowledge and have been referred for comment to health authorities, fish and wildlife biologists and other interested professional persons. As knowledge increases the standards will be modified to reflect such increased knowledge.

These water quality standards are the present goal. The ultimate goal shall be to permit use of all the water resources of the state for multiple purposes including aesthetic, agriculture, aquatic and wildlife, industry, potable water supply, hydropower, navigation, recreation, and controlled waste assimilation.

Public hearings were held to elicit citizens' views on the standards. A second purpose of the hearings was to ascertain the popular wishes as to the use of specific areas of lakes and streams.

The Department of Resource Development will determine what must be done in each case to obtain the necessary water quality and the time schedule which may be set realistically to achieve it. As technology permits, classification of waters will be reevaluated to reflect these advances.

Feasible uses and a realistic schedule are essential to strong enforcement. The department now monitors state waters and plans more frequent sampling of both surface and waste waters as rapidly as it gains the manpower and equipment.

Requirements

The Federal Water Pollution Control Act of 1965 specifies that each state file a letter of intent and, after hearings and before June 30, 1967, adopt water quality criteria and a plan for applying them to interstate waters within the state. Such criteria and plan if consistent with the Act thereafter will be the applicable interstate water quality standards.

In establishing such standards, consideration has been given to their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses.

Chapter 614, Wisconsin Laws of 1965, became effective on August 1, 1966 and authorized and directed the adopting of rules setting standards of water quality. It recognized that different standards may be required for different waters or portions thereof. The intent is set forth: "...standards of quality shall be such as to protect the public interest, which include the protection of the public health and welfare and the present and prospective future use of such waters for public and private water supplies, propagation of fish and aquatic life and wildlife, domestic and recreational purposes, and agricultural, commercial, industrial and other legitimate uses. In all cases where the potential uses of water are in conflict, water quality standards shall be interpreted to protect the general public interest."

The Governor, in August 1966, notified the Secretary of the Interior that Wisconsin intends to establish Interstate Water Quality Standards by June 30, 1967.

(Adopted by Resource Development Board on April 26, 1967)

Present and possible uses of interstate waters or sections therein have been determined with respect to: Municipal, industrial, cooling, irrigation, wildlife and stock water supply; tolerant, facultative and intolerant fishery; whole and partial body contact; aesthetics, hydropower, commercial shipping and waste assimilation. Water quality standards for the following categories are considered: Public Water Supply, Recreation, Industrial and Cooling Water Use, Fish and Other Aquatic Life, and Minimum.

#### IMPLEMENTATION

Wisconsin legislation requires the formulating, periodic updating and carrying out of long-range comprehensive plans to guide the development, management, and protection of water resources. The initial plans must be drawn up by July 1, 1968. Statutes authorize issuance and adoption of rules with regard to available systems, and methods and means for preventing and abating water pollution. Orders not complied with in the time specified must be referred to the Attorney General for prompt commencement of an action. Penalties are provided for not complying with the law, rules and orders. Assessments for fish damages and fines will continue to be used to curb discharges of deleterious substances and to handle intermittent pollution problems.

Wisconsin has been systematically making pollution surveys and monitoring the surface water quality of its major streams. The state is increasing the frequency of and expanding the surveys. Funds have been made available for this purpose. Although surface water quality standards are set forth herein, it may be necessary in individual cases to stipulate effluent quality requirements in order to achieve the stated objectives.

A state financial assistance program has been authorized to encourage municipalities to construct new or improved pollution prevention and abatement facilities. Legislation provides that industry may acquire land by condemnation for construction of waste disposal facilities. Tax laws permit writing off waste treatment plant construction costs in the year of expenditure and exemption of these facilities from real estate tax.

CHAPTER RD 2

WATER QUALITY STANDARDS FOR INTERSTATE WATERS

RD 2.01 Guidelines for Application of Standards

(1) Water used for hydropower and commercial shipping depends mainly on quantity, depth and elevation; consequently, no specific quality standards for these uses have been prepared. The minimum standards apply to these as well as to waters for wildlife and stock watering supply, irrigation and waste assimilation.

(2) Where two or more uses are designated in one water sector, the more exacting standard will apply. As an example, if the maximum permissible concentration of a substance in a water used for public supply is higher than allowable for fish and other aquatic life, and both of these uses are involved in one sector, then the allowable concentration cannot exceed that for fish and aquatic life.

