ILLINOIS POLLUTION CONTROL BOARD April 8, 1976

LAKE CHAUTAUQUA HOMEOWNERS ASSOCIATION,))	
Petitioners,))	
v.) PCB 75-46	1
ENVIRONMENTAL PROTECTION AGENCY,)	
Respondent.)	

OPINION AND ORDER OF THE BOARD (by Mr. Zeitlin):

This matter is before the Board on a Petition for Variance filed December 5, 1976, by Petitioners Lake Chautauqua Homeowners Association (Association). Pursuant to an Interim Order of the Board entered December 11, 1975, the Association filed additional information to supplement its Petition. The Recommendation of the Environmental Protection Agency (Agency) was filed on March 8, 1976. No hearing was held in this matter.

Lake Chautauqua is a 73 acre man-made lake built as part of the Lake Chautauqua subdivision in Jackson County, Illinois, the nearest town being Murphysboro, approximately 3 miles away. The lake is wholly owned by Petitioners.

Petitioners state that the lake has extensive areas of shallow, weed producing waters in which swimming or fishing is "aesthetically displeasing." To control the weed problem, Petitioners propose to:

- 1. Add "triple super phosphate" fertilizer, which will promote large surface algae blooms, shading out the weeds.
- 2. Add copper sulfate "as needed" in a super saturated solution to the 6 acre swimming area of the lake.

In its Recommendation the Agency points out several salient points which are omitted from the Petition:

a. The source cited by Petitioners in support of the above plan recommends a rate of application for the fertilizer about six times greater than that contemplated by Petitioners.

- b. Because of wind and wave action, and the magnitude of the algae blooms which will be promoted, very large applications of copper sulfate might be required to prevent contamination of the swimming area.
- c. The source cited by Petitioners states that, "this method of control is not usually recommended for the watershed type of pond in Illinois." Aquatic Weeds Their Identification and Control, Ill. Dept. of Conservation, quoted in Agency Recommendation, at 3.
- d. Since Petitioners do not plan to contain the water which has been fertilized to the lake, extensive downstream phosphorus pollution (4-5 applications totaling 5,200 to 6,500 lbs.) may be expected.

Based on the points raised in the Agency's Recommendation, we agree that Petitioners have not borne the required burden of proof. The Record before us fails to show that the "aesthetic" hardship claimed by Petitioners outweighs the likelihood of significant environmental damage. In fact, the Record fails to even show that the actions proposed by Petitioners would achieve the weed control on Lake Chautauqua which Petitioners seek. The Petition must be dismissed without prejudice.

This Opinion constitutes the findings of fact and conclusions of law of the Board in this matter.

ORDER

IT IS THE ORDER OF THE POLLUTION CONTROL BOARD that the Petition for Variance in this matter be dismissed without prejudice.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the good day of figure 1976, by a vote of 6.0.

Christan L. Moffett, Clerk
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