

b. Because of wind and wave action, and the magnitude of the algae blooms which will be promoted, very large applications of copper sulfate might be required to prevent contamination of the swimming area.

c. The source cited by Petitioners states that, "this method of control is not usually recommended for the watershed type of pond in Illinois." Aquatic Weeds - Their Identification and Control, Ill. Dept. of Conservation, quoted in Agency Recommendation, at 3.

d. Since Petitioners do not plan to contain the water which has been fertilized to the lake, extensive downstream phosphorus pollution (4-5 applications totaling 5,200 to 6,500 lbs.) may be expected.

Based on the points raised in the Agency's Recommendation, we agree that Petitioners have not borne the required burden of proof. The Record before us fails to show that the "aesthetic" hardship claimed by Petitioners outweighs the likelihood of significant environmental damage. In fact, the Record fails to even show that the actions proposed by Petitioners would achieve the weed control on Lake Chautauqua which Petitioners seek. The Petition must be dismissed without prejudice.

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

ORDER

IT IS THE ORDER OF THE POLLUTION CONTROL BOARD that the Petition for Variance in this matter be dismissed without prejudice.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 8th day of April, 1976, by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board