

ILLINOIS POLLUTION CONTROL BOARD

July 31, 1975

KELLY-SPRINGFIELD TIRE CO.,            )  
  Petitioner,                    )  
  )  
  v.                                    )       PCB 75-235  
  )  
ENVIRONMENTAL PROTECTION AGENCY,    )  
  Respondent.                    )

OPINION AND ORDER OF THE BOARD (By Dr. Odell)

On June 16, 1975, the Kelly-Springfield Tire Company filed an Application For Variance with the Illinois Pollution Control Board (Board). Petitioner sought a variance to enable it to apply a fish toxicant, rotenone, to the water in its 2-acre fire lagoon (pond) in amounts in excess of the limits in Rule 203(h) of the Water Pollution Regulations (Chapter 3). Rule 203(h) provides that:

"Any substance toxic to aquatic life shall not exceed one-tenth the 48-hour median tolerance limit (48-hr. TLM) for native fish or essential fish food organisms."

Petitioner's fire lagoon is located 4 miles east of Freeport in Section 11, Silver Creek Township, Stephenson County, Illinois. The fire lagoon receives non-contact cooling water from Petitioner's factory. The contents of the fire lagoon are then utilized to supply water to Petitioner's plant sprinkler system. Petitioner alleges that its 2-acre lagoon, which is approximately 8 feet deep, is over-populated with carp fish. Petitioner states that it would like to eliminate the carp so that its lagoon can be stocked for recreational fishing. If a variance is granted, a fish toxicant would be applied by a fishery biologist from the Illinois Department of Conservation. Other precautions planned by the Petitioner if the variance is granted are:

1. Both the inlet and outlet of the lagoon will be closed off for 24 hours during application of the fish toxicant.
2. At the conclusion of the 24-hour period, potassium permanganate will be filtered through the lagoon's outlet to detoxify the rotenone.
3. The contents of the fire lagoon will be diluted with approximately 2,000,000 gallons of water per day which will enter the inlet of the lagoon at the close of the 24-hour period.

The Illinois Environmental Protection Agency (Agency) filed its Recommendation on July 21, 1975. They recommended that the variance be granted, subject to certain conditions, including proper disposal of dead fish and closure of the fire lagoon for all use during treatment and for a specified period thereafter. Petitioner's fire lagoon discharges into Silver Creek, a tributary of the Pecatonica River. Neither of these streams is utilized for public water supply.

We grant the variance, subject to conditions suggested by the Agency. Variances have been granted in cases similar to this to correct imbalance in fish population. See Lake Patterson Fishing Club vs. EPA, PCB 74-341; Three Fountains on the Lake Condominium Association vs. EPA, PCB 74-378; and Coves Property Owners Association vs. EPA, PCB 75-114. The proper use of rotenone permits differential killing of undesirable fish and does not harm indigenous plants, insects, or animals. In the light of the precautions to be used in applying the fish toxicant and in disposing of the dead fish, and the interests of fishing in the area, it would be an unreasonable hardship to deny the variance in this case.


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

ORDER

IT IS THE ORDER of the Illinois Pollution Control Board that the Kelly-Springfield Tire Company is hereby granted a variance from Rule 203(h) of Chapter 3 to make one application of rotenone to its 2-acre fire lagoon during September, 1975, subject to the following conditions:

- (a) that the application of the rotenone be done by a Department of Conservation fishery biologist;
- (b) that the application of the detoxifier, potassium permanganate, be done by a Department of Conservation fishery biologist;
- (c) that an acceptable method for collection and disposal of the dead fish be submitted to the Agency prior to treatment; and
- (d) that the fire lagoon be closed for all use until such time as fingerling rainbow trout or fingerling bluegill survive 48 hours exposure in livecars.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 31<sup>st</sup> day of July, 1975, by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board