(b) Practices attributable to municipal, industrial, commercial, domestic, agricultural, land development, or other activities shall be controlled so that waters regardless of their hydrologic and water quality classifications meet the general aesthetic and acute toxicity conditions in s. NR 102.02(1).

(3) VARIANCE CATEGORIES. (a) Surface waters not supporting a balanced aquatic community (intermediate aquatic life):

1. Applicability. This category of variance may be applied to either the continuous or noncontinuous stream hydrologic classification.

2. Surface water criteria. The following water quality criteria shall be met in all surface waters included in this variance category:

a. Dissolved oxygen shall not be less than 3 mg/1.

b. To protect the public health, bacteriological qualities specified in s. NR 102.02(4) shall be maintained.

c. Disinfectant sufficient to protect the public health is permitted.

d. Chlorine, when used as an effluent disinfectant, shall not be greater than 0.50 mg/1 at any point in the receiving water.

e. Ammonia nitrogen (as N) at all points in the receiving water shall not be greater than 3 mg/1 during warm temperature conditions nor greater than 6 mg/1 during cold temperatures to minimize the zone of toxicity and to reduce dissolved oxygen depletion caused by oxidation of the ammonia.

f. The pH shall be within the range of 6.0 to 9.0.

g. Other substances shall be controlled in accordance with s. NR 102.02(1).

3. Effluent criteria. a. The effluent limitations determined necessary to meet the surface water criteria listed above are enumerated in table 1.

Table 1

Parameter	Monthly Average (mg/1)	Daily Maximum (mg/1)	Weekly Average (mg/1)	Other (mg/1)
BOD_5	15	30	-	-
Total Suspended Solids	20	30	-	-
NH_3–N (May-October)	-	-	3	-
NH_3–N (November-April)	-	-	6	-
Dissolved Oxygen	-	-	-	4 (minimum)
Total Residual Chlorine	-	-	-	0.50 (maximum)

b. Unless otherwise specified in table 1 above, effluent limitations for sewage treatment works shall be as adopted in ch. NR 210.

c. In addition to the effluent limitations enumerated in table 1 above, effluent limitations for these and any other substance necessary to protect assigned uses shall be met.

(b) Marginal surface waters: 1. Applicability. This variance category may be applied to the continuous or noncontinuous stream hydrologic

classification, except that is shall be applied to all surface waters classified as effluent channel, wetland or diffuse surface water.

2. Surface water criteria. The following surface water quality criteria shall be met in all surface waters included in this variance category:

a. Dissolved oxygen shall not be less than 1 mg/1.

b. To protect the public health, bacteriological qualities specified in s. NR 102.02(4) shall be maintained.

c. Disinfectant sufficient to protect the public health is permitted. Chlorine, when used as an effluent disinfectant, shall not be greater than 0.50 mg/1 at any point in the receiving water.

d. The pH shall be within the range of 6.0 to 9.0.

e. Other substances shall be controlled in accordance with s. NR 102.02(1).

3. Effluent criteria. a. The effluent limitations determined necessary to meet the surface water criteria listed above are enumerated in table 2.

Table 2

Parameter	Monthly Average (mg/1)	Weekly Average (mg/1)	Other (mg/1)
BOD_5	20	30	-
Total Suspended Solids	20	30	-
Dissolved Oxygen	-	-	4 (minimum)
Total Residual Chlorine	-	-	0.50 (maximum)

b. Unless otherwise specified in table 2 above, effluent limitations for sewage treatment works shall be as adopted in ch. NR 210.

c. In addition to the effluent limitations enumerated in table 2 above, effluent limitations for these and any other substance necessary to protect assigned uses shall be met.

(4) OTHER CLASSIFICATIONS AND EFFLUENT CRITERIA. (a) *Surface waters significant to the environmental integrity of the state or region.* Under all hydrologic categories, the department reserves the right to require other effluent limitations, including allocation of wasteloads for organic material, toxicants and chlorine residuals if it is determined that the specified surface water is important to the overall environmental integrity of the area. In waters identified as trout streams, located in scientific areas or wild and scenic areas, providing endangered species habitat or of high recreational potential, effluent criteria will be evaluated on a case-by-case basis.

(b) *Surface waters classified for fish and aquatic life.* 1. Streams. Where flowing streams or rivers are specified to achieve fish and aquatic life criteria, wasteload allocation for organic material, toxicants and chlorine residuals shall determine effluent criteria necessary to achieve that standard.

2. Lakes and flowages. Effluent characteristics for discharges to lakes or flowages shall be based upon an evaluation of water quality necessary to protect fish and aquatic life taking into account mixing zone and nutrient removal criteria.

3. Minimum effluent criteria. If it can be reasonably demonstrated that the quality of the surface water is independent of a wastewater discharge, effluent limitations established under ss. 147.04 and 147.06, Stats., shall apply.

(c) *Wastewater treatment lagoons.* Effluents from fill-and-draw wastewater treatment lagoons or domestic waste stabilization ponds discharging to waters receiving a variance in this chapter may be permitted to vary from the limitations specified in table 1 or 2 provided the following conditions are met:

1. The discharge occurs only during the spring and fall of the year when the flow in the receiving water is normally high, and the temperature is low. The rate of discharge shall not exceed that specified in a permit under s. 147.02, Stats., or where no rate is indicated, the allowable discharge quantities shall be determined by the department based upon current evaluation of the receiving water.

