**Section 330.288 Reduction or Waiver of Penalties**

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

1) The Director consider the factors contained in Section 330.287 in determining whether to reduce the amount of the penalty to be assessed from the amount calculated pursuant to Section 330.282 and in determining the amount of such 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 "AA" or Type "A" violation to an amount less than $1000.

b) Reductions and waivers for Type "B" violations.

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

A) *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.

B) *The facility submits a plan of correction within ten days* after the notice of violation is received, and once 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.

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

D) Correction of the violation requires substantial capital improvements or repairs in the physical plan 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 provided under Section 3-303* of the Act, and the plan is approved by the Department. (Section 3-308 of the Act)

2) Under these conditions, the Director will consider the factors outlined in Section 330.287 in determining whether to reduce or waive the penalty and in setting the amount of any reduction.

(Source: Amended at 48 Ill. Reg. 7397, effective May 3, 2024)