**Section 609.80 Penalties**

a) The Agency may impose a civil penalty on any person who sends, receives or accepts waste in violation of any provision of this Part or the Radioactive Waste Compact Enforcement Act.

b) Civil penalties imposed under this Part shall not exceed $100,000 per occurrence. For a continuing violation, the Agency may consider each day in which the violation continues as a separate occurrence.

c) In determining the amount of a civil penalty imposed under this Part, the Agency will consider the following:

1) Whether the violation was the result of willful, reckless or negligent conduct.

2) The previous history of compliance with the provisions of the Radioactive Waste Compact Enforcement Act and this Part.

3) Whether the violation was voluntarily reported to the Agency.

4) The amount and type of the radioactive material involved.

5) Whether mitigative actions were taken.

6) The recommendations, if any, of the Commission.

d) The Agency will notify the Commission when it initiates a civil penalty action and request the Commission's recommendations, if any, as to the civil penalty the Agency seeks to impose. The Agency shall also notify the Commission of any imposition of a civil penalty by the Agency.

e) Imposition of a civil penalty shall be by written order, specifying the reasons for and amount of the penalty. The order shall include a notice of the right to an administrative appeal and hearing, in accordance with the provisions of Section 609.100. The order shall be served either personally or by registered or certified mail. Notice of the order shall be effective as of the date of personal service or receipt of the mailed notice.

f) Unless the right of administrative appeal and hearing, provided in Section 609.100, is exercised, any civil penalty imposed shall be payable within 60 days after the effective date of notice of imposition of the penalty.

g) The Agency will inform the Attorney General and the Commission of any failure to pay any civil penalty imposed under this Part. Any person who refuses to pay a civil penalty assessed under this Part shall be liable in an amount not to exceed 4 times the amount of the penalty not paid.

h) Section 30(d) of the Radioactive Waste Compact Enforcement Act provides a criminal penalty for any person who intentionally violates Section 20(a)(1), (a)(2), (a)(3), (a)(4) or (a)(6) of that Act. If the Agency becomes aware of a possible intentional violation of those Sections of the Act, the Agency shall make a report to the Attorney General or State's Attorney for criminal prosecution of the offender.

(Source: Amended at 38 Ill. Reg. 12088, effective May 29, 2014)