

ILLINOIS POLLUTION CONTROL BOARD
August 12, 1976

MT. VERNON ROD AND GUN CLUB,)
)
 PETITIONER,)
)
 v.) PCB 76-152
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 RESPONDENT.)

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

The Mt. Vernon Rod and Gun Club (Petitioner) filed a petition on May 17, 1976 seeking a variance from Rule 203(h) of Chapter 3: Water Pollution Rules and Regulations (Rules) to apply 40 gallons of the aquatic herbicide "Aquathol Plus" to Miller Lake, in Jefferson County. The Agency filed its recommendation on July 30, 1976. No hearing was held in this matter.

Petitioner, a recreational organization, owns and uses Miller Lake (Lake) which is also used as a backup reservoir for the City of Mt. Vernon. The Lake has an area of 131 acres with an estimated volume of 520,000,000 gallons and is connected by a 16-inch siphon line to Lake Jaycee, about one and one half miles south, which has an estimated volume of 409,000,000 gallons and which, in turn, is connected, by a 12-inch pipe to the water treatment plant reservoir, which holds about 53,000,000 gallons and is located about five miles southwest of Lake Jaycee. Both lakes have spillways discharging to Casey Fork Creek from which Mt. Vernon can pump water either to the primary reservoir or to the treatment plant's mixing basin. (Agency Rec. 2).

The use of the herbicide is stated by the Petitioner to be part of the management plan to improve fishing in the Lake, and that, at the application rate, no chronic or acute effects on human or aquatic life after one to two days after application would occur. "Aquathol Plus" is a registered aquatic herbicide composed of the potassium salts of endothall and silvex, which has been claimed to act in a synergistic way; thus, controlling pond weeds, which neither herbicide

would control by itself. In the Institute (IIEQ) publication, Doc. No. 75-13, p. 38, the following is noted. ". . .The data available does not suggest such an effect, nor has such an effect been demonstrated by other investigators. This combination complex has merit for use in heterogenous aquatic plant populations where all the plants are not susceptible to either silvex or to endotholl. However, one such aquatic plant combination common in Illinois, a sago pondweed-water milfoil complex, can be eliminated by the use of potassium endotholl . . ."

The Agency, as advised by both the United States Environmental Protection Agency and the Illinois Natural History Survey, notes that Aquathol Plus carries on its label instructions the following precautions from the manufacturer: "Treated water may be used for swimming and recreational purposes after twenty-four hours. To avoid the possibility of injury to crops and contamination of water and food for man and animals, do not apply to water used for irrigation, agricultural spray, domestic water supply or for watering dairy animals or animals being finished for slaughter." (Emphasis added). (Rec. 3).

Neither the Agency nor the Board is willing to make an exception from this blanket ban placed on the label by the manufacturer. The Agency suggests and the Board concurs that Petitioner explore the use of Aquathol-K and in the course of that exploration consult with the Illinois Natural History Survey at the University of Illinois, Champaign-Urbana.

Based on the instructions provided by the manufacturer, and thus the USEPA, the Board shall deny Mt. Vernon Rod and Gun Club's variance from Rule 203(h) of the Board's Water Rules.

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

ORDER

The Pollution Control Board hereby denies the variance requested by the Mt. Vernon Rod and Gun Club.

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 12th day of August, 1976 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board