

ILLINOIS POLLUTION CONTROL BOARD  
May 8, 1975

LAKE HOLIDAY, )  
STANLEY D. PROPST, )  
    Petitioner, )  
                  ) )  
    v. )       PCB 75-97  
                  ) )  
ENVIRONMENTAL PROTECTION AGENCY, )  
    Respondent. )

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

On February 27, 1975, Lake Holiday by Stanley D. Propst (Holiday) filed a request for variance with the Illinois Pollution Control Board (Board). Petitioner sought a variance to enable it to apply a fish toxicant, fintrol concentrate (antimycin), to Lake Holiday in amounts in excess of the limits in Rule 203(h) of the Water Pollution Regulations (Chapter 3). Rule 203(h) provides that:

Any substance toxic to aquatic life shall not exceed one-tenth of the 48-hour median tolerance limit (48-hr.  $TL_m$ ) for native fish or essential fish food organisms.

Lake Holiday, an artificial impoundment, is owned by the Lake Holiday Sportsmans Club, Inc. of Peoria, Illinois and is located in Section 3 of Township 8N, Range 5E in Peoria County. Holiday requested permission to make its one application of antimycin in May of 1975.

Lake Holiday occupies 7.5 acres and contains approximately 114.7 acre-feet of water. It is not a public water supply and has no usual discharge but does discharge during heavy rains through a spillway to Charles Branch, tributary to the west branch of Kickapoo Creek, tributary to the Illinois River. None of these waters are used as public water supplies, except the Illinois River over 100 miles downstream of its confluence with the Kickapoo. Petitioner is seeking a variance so that it can make one application of 1.0 ppb of antimycin to the lake in order to reduce the bluegill population and restore the proper bass-bluegill balance to the lake for the purpose of improved angler success. If Petitioner is granted a variance, the fish toxicant is to be administered by a Fishery Biologist from the Illinois Department of Conservation. District Fishery Biologist, Mike Conlin, has stated that potassium permanganate will be used as a detoxifier, should adverse conditions occur while the antimycin is toxic.

The Illinois Environmental Protection Agency (Agency) filed its recommendation on March 31, 1975. The Agency reported that Lake Holiday is not used as a public water supply and is fed by 50 acres of watershed drainage. The Agency also reported that the lake has no usual discharge except during heavy rains through a spillway as stated above. The Agency recommends that the Petitioner be granted a variance from Rule 203 (h) of Chapter 3, subject to certain conditions.

We grant the variance, subject to the conditions suggested by the Agency. 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

Lake Holiday Sportsman's Club, Inc. is granted a variance from Rule 203(h) of Chapter 3 to apply a 1 ppb dosage of antimycin to Lake Holiday at any time from the adoption of this order until May 30, 1975, provided the following conditions are carried out:

(a) Petitioner shall have potassium permanganate available for use if ordered by the fishery biologist; and

(b) Petitioner shall close Lake Holiday 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 Holiday; and

(c) Petitioner shall provide a method of collecting dead fish which 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; and

(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; and

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

(f) That prior to treatment Petitioner shall supply a statement to the Manager of the Variance Section, at the address listed in paragraph (c) above, of ownership of the lake and that all of the owners have consented to the treatment.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 8<sup>th</sup> day of May, 1975 by a vote of 50.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board