**Section 1846.14 Amount of individual civil penalty**

a) In determining the amount of an individual civil penalty assessed under Section 1846.12, the Department shall consider the criteria specified in Section 8.04(a) of the State Act including:

1) The individual's history of authorizing, ordering or carrying out previous violations, failures or refusals at the particular surface coal mining operation;

2) The seriousness of the violation, failure, or refusal (as indicated by the extent of damage and/or the cost of reclamation), including any irreparable harm to the environment and any hazard to the health or safety of the public; and

3) The determined good faith of the individual charged in attempting to achieve rapid compliance after notice of the violation, failure or refusal.

b) The penalty shall not exceed $5,000 for each violation. Each day of a continuing violation may be deemed a separate violation and the Department may assess a separate individual civil penalty for each day the violation, failure or refusal continues, from the date of service of the underlying notice of violation, cessation order or other order incorporated in a final decision issued by the Department, until abatement or compliance is achieved.