**Section 310.74 Cost Assessment**

The Agency has authority under the Radiation Protection Act of 1990 [420 ILCS 40] to take actions necessary to abate violations of the Act or any rules or regulations promulgated under the Act and may *provide that all or a portion of the cost of such actions be assessed to operators of radiation installations or other persons responsible for the violation or contamination.* [420 ILCS 40/36]

a) The Agency may assess all or a portion of the costs incurred to abate violations to responsible operators of radiation installations or other responsible persons. Costs that are assessed shall be based on the Agency's actual response costs, including, but not limited to:

1) Time required by the Agency professional staff to coordinate response;

2) Time spent traveling and providing administrative support;

3) Performance or oversight of decontamination activities at properties contaminated with radioactive material;

4) Performance or oversight of confirmatory environmental monitoring;

5) Performance or oversight of treatment, storage, transfer and disposal of sources of radiation;

6) Equipment and supplies; and

7) Contractual support, if any, incurred by the Agency.

AGENCY NOTE: These support service costs may include, but are not limited to, rental of specialized equipment, acquisition of additional professional expertise not available within the Agency and laboratory fees charged to the Agency.

b) Any party affected by an order of the Agency assessing cost shall have the right to a hearing before the Agency in accordance with 32 Ill. Adm. Code 200.

(Source: Amended at 29 Ill. Reg. 20748, effective December 16, 2005)