**Section 350.288 Reduction or Waiver of Penalties**

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

1) The Director shall consider the factors contained in Section 350.287 in determining whether to reduce the amount of the penalty to be assessed from the amount calculated pursuant to Section 350.282 and in determining the amount of the reduction.

2) When the Director 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 Type "A" violation to an amount less than $1000.

b) Penalties resulting from Type "B" violations may be reduced or waived only under one of the following conditions:

1) *The facility submits a true report of correction within 10 days* after the notice of violation is received, and the report is subsequently verified by the Department.

2) *The facility submits a plan of correction within 10 days* after the notice of violation is received, the plan is approved by the Department, *the facility submits a true report of correction within 15 days* after submission of the plan of correction, and the report is subsequently verified by the Department.

3) *The facility submits a plan of correction within 10 days* after the notice of violation is received, the plan *provides for a correction time that is less than or equal to 30 days* after submission of the plan of correction, and *the Department approves* the *plan.*

4) Correction of the violation requires substantial capital improvements or repairs in the physical plant of the facility, *the facility submits a plan of correction for violations involving substantial capital improvements which provides for correction within the initial 90 day limit* Department approves the plan. (Section 3-308 of the Act)

c) Under the conditions set forth in this Section, the Director shall consider the factors outlined in Section 350.286(a) in determining whether to reduce or waive the penalty and in setting the amount of any reduction.

(Source: Amended at 46 Ill. Reg. 10519, effective June 2, 2022)