**Section 334.40 Reimbursement of Fees from the By-Product Material Safety Fund**

a) An owner or operator who incurs costs in connection with the decontamination or decommissioning of the storage or disposal facility or other properties contaminated with by-product material is entitled to have those costs promptly reimbursed from the Fund.

b) An owner or operator of a facility shall submit a request for reimbursement to the Director subject to audit by the Director.

c) The Director shall, upon receipt of a request, give written notice approving or disapproving each of the owner or operator's request for reimbursement within 60 days.

d) The Director shall approve requests for reimbursement unless:

1) The Director finds that the amount is excessive, erroneous, or otherwise inconsistent with subsection (b) above; or

2) The Director finds that the amount is inconsistent with any license or license amendments issued in connection with that owner or operator's decontamination or decommissioning plan.

e) Upon approval of a reimbursement request, the Director shall prepare and certify to the Comptroller the disbursement of the approved sums from the Fund to the owners or operators.

f) If the Director disapproves a reimbursement request, the Director shall inform the owner or operator, in writing, the reasons for disapproval.

g) The owner or operator may resubmit to the Department a disapproved reimbursement request with additional information to respond to the reasons for disapproval and for further consideration by the Director.

h) Disapproval of a reimbursement request shall constitute final action for purposes of the Administrative Review Law unless the owner or operator resubmits the denied request within 35 days after receipt of denial.