ILLINOIS POLLUTION CONTROL BOARD
February 17, 1972

ENVIRONMENTAL PROTECTION AGENCY	)	
	)	
	)	#71-283
v.	)	
	)	
PERCY LOGAN and	)	
MRS. HUMPHREY LOGAN	)	

SUPPLEMENTAL OPINION AND ORDER (BY MR. LAWTON):

The Opinion and Order entered on January 20, 1972 provided as follows:

> "The Environmental Protection Agency and Respondents will submit to the Board, within ten days from the receipt of this Order, all information, documentation, and financial statements, including report of inspection and photographs taken on January 8, 1972, as will enable the Board to arrive at a decision with respect to the assessment of penalties. After the receipt of this information, the Board will issue a further order assessing such penalties as are appropriate."

We have examined the report of inspection made on January 8, 1972 and pictures taken on that occasion. While some amount of spreading and compacting has taken place, virtually the entire area remains without the degree of covering required by the regulations.

We have also received the personal income tax returns of Pollyanna Logan but nothing reflecting the income of Percy Logan, nor anything relative to the financial assets or aspects of the dump operation. Mrs. Logan's returns show an absence of taxable income, but these returns, standing alone, are not particularly illuminating so far as providing an economic analysis of the dump operation. We wish that more had been developed at the trial to guide us in this determination.

We assess a penalty in the amount of $2,000.00. In arriving at this figure, we take into consideration the apparent economic condition of the Respondents. The extent of the violation would justify a far more severe fine.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Supplemental Opinion and Order was adopted on the 17th day of February, 1972, by a vote of 5-0.

Christan Moffett