

(II) ASSESSED ON A MONTHLY BASIS.

(2) (I) UNLESS A HEARING IS REQUESTED, ALL PENALTIES FOR ANY SIGNIFICANT VIOLATION UNDER THIS SECTION SHALL BE PAID TO THE DEPARTMENT WITHIN 90 DAYS OF THE END OF THE CALENDAR MONTH IN WHICH THE SIGNIFICANT VIOLATION OCCURRED.

(II) IF A HEARING IS REQUESTED, ALL PENALTIES FOR ANY SIGNIFICANT VIOLATION UNDER THIS SECTION SHALL BE PAID TO THE DEPARTMENT WITHIN 30 DAYS AFTER THE DECISION OF THE HEARING OFFICER.

(G) (1) PENALTIES FOR THE SUM OF ALL SIGNIFICANT VIOLATIONS UNDER SUBSECTIONS (B), (C), (D), AND (E) OF THIS SECTION MAY NOT EXCEED \$25,000 PER MONTH FOR ANY SEWAGE TREATMENT PLANT.

(2) THE PENALTIES REQUIRED TO BE IMPOSED UNDER THIS SECTION ARE IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW.

(H) ANY PERSON REQUIRED TO PAY A PENALTY UNDER THIS SECTION SHALL HAVE THE RIGHT TO A HEARING BUT MAY WAIVE THAT RIGHT IN WRITING.

(I) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PENALTY IMPOSED UNDER THIS SECTION MAY NOT BE:

(I) WAIVED;

(II) REDUCED; OR

(III) USED TO ASSIST THE PENALIZED PERSON IN UPGRADING A SEWAGE TREATMENT PLANT.

(2) A PENALTY IMPOSED UNDER THIS SECTION MAY BE WAIVED BY THE DEPARTMENT:

(I) IF THE DISCHARGE WAS DUE TO:

1. AN ACT OF GOD; OR

2. A POWER OUTAGE OR A MASSIVE DISCHARGE OF ANY POLLUTANT THAT COULD NOT REASONABLY HAVE BEEN ANTICIPATED BY THE OWNER OR OPERATOR OF THE PLANT; OR

(II) AS LONG AS THE SEWAGE TREATMENT PLANT:

1. A. IS IN COMPLIANCE WITH A COMPLIANCE SCHEDULE CONTAINED IN AN ORDER ISSUED BY THE DEPARTMENT; AND

B. MEETS ALL INTERIM EFFLUENT LIMITATIONS ESTABLISHED BY THE DEPARTMENT; OR