

Petitioner has provided letters approving the treatment from the U.S. Corps of Engineers and the Illinois Department of Conservation. The Agency believes that these two approvals constitute approval by all the holders of interest in Lake Shelbyville.

The Agency also notes that this petition for variance is essentially similar to Petitioner's request for a variance in PCB 75-322, in which the Board allowed Petitioner to apply rotenone to Lake Shelbyville. The Agency projects no downstream environmental harm from the application.

The Board finds that Petitioner would be subject to an unreasonable hardship by a variance denial, as no suitable alternative means exist to obtain the information it requires. In addition the application procedure reflects sufficient safeguards for the protection of non-subject portions of the lake and its aquatic populations. Lastly, there appears to be no inherent hazard to a public water supply. Therefore, a variance from Rule 203(h) is granted to the Natural History Survey.

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

ORDER

The Pollution Control Board hereby grants the Natural History Survey a variance from Rule 203(h) of Chapter 3, during the Fall of 1976, subject to the following conditions:

1. That the toxicants be applied by Dr. John Tranquilli, Assistant Aquatic Biologist of the Illinois Natural History Survey, such application to be made with all proper safety precautions taken by applicator;

2. That the Petitioner use polyethylene sheeting to retain the water in the bays while the chemicals remain toxic;

3. That the embayed areas will be detoxified with potassium permanganate upon completion of the study;

4. That within seven days after the date of this Board Order the Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Manager, Variance Section, Water Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706 and to the Pollution Control Board a Certification of Acceptance and Agreement to be bound to all terms and conditions of the variance. The form of said Certification shall be as follows:

C E R T I F I C A T I O N

I (We), _____ having read and fully understanding the Order of the Pollution Control Board in PCB 76-43 hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

Signed _____
Title _____
Date _____

Mr. Dumelle concurs.

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
Christan L. Moffett, Clerk
Illinois Pollution Control Board