**Section 240.1857 Director's Approval of Penalty or Agreed Compromise**

Upon receipt of a notice of penalty or compromise, the Director shall conduct an investigation and may affirm, or enter into a hearing concerning, the propriety of the applicable notice of probable violation, payment or compromise.

a) The Director must consider:

1) the nature, circumstances and gravity of the violation, including adverse impact on the environment;

2) with respect to the violator, the degree of culpability, any history of prior violations, and any effect on ability to continue doing business; and

3) good faith in attempting to comply.

b) The Director may consider:

1) the economic benefit gained from the violation without any reduction because of subsequent damages; and

2) other matters that justice requires.

(Source: Added at 43 Ill. Reg. 11524, effective September 24, 2019)