

ILLINOIS POLLUTION CONTROL BOARD

April 24, 1975

ILLINOIS DEPARTMENT OF TRANSPORTATION,)
Petitioner,)
v.) PCB 75-82
ENVIRONMENTAL PROTECTION AGENCY,)
Respondent.)

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

On February 21, 1975, the Illinois Department of Transportation (DOT) filed a Petition For Variance with the Illinois Pollution Control Board (Board). DOT sought a variance to enable it to apply the fish toxicant, Fintrol concentrate (antimycin), to Illinois Lake in amounts in excess of the limits in Rule 203(h) of the Water Pollution Regulations (Chapter Three). Rule 203(h) provides:

"(h) 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 essential fish food organisms."

Illinois Lake is owned by DOT and is located in Section 1 of Township 15N, Range 5W in Sangamon County, Illinois. DOT requested permission to make its one application of antimycin in late April, 1975.

Illinois Lake occupies 17 acres and contains approximately 114 acre-feet or 37,000,000 gallons of water. The lake is used exclusively for fishing; no other recreational activity or uses are made of the water. Illinois Lake does not discharge any water except during heavy rains when water overflows into a spillway and enters an unnamed tributary of the Sangamon River. Petitioner stated that discharges could be controlled by either drawing the water level down before application or putting sandbags around the spillway. DOT stated that potassium permanganate would be available for detoxification until such time as fish in any downstream effluent survive 48 hours in livecars.

Petitioner proposed to apply a 1 ppb dosage of antimycin to remove carp, green sunfish, crappie, and some bluegill to allow largemouth bass to repopulate. A fishery biologist from the Illinois Department of Conservation will apply the toxicant. Protective goggles and rubber gloves will be used during application. The Petitioner proposed to post the lake against fishing until two weeks after treatment. Furthermore, to avoid possible harm to wildlife at the lake, DOT plans to round up all swans

and geese and confine them until the treatment is completed. DOT expects to kill 2,500 to 2,900 pounds of fish which would be "collected when they wash ashore and disposed of either by scattering (preferred) or burying in a remote (wooded) area on DOT grounds or by burying in a sanitary landfill."

The Illinois Environmental Protection Agency (Agency) filed its Recommendation on March 20, 1975, and concluded that the variance should be granted. Except for the method of disposal and the procedures for testing for detoxification of antimycin, the Agency was satisfied with DOT's planned fish kill.

We grant the variance. Variances have been granted in cases similar to this to correct imbalances in fish population. See City of Jacksonville v. Environmental Protection Agency PCB 74-92, 13 PCB 631 (September 19, 1974) and Lake Patterson Fishing Club v. Environmental Protection Agency PCB 74-341, 14 PCB 529 (November 22, 1974). The use of antimycin permits differential killing of undesirable fish populations; does not harm indigenous plants, insects and animals; and is biodegradable to non-toxic form within several days. In light of the characteristics of antimycin, the precautions to be observed in application, and the interests of fishing in the area, it would be an unreasonable hardship to deny the variance in this case.

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

ORDER

The Illinois Department of Transportation is granted a variance from Rule 203(h) of Chapter Three to apply a 1 ppb dosage of antimycin to Lake Illinois at any time from the adoption of this Order until May 24, 1975, provided the following conditions are carried out:

(a) Petitioner shall have potassium permanganate available for use if ordered by the fishery biologist, who shall administer and oversee the application of antimycin.

(b) Petitioner shall close Illinois Lake and the lake's surrounding land area to all primary and secondary contact uses, including but not limited to 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 survive 48 hours of exposure in livecars situated in Lake Illinois. Wildlife shall be confined as outlined in the Petition For Variance.

(c) Petitioner shall provide a method of collecting dead fish that is acceptable to the Agency. Such method shall be submitted to Manager, Variance Section, Division of Water Pollution Control, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 prior to the application of the toxicant.

(d) An approved landfill shall be used to dispose of the dead fish, or Petitioner shall use another method of disposal acceptable to the Agency.

(e) The application of the fish toxicant to Illinois Lake shall be supervised by a fishery biologist from the Illinois Department of Conservation.

(f) No discharge shall be permitted from Illinois Lake until such time as fingerling rainbow trout or fingerling bluegill survive 48 hours of exposure in livecars. No discharge shall be accomplished by appropriate drawdown, or supplemented by using sandbags around the spillway, if necessary.

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 24th day of April, 1975, by a vote of 4 to 0.


Christan L. Moffett