(3) Test procedures shall conform with "Standard Methods for the Examination of Water and Wastewater," 12th Edition, 1965, prepared and edited by the American Public Health Association, American Waterworks Association and Water Pollution Control Federation, or by other methods acceptable to the Department of Resource Development and not contrary to the requirements of the Federal Government. The U. S. Atomic Energy Commission Rules and Regulations, Title 10, Part 20, Standards for Protection Against Radiation, will apply to the disposal and permissible concentrations of radioactive substances.

Note: Copies of the above publications are available for inspection at the office of the Department of Resource Development, secretary of state's office and the office of the revisor of statutes.

(4) Water quality standards do not assure quantity and natural quality. Available water, when used in evaluating compliance with standards, will be based on the lowest average dilution for any period of seven consecutive days in the most recent ten years. In evaluating compliance, determinations of water quality will be made in accordance with procedures which will assure that the designated uses of such waters are fully protected. The Department may require management of waste admixture zones depending on such factors as effluent quality and quantity, available dilution, temperature, current and restrictions to the movement of fish.

(5) Application of chemicals for water resource management purposes in accordance with statutory provisions is not subject to the requirements of the standards except in case of water used for public water supply.

Note: The standards and water use designations are subject to revision as data become available that permit objectives to be stated by methods which define the variation or distribution of values in quantitative and statistically valid terms.

and may be obtained for personal use from American Public Health Association, Inc.  
1790 Broadway, New York, N. Y. 10019, and the United States Atomic Energy  
Commission, Washington, D. C.

5951 '22 requirements  
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## RD 2.02 Categories of Standards

To preserve and enhance the quality of waters the following standards are established to govern water management decisions. It should be recognized that these standards will be revised as new information or advancing technology indicate that revisions are in the public interest.

(1) Minimum Standards Regardless of the water quality standards and water use, untreated or inadequately treated wastes may not impair a designated use nor may standards be interpreted to permit a lower quality within a water sector than that now existing or required by outstanding orders. As a result of municipal, industrial, commercial, domestic, agricultural, land development or other activities, conditions may arise which will be controlled by the following standards:

(a) Substances that will cause objectionable deposits on the shore or in the bed of a body of water, shall not be present in such amounts as to create a nuisance.

(b) Floating or submerged debris, oil, scum or other material shall not be present in such amounts as to create a nuisance.

(c) Materials producing color, odor, taste or unsightliness shall not be present in such amounts as to create a nuisance.

(d) Substances in concentrations or combinations which are toxic or harmful to humans shall not be present in amounts found to be of public health significance, nor shall substances be present in amounts, which by bio-assay and other appropriate tests, indicate acute or chronic levels harmful to animal, plant or aquatic life.

(2) For Public Water Supply The following standards are applicable where a surface water is classified for public water supply:

(a) Bacteria: Coliform number not to exceed 5,000 per 100 ml. as a monthly arithmetic average value; nor exceed this value in more than 20 percent of the samples examined during any month; nor exceed 20,000 per 100 ml. in more than 5 percent of the samples. Counts as Most Probable Number (MPN) or Membrane Filter Coliform Counts (MFCC).

(b) Dissolved Solids: Not to exceed 500 mg/l as a monthly average value, nor exceed 750 mg/l at any time.

(c) pH: A range from 6.0 to 9.0 except in waters naturally having a pH of less than 6.5 or higher than 8.5 where effluent discharges may not reduce the low value or increase the high value of the surface water's pH by more than 0.5 standard units.

(d) The intake water supply will be such that by appropriate treatment and adequate safeguards it will meet the Public Health Service Drinking Water Standards, 1962.

Note: Copies of Public Health Service Drinking Water Standards, 1962 are available for inspection at the office of the Department of Resource Development, secretary of state's office and the office of the revisor of statutes, and may be obtained for personal use from the U. S. Department of Health, Education, and Welfare, Public Health Service, Washington 25 D. C.

(e) Other: Concentrations of other constituents must not be hazardous to health.

(3) For Fish and Other Aquatic Life

(a) The following standards are applicable to surface waters where maintenance of fish reproduction is of primary importance in the public interest and natural conditions permit:

1. Dissolved Oxygen: The dissolved oxygen content shall not be lowered to less than 80 percent of saturation nor to less than 5 mg/l at any time. There shall be no abrupt change from natural unpolluted background by more than 1 mg/l at any time.

2. The temperature shall not exceed 84° F. No change from natural unpolluted background by more than 5° F. at any time nor at a rate in excess of 2° F. per hour.

