**Section 334.30 Payment of Fees into the By-Product Material Safety Fund**

The storage fees assessed under this Part are separate and distinct from any license fees imposed under 32 Ill. Adm. Code 331.

a) The annual fee of $2 per cubic foot shall be assessed on the quantity of by-product material in the owner or operator's possession on January 1 of each year. The Department shall provide notice of the amount of the fee to each owner by certified mail by February 1 of each year.

b) The quantity of material for the assessment in subsection (a) above does not include by-product material that has been at the facility for 180 days or less.

c) *In connection with settling litigation regarding the amount of the fee to be imposed, the Director may enter into an agreement with the owner or operator of any facility specifying that the fee to be imposed shall not exceed $26,000,000 in any calendar year* [420 ILCS 42/15(a)].

d) Beginning in 1995, the annual fee shall be payable in equal installments on June 1, 1995, September 1, 1995, December 1, 1995 and December 31, 1995.

e) Beginning in 1996, the annual fee shall be payable in equal quarterly installments due March 31, June 30, September 30 and December 31.

f) Payments shall be by check or money order made payable to the Illinois Department of Nuclear Safety.

g) If the owner or operator wishes to contest the annual fee assessment, the owner or operator may petition the Department to request a hearing. This petition must be received by the Department on or before the date the payment is due. If a hearing is granted, it shall be conducted in accordance with 32 Ill. Adm. Code 200.

h) Any person failing to pay the fees as specified in this Section may be issued a Preliminary Order and Notice of Opportunity for Hearing, and may be subject to a civil penalty. This civil penalty shall *not exceed 4 times the amount of the fees not paid* [420 ILCS 42/40(b)].