

ILLINOIS POLLUTION CONTROL BOARD
August 5 , 1976

MT. VERNON ROD AND GUN CLUB,)
)
 Petitioner,)
)
 v.) PCB 76-160
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by Dr. Satchell):

The Mt. Vernon Rod and Gun Club (Petitioner) filed a variance petition on May 17, 1976 seeking a variance from Rule 203(h) of Chapter 3: Water Pollution Regulations (Regulations). Petitioner seeks a variance to apply twenty gallons of Nox-fish, a five percent formulation of rotenone, to Miller Lake in Jefferson County. The purpose is to reduce the numbers of small sunfish so that the remaining sunfish will become larger. No hearing was held.

The relief sought is identical to that sought in PCB 75-228 (18 PCB 566) and the Recommendation received from the Agency on July 12, 1976 is likewise identical. The Opinion and Order (by Mr. Dumelle) in PCB 75-228 was adopted by the Board September 18, 1975 without dissent. The only difference noted in the instant petition and that submitted in PCB 75-228 is that in 1975 the Petitioner was called the "Mt. Vernon Gun and Sportsman Club." The Board does not need to be concerned whether these are in fact one and the same organization as the treatments will be supervised by Mr. Roy Lockart, Fishery Biologist, Department of Conservation.

The facts and conclusions in this case are identical to the facts and findings in PCB 75-228. For convenience of reference, the major points are restated. Petitioner, a recreational organization, owns and uses the 131-acre lake; also, the lake serves as a backup water reservoir for Mt. Vernon. In the concentration to be supplied, 0.1 ppm in the shore line area, the average concentration would be 0.002 ppm and if treated water were to reach the water treatment plant the level of rotenone would probably not be measurable. The low rate of application and the rapid degradation of rotenone assures little or no harm to all non-target species.

In spite of the apparent absence of health hazard the Agency recommends and the Board concurs in certain precautionary measures as detailed in the conditions for variance in the Order.

The Board finds that the treatment proposed is the only practical method of fish population management, that no hazard to public water supply is posed with precautions given, and that an unreasonable hardship would be imposed by variance denial in the instant case. Therefore, a variance from Rule 203(h) is granted to the Mt. Vernon Rod and Gun Club.

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

ORDER

The Pollution Control Board hereby grants the Mt. Vernon Rod and Gun Club a variance from Rule 203(h) of Chapter 3 subject to the following conditions:

1. That the rotenone treatment of Miller Lake be limited to one application during the 1976 calendar year.
2. That the application of rotenone not exceed twenty gallons of solution of five percent liquid rotenone.
3. That the application of rotenone be applied by personnel of the Illinois Department of Conservation.
4. That the Agency be notified at least twenty-four hours prior to the time of application.
5. That the Petitioner effectively remove all fish killed by the rotenone treatment from Miller Lake and dispose of them in an environmentally sound manner.
6. That prior to the application of the rotenone the surface level of Lake Miller be lowered, if necessary, to a level below the spillway which will assure that no discharge of the treated water will occur; and that Petitioner assure that no water from Lake Miller is discharged by the connecting pipe to Jaycee Lake for a period of two weeks after the application of the rotenone solution.

7. That Petitioner take a sample of its finished water three days after the application of rotenone to Miller Lake and forward a sample to the Agency for analysis. Petitioner shall also forward additional samples of its finished water as may be required by the Agency.

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 5th day of August, 1976 by a vote of 5.0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board