(b) The following standards are applicable to surface waters where fishing is desirable in conjunction with other uses and natural conditions permit:

1. For a balanced warm water fishery the dissolved oxygen content should not be less than 5.0 mg/l during at least 16 hours of any 24-hour period, nor less than 4.0 mg/l at any time.

2. Temperature: The temperature shall not exceed 89° F. for warm water fish. No abrupt change from background by more than 5° F. at any time. In addition, authorization must be obtained for proposed installations where the discharge of a thermal pollutant may increase the natural maximum temperature of a stream by more than 3° F.

(c) Unauthorized concentrations of substances are not permitted that alone or in combination with other materials present are toxic to fish or other aquatic life.

(d) Streams classified by law as trout waters shall not be altered from natural background by effluents that affect the stream environment to such an extent that trout populations are adversely affected in any manner.

(4) For Recreational Use A sanitary survey and/or evaluation to assure protection from fecal contamination is the chief criterion in determining the suitability of a surface water for recreational use. In addition, the following bacteriological guidelines are set forth:

(a) A water is acceptable for whole body contact if it has an arithmetic average coliform count of 1,000 per 100 ml. or less and a maximum not exceeding 2,500 per 100 ml. during the recreation season.

(b) A water is acceptable for partial body contact if it has an arithmetic average coliform count of 5,000 per 100 ml. or less and with no more than 1 of the last 5 samples exceeding 20,000 per 100 ml. during the recreation season.

(c) The Membrane Filter Coliform Count (MFCC) is the preferred method for determining coliform density; provided, however, that where turbidity due to algae or other material does not permit testing of a sample volume sufficient to produce significant results, or where low coliform estimates may be caused by high numbers of noncoliforms or the presence of substances toxic to the procedure, the Most Probable Number (MPN) is to be used to determine coliform density. The average is based on the last five test results. A more definitive test for fecal pollution is the Membrane Filter Fecal Coliform Count (MFFCC). Tests by this method are acceptable where correlation relating the count to sanitary hazards has been demonstrated. Acceptable values based on MFFCC are not shown, but may be adopted in future revisions.

(5) For Industrial and Cooling Water Use The following standards are applicable to surface waters designated for industrial processes and cooling purposes:

(a) Dissolved Oxygen shall not be less than 2.0 mg/l as a daily average value nor less than 1.0 at any time.

(b) Dissolved Solids shall not exceed 750 mg/l as a monthly average value, nor exceed 1,000 mg/l at any time.

(c) pH shall range from 6.0 to 9.0 except in waters naturally having a pH of less than 6.5 or higher than 8.5 where effluent discharges may not reduce the low value or increase the high value of the surface water's pH by more than 0.5 standard units.

(d) Temperature shall not exceed 89° F. (32° C.).

#### RD 2.03 Enforcement

Financial assistance, industrial incentives, increased surveillance, orders and legal action will be the means used to implement and enforce the adopted water quality standards. Reasonable time schedules to comply with orders depend on the circumstances. In general, 1 year to provide disinfection, in-plant controls and minor treatment adjustments; or 2 years to install settleable solids removal facilities; or 2-3 years to complete a secondary treatment system should be adequate. Separation of excessive clear waters from sanitary sewerage systems may vary from 1 year for disconnection of roof leaders to 10 years or more where combined sanitary-storm water sewers are involved. All polluters will be required to conform to this timetable and to the annual listing of actions required to achieve the surface water quality standards adopted.



## Chapter RD 3

### INTERSTATE WATERS - USES AND DESIGNATED STANDARDS

#### RD 3.01 WISCONSIN--ILLINOIS WATERS.

- (1) The Des Plaines River, Piscasaw 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 partial body contact recreation. Dutch Gap Canal and Trevor Creek have similar uses excepting waste assimilation. The main stems of these streams should meet the requirements for partial body contact recreation 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 from the state line upstream to 5 miles below the Waukesha sewage treatment plant should have water quality suitable for all uses excepting public water supply. In the middle sector of the Fox River, which extends upstream to the Waukesha dam, water quality should meet the standards for industrial and cooling water supply and minimum conditions. Above the Waukesha dam, water quality should meet the standards for partial body contact recreation 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 should meet the requirements for fish and other aquatic life and whole body contact recreation.
- (4) 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 should meet all water quality standards except public water supply.
- (5) Turtle Creek below the Rock-Walworth county line, 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 should meet all standards except those for public water supply.
- (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 should meet the requirements for whole body contact recreation and fish and aquatic life. Minimum requirements apply to the sector of Honey Creek above the Clarno-Cadiz town line.