2. In lieu of the previous conditions, the discharge from a fill-and-draw lagoon may occur at any time provided the rate does not exceed the assimilative capacity of the receiving water as specified in a permit under s. 147.02, Stats.

3. The dissolved oxygen in the effluent is maintained at a level greater than or equal to 4 mg/1, and the permitted rate of discharge shall be such that the dissolved oxygen and ammonia nitrogen criteria necessary to sustain fish and aquatic life are maintained in the stream during the period of discharge.

4. The effluent limitations do not exceed those established under ss. 147.04 and 147.06, Stats.

(5) CHANGES IN CLASSIFICATION. Surface waters which exhibit changing hydrologic and quality characteristics shall be classified accordingly. Effluent criteria for upstream discharges shall be based upon the most critical downstream classification and shall be specified by the department either on the basis of justified inference or by the application of a wasteload allocation analysis. Any subsequent changes in a stream's morphology or potential may necessitate the reevaluation of the classification.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; am. Tables 1 and 2, (2), (3) (a) 2a and d, (3) (b) 2a and c, (4) (c), Register, December, 1977, No. 264, eff. 1-1-78; am. (3) (a) 2a, Register, June, 1978, No. 270, eff. 7-1-78; am. (1) (c), Register, June, 1984, No. 342, eff. 2-1-84.

NR 104.03 Classification of surface waters and antidegradation. In no case shall the effluent criteria specified herein cause degradation of surface water quality below present levels. Surface waters which, be reason of their hydrologic classification, are permitted to receive a new effluent of a quality specified in NR 104.02 shall not receive such effluent unless it has been affirmatively demonstrated to the department that such degradation is necessary to protect the public health or to maintain or restore the environmental integrity of a higher value resource. In no case shall a new effluent interfere with or become injurious to any assigned uses made of or presently possible in any surface water.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76; am. Register, December, 1977, No. 264, eff. 1-1-78.

NR 104.04 Provision for changes. The surface waters specified in this chapter are not intended to be an exclusive listing nor do the specified effluent criteria purport to meet the 1983 water quality goals set forth in ch. 147, Stats. Additions to or deletions from these listings may be made based upon the accumulation of information necessary to make such determination and in accordance with the requirements of ch. 227, Stats.

History: Cr. Register, September, 1976, No. 249, eff. 10-1-76.

NR 104.05 Variances and additions applicable in the southern district. Subject to the provision of NR 104.04, intrastate surface waters in the southern district counties of Columbia, Dane, Dodge, Grant, Green, Iowa, Jefferson, Lafayette, Richland, Rock and Sauk shall meet the criteria for fish and aquatic life and recreational use with exceptions and additions as follows:

(1) ADDITION. The public water supply standard shall be met on the Wisconsin river in section 8, township 10 north, range 7 east.

(2) VARIANCE. Surface waters in the southern district subject to a variance under NR 104.02(3) are listed in table 3.

TABLE 3
SOUTHERN DISTRICT

Surface Water (Facility Affected)	Reach Description	Hydrologic Classification	Applicable Criteria (1)	Effluent Limitations (2)
1. Goose Lake Tributary (Arlington)	Tributary upstream from Goose Lake	Noncontinuous	II	Effluent limitations to be determined
2. Tributary - East Branch Pecatonica River (Barneveld)	From the Barneveld STP downstream to the East Branch Pecatonica River	Noncontinuous	II	B
3. Williams Creek (Blue Mounds)	From the Blue Mounds STP downstream to the east line of Sec. 14, T6N, R5E	Noncontinuous	I	A
4. Sanders Creek (Boscobel)	From the Boscobel STP downstream to the Wisconsin River	Continuous	I	A
5. Allen Creek (Brooklyn)	Upstream from Butts Corner Road	Continuous	I	A
6. Kummel Creek (Brownsville)	From Brownsville STP downstream to CTH "HH"	Noncontinuous	I	A
7. Spring Brook and Tributary (Clinton)	Tributary from the Clinton STP to Spring Brook	Effluent ditch	II	B
	Spring Brook in Clinton Township	Continuous	II	NA
8. Tributary - Dead Creek (Clyman)	Tributary from Clyman STP downstream to Dead Creek	Noncontinuous	II	B
9. West Branch Pecatonica River (Cobb)	From the Cobb STP downstream to confluence with an unnamed tributary NE¼, NW¼, Sec. 2, T5N, R1E.	Continuous	I	A
10. Door Creek (Cottage Grove)	Door Creek upstream from STH 12 & 18	Noncontinuous	I	A
	From STH 12 & 18 downstream to Lake Kegonsa	Continuous	I	NA
11. Coon Branch (Cuba City)	Upstream from westerly tributary approximately 1 mile above STH "11"	Noncontinuous	II	B
	Downstream from above tributary to confluence with Galena River	Continuous	I	NA
12. Mud Creek and Tributary (Deerfield)	Tributary from Deerfield STP to confluence with Mud Creek	Effluent ditch	II	B
	Mud Creek from above tributary downstream to confluence with Koshkonong Creek	Continuous	I	