



CR 90-168

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny, Secretary
Box 7921
Madison, Wisconsin 53707
TELEFAX NO. 608-267-3579
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STATE OF WISCONSIN)
)
DEPARTMENT OF NATURAL RESOURCES)

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TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy 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. WR-55-90 was duly approved and adopted by this Department on November 15, 1990. 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 here-
unto set my hand and affixed the
official seal of the Department at
the Natural Resources Building in
the City of Madison, this 22nd
day of February, 1991.

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING RULES

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.....
IN THE MATTER of amending s. NR 104.10(3)(b) .
of the Wisconsin Administrative Code .
pertaining to water quality standards for .
Newton Creek and Hog Island Inlet and .
removing a variance for ammonia in Hog .
Island Inlet .
.....

WR-55-90

Analysis Prepared by Department of Natural Resources

Statutory authority: s. 144.025(2)(b), Stats.
Statutes interpreted: s. 144.025, Stats.

This rule will establish water quality standards for Newton Creek and the Hog Island Inlet of Superior Bay and will remove the variance for ammonia in Hog Island Inlet.

The Department has determined that the existing classification for Newton Creek must be revised in accordance with existing classification procedures and subcategories for fish and other aquatic life uses. The classification for Hog Island Inlet must be revised for similar reasons. The standards and criteria which apply are specified elsewhere in ch. NR 104 and in chs. NR 102 and 105. The existing variance, including ammonia criteria for Hog Island Inlet, does not protect the aquatic life associated with Newton Creek and Hog Island Inlet. This revised classification will enable the Department to implement appropriate water quality based effluent limitations for point source discharges to Newton Creek.

SECTION 1. NR 104.10(3)(b) is amended to read:

NR 104.10(3)(b) Newton creek ~~from Stinson avenue to the mouth at Superior Bay~~ in the city of Superior, ~~Douglas county is~~ 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. ~~The water quality of Newton creek shall meet those criteria specified in s. NR 102.04(1), 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 may not exceed 2.83 mg/L. Determinations of average total ammonia nitrogen concentration shall be based on samples taken at 4 representative locations. Hog Island Inlet and Superior Bay shall be classified for fish and other aquatic life uses with the subcategory of great lake communities.~~

The foregoing rule was approved and adopted by the State of Wisconsin Natural Resources Board on November 15, 1990.

The rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin

February 22, 1991

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By

Carroll D. Besadny
Carroll D. Besadny, Secretary

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DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny, Secretary

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February 22, 1991

Mr. Gary L. Poulson
Assistant Revisor of Statutes
119 Martin Luther King, Jr., Blvd.

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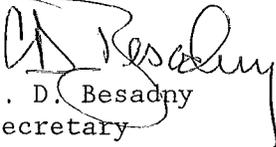
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Dear Mr. Poulson:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. WR-55-90. These rules were reviewed by the Assembly Committee on Environmental Resources, Utilities and Mining and the Senate Committee on Urban Affairs, Environmental Resources and Elections pursuant to s. 227.19, Stats. Summaries of the final regulatory flexibility analysis and comments of the legislative review committees are also enclosed.

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

Sincerely,


C. D. Besadny
Secretary

Enc.