RD 3.02 WISCONSIN--MINNESOTA--IOWA 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 should meet all the standards and requirements except for public water supply.

RD 3.03 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 should meet the standards and requirements for all uses.

(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 should 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 should meet all standards except for public water supply.

(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 should meet the standards and requirements for recreation and fish and aquatic life. A section of Black River is classified for trout.

RD 3.04 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 should meet the criteria and requirements for all water uses. Harbor areas and shoreline sections in the vicinity of pollutional outlets should meet minimum criteria plus requirements for cooling and industrial water supply. Beach waters of Lake Superior should meet the standards for whole body contact recreation.

RD 3.05 WISCONSIN--MICHIGAN WATERS.

(1) The Montreal River is used for hydropower, recreation, wildlife and stock watering, waste assimilation and has aesthetic value. Its waters should meet the quality standards and requirement for all water uses except for a sector extending from upstream limits of the City of Hurley to a point downstream five miles below the city limits where the water quality and requirements should be suitable for partial body contact recreation 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, Oxbo Lake Inlet, Unnamed Creek between Little Presque Isle Lake and Twin Island Lake, South and East Branch Presque Isle River, tributary to Palmer Lake, Johnston Springs Outlet, Lobischer Creek and Elvoy Creek and the following lakes:

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

Uses of these waters include fishing, recreation aesthetic, and stock and wildlife watering. Their water quality should meet the requirements and standards for whole body contact 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 hydropower production and the latter stream is used for waste assimilation water supply. Fishing, recreation, aesthetic values and stock and wildlife watering are common to both. The Brule River is classified as a trout stream. Its water quality should meet the requirements for recreation and fish and aquatic life. Water quality requirements and standards on the Menominee River should meet the following: From a point 200 yards above M95 bridge down to Little Quinnesec Falls Dam at Niagara, the standards for fish and aquatic life, partial body contact recreation, and industrial and cooling water apply; from Niagara to the upper side of Kremlin Falls, partial body contact recreation, industrial and cooling water use, minimum, and the requirements of outstanding orders if more exacting will be in effect; in the sector from the Upper Dam at Marinette downstream to Green Bay the standards for partial body contact, fish and aquatic life, and industrial and cooling water use apply; the remainder of the stream should meet the standards for all uses excepting public water supply.

(4) Green Bay is used for public water supply, recreation, commercial and recreational fishing, industrial and cooling water, and waste assimilation. Green Bay open water should meet the water quality standards and requirements for all water uses. Swimming beach waters should meet the standards for body contact recreation. Harbor areas and shoreline sections in the vicinity of pollutional outlets and in areas influenced by the discharges of the Oconto, Peshtigo, Menominee and Fox Rivers should meet minimum water quality standards and the requirements for cooling and industrial water supply.

RD 3.06 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. Lake Michigan open waters should meet the water quality standards and requirements for all water uses. Swimming beach waters should meet the standards for body contact recreation. Harbor areas and shoreline sections in the vicinity of polluttional outlets should meet minimum water quality standards and the requirements for cooling and industrial water supply.

RD 3.07 TROUT WATERS. Trout waters include the open waters of Lakes Superior and Michigan as well as those classified by law. They must be given special protection as required by the fish and aquatic life standards.

RD 3.08 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 concurrent actions of the Wisconsin conservation department and the department of resource development designating such waters as of primary importance in the public interest for the maintenance of fish reproduction.

RD 3.09 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 resource development board, subject to the provisions of chapter 227, Wisconsin Statutes.

## CHAPTER RD 6

### INTERSTATE JOINT RESOLUTIONS

#### RD 6.01 Pollution of interstate streams and their tributaries

RD 6.01 Pollution of interstate streams and their tributaries. With reference to pollution of interstate streams and their tributaries by discharge of sewage and industrial wastes, the state of Wisconsin has agreed with adjoining states upon the following guiding policy:

(1) ST. CROIX RIVER; JOINT RESOLUTION WISCONSIN AND MINNESOTA.

