

ILLINOIS POLLUTION CONTROL BOARD

June 20, 1974

CITY OF JACKSONVILLE, )  
Petitioner, )  
v. ) PCB 74-92  
ENVIRONMENTAL PROTECTION AGENCY, )  
Respondent. )

INTERIM ORDER OF THE BOARD (by Dr. Odell)

On March 14, 1974, the City of Jacksonville (City) filed a Petition for Variance with the Illinois Pollution Control Board (Board). Petitioner sought relief from Rule 203(h) of Chapter Three: Water Pollution Regulations of Illinois (Chapter Three). Petitioner wishes to apply the fish toxicant, antimycin, (trade name Fintrol-5) to the water of Lake Jacksonville for the purpose of poisoning the undesirable gizzard shad, small sunfish, and carp which have overpopulated the lake, resulting in a sharp decline in the numbers and quality of game fish.

On April 4, 1974, the Environmental Protection Agency (EPA) moved that the Petition be dismissed for inadequacy or that Petitioner file an amended petition. On April 18, the Board ordered Petitioner to file additional information. An Amended Petition for Variance was filed April 25, 1974. This Petition answered the questions set out in EPA's motion. EPA filed its Recommendation on May 28, 1974, and raised numerous questions it had failed to raise at the time of the filing of its original Motion.

The Board agrees with the EPA that additional information is necessary to determine whether a variance can be granted. Rather than dismiss this Petition for inadequacy, a hearing is the best way to ensure that reliable and complete information is received within the shortest possible period of time. Issues to be considered at the hearing should include:

1. Up-to-date research data on the value of Fintrol-5 as a means of fish control, including advantages and disadvantages of its use.
2. Health effects to non-target populations from contact with the water treated with Fintrol-5 before and after biodegradation of Fintrol-5 has occurred.
3. Measures to be taken by Petitioner to safeguard against harm to non-target populations during the period of the Fintrol-5 application.
4. The length of time for which this treatment will enhance the quality of Lake Jacksonville and any methods to be taken to

assure long-term enhancement.

5. Procedures to avoid contamination of the public water supply during the treatment period, including measures for handling emergencies.

6. Groups which will benefit from the toxification program and those that may be adversely affected.

7. Possible application of Fintrol-5 with EPA monitoring and participation.

ORDER

1. IT IS THE ORDER of the Pollution Control Board that a hearing be held in this matter to supply answers to questions raised by EPA and the Board.

2. Failure of Petitioner to waive the 90-day requirement of Section 38 of the Act for an additional 60 days while the hearing takes place will cause the Petition to be dismissed for lack of information.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 20<sup>th</sup> day of June, 1974, by a vote of 5 to 0.

  
Christan L. Moffett