**Section 107.316 Reply**

a) Within 30 days of the service of a notice of probable violation issued under Section 107.315, the respondent may:

1) Pay the preliminary assessment as provided in Section 107.317(a) and thereby close the case; or

2) Request a hearing as provided in Section 107.318.

b) The Director may extend the 30-day period for good cause shown.

c) Failure of the respondent to reply by taking one of the two actions described in paragraph (a) of this section within the period provided constitutes a waiver of his right to appear and contest the allegations, and authorizes the Secretary, without further notice to the respondent, to find the facts to be as alleged in the notice of probable violation and order the assessment of an appropriate civil penalty. The assessment shall be the same as the assessment stated in the notice when the respondent fails to reply.

d) An order entered against a respondent who fails to reply may be vacated by the Secretary upon good cause shown in a written motion filed within 30 days of service of the order. A motion to vacate must be accompanied by a request for hearing meeting the requirements of Section 107.318. No further extension of this time for filing shall be granted.

(Source: Amended at 6 Ill. Reg. 4287, effective April 16, 1982)