

ILLINOIS POLLUTION CONTROL BOARD
June 3 , 1976

PARK-er-WOODS SUBDIVISION,)
)
Petitioner,)
)
v.) PCB 76-85
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

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

Park-er-Woods Subdivision (Subdivision) filed a petition for a variance from Rule 203(h) of the Chapter 3: Water Pollution Regulations on March 31, 1976. The Agency filed its recommendation on May 5, 1976.

Petitioner seeks to apply rotenone to Bow Bridge Lake (Lake) to reduce the number of carp and non-game fish prior to the stocking of the Lake with game fish fingerlings. The Lake is in Winnebago County, Rockford Township, Illinois and is approximately 3.5 acres and approximately eight (8) feet deep. The Lake is fed by an underground spring. It discharges into South Fork Kent Creek, a tributary of the Rock River. The Lake and South Fork Kent Creek are not used as public water supplies.

Petitioner proposes to apply "Noxfish" a piscicide which contains 5% emulsifiable rotenone to the Lake in May to eliminate carp and other non-game fish so that the Lake can be restocked with game fish. To treat the Lake, the Lake will be drained down to two feet and the outlet will be closed before applying the "Noxfish." There will be no discharge until the Lake fills naturally, a period of approximately four to five weeks. The application of the toxicant will be supervised by a Department of Conservation Fishery Biologist and a Microbiologist, from the Winnebago County Health Department.

In the past the Board has granted numerous variances from Rule 203(h) of the Chapter 3: Water Pollution Regulations for the purpose of aiding in the propagation of game fish, Lake Patterson Fishing Club v. EPA, PCB 74-341; City of Vandalia v. EPA, PCB 76-25. The Agency recommends that this variance be granted provided that certain precautions are taken. These precautions are that the detoxicant, potassium permanganate, be available during the application of the fish toxicant, that the fish toxicant be applied

under the supervision of a qualified person from the Department of Conservation, that the area surrounding the water body be posted prohibiting primary and secondary contact use for an appropriate time after the application, and that an environmentally acceptable method be provided for collection and disposal of the killed fish.

The Board finds that Petitioner would be subject to an unreasonable hardship by a variance denial. There is no suitable alternative means to control the nuisance non-game fish and with the recommended precautions there will be no environmental damage and no hazard to a public water supply. A variance from Rule 203(h) is granted.

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

ORDER

The Pollution Control Board hereby grants the Park-er-Woods Subdivision a variance from Rule 203(h) of the Chapter 3: Water Pollution Regulations for one application of the fish toxicant rotenone in the Spring of 1976 to Bow Bridge Lake subject to the following conditions:

1. That an Illinois Department of Conservation Fishery Biologist supervise the application of rotenone;
2. That potassium permanganate be available during and after the toxicant application;
3. That the killed fish be promptly and adequately collected and disposed of in an environmentally sound manner.
4. That Bow Bridge Lake be posted against primary and secondary contact use until such time as fingerling bluegill survive 48 hours exposure in live cars; and
5. Within 28 days after the date of the Board Order herein the Petitioner shall execute and forward to the Manager, Variance Section, Division of Water Pollution Control, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706, and to the Illinois Pollution Control Board a Certification of Acceptance and Agreement.

CERTIFICATION


I (We), _____ having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 76-85 hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

SIGNED _____

TITLE _____

DATE _____

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify the above Opinion and Order were adopted on the 3RD day of June, 1976 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board