**Section 905.205 Civil Penalties and Time Allowances for Corrective Action**

a) Amount of Penalty

1) The Department may assess civil fines against any person or licensee who constructs, installs, repairs, modifies, maintains or fails to provide for required maintenance of a private sewage disposal system, or any person or licensee who pumps, hauls or disposes of wastes from a private sewage disposal system in violation of any Section of the Act or this Part.

2) The Department shall determine the amount of the fine based upon the seriousness of the violation. The seriousness of the violation will be determined as follows:

A) Type A – violations considered the most grievous, which shall be grounds to assess a larger fine, shall be activities that create a health hazard, unlicensed activities and repeat violations. Examples of these activities include violations of vertical or horizontal separation distances, falsifying information on permits or reports, addition of prohibited materials to a private sewage disposal system, use of improper septage disposal methods and prohibited discharges. The amount of the fine shall not exceed $1,000 for each violation in addition to $100 per day for each day the violation continues.

B) Type B – violations relating to improper construction practices, the use of improper materials, failure to install a system according to the approved plan, any violation of Section 905.135 and pumper equipment violations shall be considered more serious. The maximum fine shall not exceed $750 for each violation in addition to $100 per day for each day the violation continues.

C) Type C – administrative violations involving paperwork, such as failure to obtain a permit or improper pumping truck lettering, shall be considered the least serious. The maximum fine shall not exceed $500 for each violation, in addition to $100 per day for each day the violation continues.

D) For the purposes of determining a repeat violation, an initial violation means the first violation of a particular Section of the Act or this Part within the previous 3 years. An identical or similar violation (example: a violation of vertical or horizontal separation distance or septage disposal) that occurs within a 3 year period will be considered a repeat violation.

b) Correction of Violation. Correction of violations that are considered serious health hazards as determined by the Department or local health department shall begin immediately and be completed within 7 days. Other violations shall be corrected within 30 days after notification by the Department or the local health department. An exception to this requirement may be authorized by the Department or local health department when extenuating circumstances prevent correction in a timely manner. Examples of extenuating circumstances include weather, physical conditions that prevent construction or repair, or lack of adequate materials. The Department or local health department may also grant an extension of time for correction, based on the type and seriousness of the violation and the violator's demonstrated progress in correcting the violation.

c) Any violation may be referred to the State's Attorney of the county in which it occurs or to the Attorney General for prosecution.

(Source: Amended at 37 Ill. Reg. 14994, effective August 28, 2013)