

ILLINOIS POLLUTION CONTROL BOARD

April 10, 1975

MCNAUGHTON PARK POND)	
(Pekin Park District),)	
Petitioner,)	
)	
v.)	PCB 75-52
)	
ENVIRONMENTAL PROTECTION AGENCY,)	
Respondent.)	
)	
CALVIN BUTTERFIELD POND)	
(Pekin Park District))	
Petitioner,)	
)	
v.)	PCB 75-53
)	
ENVIRONMENTAL PROTECTION AGENCY,)	(CONSOLIDATED)
Respondent.)	

OPINION AND ORDER OF THE BOARD (by Dr. Odell)

On February 4, 1975, the Pekin Park District (District) filed Petition For Variance with the Illinois Pollution Control Board (Board). Petitioner sought a variance from Rule 203(h) of the Water Pollution Regulations (Chapter Three) which provides: "any substance toxic to aquatic life shall not exceed one-tenth of the 48-hour median tolerance limit (48-hr. TLM) for native fish or fishfood organisms." The District requested that it be allowed to add Fintrol concentrate (antimycin) to its McNaughton Park Pond and Calvin Butterfield Pond during May 1975 to reduce the population of stunted bluegill to restore the proper balance of bass and bluegill for fishing purposes. The ponds are located in Township 25N, Range 4W, Section 30, five miles northwest of Pekin, Tazewell County, Illinois. Each pond will receive a dosage of antimycin equivalent to 1.0 ppb. The ponds are used for public fishing only; swimming and skating activities are not allowed. Neither pond serves as a public water supply. Treatment will be supervised by a biologist from the Illinois Department of Conservation. Since the fact situations in the Petitions are similar, the Board has consolidated these cases for decision.

Pursuant to a request from the Illinois Environmental Protection Agency (Agency), Petitioner filed additional information with the Agency on February 13, 1975. The filed information stated that:

1. Only bluegill of 4.5 inches and under will be affected by the application.

2. Complete biodegradation of antimycin occurs in 48 to 168 hours.

3. The ponds are small (one has a surface of 3.6 acres, the other 1.3 acres), and approximately 75 pounds of dead fish are expected to be collected at each pond and will be buried on District property.

4. Both ponds have a tube and riser type of spillway. No treatment will be made if there is any possibility of water discharge over the spillway.

5. The method of detoxification suggested by the manufacturers (potassium permanganate) will be available if its use becomes necessary.

6. The ponds have no tributaries that will introduce fish of any kind.

On March 7, 1975, the Agency filed its Recommendation with the Board in both cases. The Agency supplied additional facts about the ponds:

1. Both ponds have spillways which discharge into Lick Creek, a tributary of the Illinois River. Lick Creek is not used as a public water supply.

2. Calvin Butterfield Pond, the larger pond, has a leakage problem resulting in the continuous discharge of small amounts of pond water into Lick Creek. The amount of leakage in the time following application of antimycin is expected to have an insignificant effect on the waters of Lick Creek.

The Agency recommended that the variance be granted subject to the kinds of conditions we imposed in City of Jacksonville v. Environmental Protection Agency PCB 74-92, 13 PCB 631 (September 19, 1974).

We grant the variances. Proper safeguards and procedures must be carried out. Since the ponds are used primarily for fishing purposes, it would impose an unreasonable hardship on the District to deny the variances in these two cases.

ORDER in PCB 75-52 and 75-53

The Pekin Park District is hereby granted a variance from Rule 203(h) of Chapter Three to treat McNaughton Park Pond and Calvin Butterfield Pond with antimycin during May 1975 subject to the following conditions:

1. The District shall abide by all the terms regarding the antimycin applications contained in the February 13, 1975, submissions to the Agency.

2. The District shall close McNaughton Park Pond and Calvin Butterfield Pond and the ponds' surrounding land area to

all primary and secondary contact uses, including swimming, boating, fishing, and camping during the period of administration of the fish toxicant and until such time as fingerling rainbow trout or fingerling bluegill do survive 48 hours of exposure in livecars in the respective ponds.

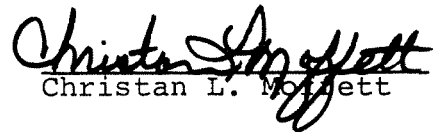
3. The District shall dispose of the dead fish in an approved landfill or use another method of disposal acceptable to the Agency.

4. The application of the fish toxicant at the respective ponds shall be carried out under the on-site supervision of a fishery biologist from the Illinois Department of Conservation. The fish toxicant shall not be applied unless no rain is forecast for 48 or more hours after the treatment.

5. The District shall limit, as much as possible, the leakage from Calvin Butterfield Pond during the period when the fish kill is in process.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 10th day of April, 1975, by a vote of 4 to 0.


Christan L. Moffett