

ILLINOIS POLLUTION CONTROL BOARD

December 19, 1974

THREE FOUNTAINS ON THE LAKE )  
CONDOMINIUM ASSOCIATION )  
PETITIONER )  
 )  
 )  
v. ) PCB 74-378  
 )  
 )  
ENVIRONMENTAL PROTECTION AGENCY )  
RESPONDENT )

OPINION AND ORDER OF THE BOARD (by Mr. Marder)

This action involves a Petition of Three Fountains on the Lake Condominium Association for variance from Rule 203 (h) of Chapter 3, Water Pollution Control Regulations, in order to apply a fish toxicant to a recreational lake owned by the Association. The Petition was filed October 24, 1974.

The Agency filed its Recommendation to grant the variance subject to certain conditions on December 2, 1974.

No hearing was held.

Petitioner is sole owner of a private 3.8 acre lake, located at 5501 Carriage Way Drive, Rolling Meadows. The lake is spring- and surface-fed with no discharge to any other bodies of water. In fact, when the lake was at its highest known level, it was still 12 feet below its banks. Therefore, it is highly unlikely that the toxicant could find its way to other waters of the state.

Petitioner claims that presently the lake is overpopulated with fish, and consequently there is a significant deterioration of the lake.

Harry Wright, Fishery Biologist, Department of Conservation, recommended that antimycin be used as the best possible poison to be used in the lake. The Board has granted variances in the past, where antimycin was the toxicant ordered. City of Jacksonville v. Environmental Protection Agency, PCB 74-92.

The dead fish will be collected as they drift to shore, and will be removed by a commercial hauler. The Board feels that to prevent the poisoned fish from coming into contact with other animals, disposal will be required in a sanitary landfill.

The Petitioner alleges that the lake is not used for a water supply by humans or animals, and swimming is not allowed. The Agency suggests the lake be closed for use until such time as fingerling trout or blue-

gill survive forty-eight hours' exposure in livecars.

The Agency feels that this variance should be granted, as this project will result in an improvement to the environment. The disadvantages to applying the toxicant are far outweighed by the benefits that will be brought to the lake.

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

ORDER

IT IS THE ORDER of the Pollution Control Board that Three Fountains on the Lake Condominium Association is granted variance from Rule 203 (h) of Chapter 3 of the Board's Rules and Regulations, in order to apply antimycin to the lake located at 5501 Carriage Way Drive, Rolling Meadows, Illinois, subject to the following conditions:

1. A Department of Conservation Fishery Biologist shall conduct a bioassay on the lake prior to the application of the antimycin so that the correct amount and proper conditions may be established. In addition, he shall administer the antimycin. The Petitioner shall notify the Agency ten days in advance of the treatment, so that they may observe the treatment;
2. The lake shall be closed for all use until such time as fingerling rainbow trout or fingerling bluegill survive 48 hours' exposure in livecars;
3. The dead fish shall be removed in a proper manner and disposed of in enclosed container-type trucks to a sanitary landfill;
4. All necessary precautions shall be taken to insure the water quality of Three Fountains on the Lake Condominium Association;
5. Petitioner shall comply with all other statements made in its petition, and accompanying reports, and its amended petition regarding administration of the toxicant;
6. Petitioner shall report to the Agency the results of the subject administration of fish toxicant within thirty-five (35) days of the completion of the operation.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 19th day of December, 1974, by a vote of 4 to 0.

*Christan L. Moffett (gr)*