"Resolved, \* \* \* that facilities for treatment of sewage for all sewered municipalities shall provide at least effective sedimentation, plus chlorination, with such design of treatment plants that secondary or other higher degree of treatment may be added as conditions may require, and that facilities for treatment of industrial waste shall provide the most effective treatment warranted by conditions in each case with the understanding that additional or special type treatment be required where water uses so dictate \* \* \*". (Adopted by Minnesota water pollution control commission and Wisconsin committee on water pollution on August 11, 1953. Ratified by the department of resource development on August 1, 1966.)

(2) MISSISSIPPI RIVER AND ITS TRIBUTARIES; JOINT RESOLUTION WISCONSIN, MINNESOTA, IOWA AND ILLINOIS.

"Resolved, \* \* \* that facilities for treatment of sewage and for industrial wastes shall provide at least effective sedimentation or equivalent, substantially complete removal of floating solids or liquids, and reduction of toxic materials to less than lethal limits for aquatic life, with the understanding that additional or special type treatment be required in those areas where water uses so dictate \* \* \*." (Adopted by Illinois sanitary water board, Iowa state department of health and Wisconsin committee on water pollution on March 7, 1952, and by Minnesota water pollution control commission on August 11, 1953. Ratified by the department of resource development on August 1, 1966.)

(3) MONTREAL, BRULE AND MENOMINEE RIVERS AND THEIR TRIBUTARIES; JOINT RESOLUTION WISCONSIN AND MICHIGAN.

"Resolved, \* \* \* that facilities for treatment of sewage shall provide at least effective sedimentation and disinfection with such secondary or higher degree of treatment as conditions may require, and that facilities for treatment or control of industrial wastes shall provide the degree of protection against pollution warranted in each case \* \* \*." (Adopted by Michigan water resources commission and Wisconsin committee on water pollution on July 30, 1954. Ratified by the department of resource development on August 1, 1966.)

(4) ST. LOUIS RIVER, ST. LOUIS BAY, SUPERIOR BAY AND LAKE SUPERIOR; JOINT RESOLUTION, MINNESOTA AND WISCONSIN.

"Resolved, \* \* \* to follow the established programs for the improvement of the quality of said interstate waters and their tributary streams whereby

each state shall require the effective prevention or correction of pollution originating within that state as provided by the laws of such state to the end that said waters and their tributaries may be maintained or rendered suitable for appropriate public uses \* \* \*." (Adopted by Minnesota water pollution control commission and Wisconsin committee on water pollution on February 14, 1952. Ratified by the department of resource development on August 1, 1966.)

## CHAPTER RD 7

### AQUATIC NUISANCE CONTROL

#### RD 7.01 Procedure

RD 7.01 Procedure. Sponsors of aquatic nuisance control projects, such as private individuals, associations, communities, or town sanitary districts, may carry out chemical treatment for aquatic nuisance control in accordance with the following procedure:

(1) APPLICATION FOR PERMIT. Duplicate application blanks must be completed and forwarded to the Department of Resource Development, Room 421, State Office Building, Madison, Wisconsin. Check only the nuisance conditions upon which treatment is anticipated. Two copies of a map showing the area to be treated must be submitted with the applications. The map should be as detailed and as accurate as possible. If the sponsor is certain that an adequate map was filed for the last chemical treatment year and the area to be treated remains the same, it should be so indicated on the application as it will not be necessary to resubmit maps.

Note: Form RD , application for permit, may be obtained from the Department of Resource Development, State Office Building, Madison, Wisconsin.

(2) OPTION FOR APPLICATION. Sponsoring organization may choose either of the 2 options for the application of chemicals. The option chosen must be so indicated upon the application when it is submitted.

(a) Option #1. The sponsor shall obtain the services of a commercial operator who will carry out treatment in accordance with a specified plan submitted to and approved by the department. This department is not a party to any financial arrangements between prospective sponsors and operators, and assumes no responsibility in such financial arrangements.

Note: A list of commercial operators will be supplied on request.

(b) Option #2. The sponsor shall provide suitable equipment and all the necessary materials and the labor. Descriptive information on types of suitable equipment will be supplied upon request.

(3) APPLICATION FEE. An application fee of \$10 has been established to cover the cost of services rendered in processing applications. This fee should accompany the application when it is submitted for review.

(4) SUPERVISORY FEE CHARGED BY THE DEPARTMENT OF RESOURCE DEVELOPMENT. Under either option the treatment must be supervised by a representative of the department of resource development. The statutes provide that a charge must be made for this supervision, and that said charge shall be sufficient to reimburse the department for the actual cost of services rendered, plus 10% for overhead and development work. Said supervisory charge shall be