**Section 745.141 Standards for Denial**

a) The Agency shall deny prior conduct certification to any person who has:

1) Been repeatedly found, after opportunity for an adversarial proceeding before any judicial or administrative body, to be in violation of any federal, state or local laws, regulations or ordinances governing the operation of waste disposal sites in any state;

2) Been convicted in any state of a crime which would be a felony under Illinois law, or been convicted of a felony in federal court;

3) Been judicially or administratively determined, after opportunity for an adversarial proceeding, to have shown gross carelessness or incompetence in the handling, storing, processing, transporting or disposing of any waste in any state;

4) Practiced any fraud or deceit in obtaining or attempting to obtain prior conduct certification; or

5) Failed to timely file a supplemental application pursuant to Section 745.123.

b) Subsection (a) notwithstanding, the Agency may, in its discretion, grant prior conduct certification if mitigating factors exist such that certification should issue. Mitigating factors include:

1) The severity of the misconduct;

2) How recently the misconduct took place;

3) The degree of control exerted over waste disposal operations at a site by the applicant at the time misconduct described in subsection (a)(3) was committed.

c) Pursuant to Section 39(a) of the Act, a person requesting certification has the burden of demonstrating that the person is entitled to the certification. Completion of the application form stating that none of the reasons for denial exist is a sufficient demonstration in the absence of information to the contrary.