**Section 300.288 Reduction or Waiver of Penalties**

a) Reductions for all types of violations subject to penalties.

1) The Director or his designee shall consider the factors contained in Section 300.286(a) in determining whether to reduce the amount of the penalty to be assessed from the amount calculated pursuant to Section 300.284 and in determining the amount of such reduction.

2) When the Director or his designee finds that correction of a violation required capital improvements or repairs in the physical plant of the facility and the facility has a history of compliance with physical plant requirements, the penalty will be reduced by the amount of the cost of the improvements or repairs. This reduction, however, shall not reduce the penalty for a level A violation to an amount less than $1000.

b) Reductions and waivers for level B violations.

1) Penalties resulting from level B violations may be reduced or waived only under one of the following conditions:

A) *The facility submits a report of correction within ten days* after the notice of violation is received, and the report is subsequently verified by the Department.

B) *The facility submits a plan of correction within ten days* after the notice of violation is received, the plan is approved by the Department, *the facility submits a report of correction within 15 days* after submission of the plan or correction, and the report is subsequently verified by the Department.

C) *The facility submits a plan of correction within ten days* after the notice of violation is received, *the plan provides for correction within not more than 30 days* after submission of the plan of correction, and *the plan is approved by the Department*.

D) Correction of the violation requires substantial capital improvements or repairs in the physical plant of the facility, *the facility submits a plan or correction involving substantial capital costs, the plan of correction provides completion of the corrective action within 90 days* after submission of the plan, and the plan is approved by the Department. (Section 3-308 of the Act)

2) Under these conditions, the Director or his designee shall consider the factors outlined in Section 300.286(a) in determining whether to reduce or waive the penalty and in setting the amount of any reduction.

(Source: Amended at 13 Ill. Reg. 4684, effective March 24, 1989)