

Missouri Clean Water Commission
 Truman Hotel and Conference Center
 1510 Jefferson Street
 Jefferson City, Missouri 65109

September 5, 2012

Outstanding Missouri Operating Permits Fees

Issue: All persons who build, erect, alter, replace, operate, use or maintain wastewater treatment facilities shall pay the appropriate fees as designated in sections 644.052 and 644.053 RSMo. Annual operating fees shall be submitted to the Department of Natural Resources and shall be paid in full each year on the anniversary date of their permit. Annual fees are the responsibility of the permittee. Failure to receive a statement due to mailing errors, change of address, ownership changes or other reason(s) is not an excuse for failure to remit the fees. Any person who fails to pay the required fees shall be subject to a penalty of the amount of interest accrued on the unpaid fees at the rate of two percent for each month that the fee is delinquent. Since January 6, 2012, the Department has sent three (3) invoices for annual operating permit fees to the billing address of record for nineteen (19) permitted wastewater facilities with permit anniversary dates of March 1 through March 31, 2012; these fees were due on March 31, 2012. Since February 7, 2012, the Department has sent three (3) invoices for annual operating permit fees to the billing address of record to eight (8) permitted wastewater facilities with permit anniversary dates of April 1 through April 30, 2012; these fees were due on April 30, 2012. As of August 15, 2012, the Department has not received a response or payment from the thirty-two (32) outstanding facilities for March or April.

Background: The Department generates invoices monthly for annual operating permit fees – typically two months prior to the due date. Second notices are not generated until the annual fee remains unpaid for a full month following the due date; essentially facilities receive a 30-day grace period. On January 6, 2012, 729 invoices were sent to facilities with permit anniversary dates between March 1 and March 31. On May 10, a Letter of Warning was sent with the second notice invoice via certified mail to ninety-one (91) facilities whose March fees remained outstanding. On June 11, a Notice of Violation was sent with the third notice invoice via certified mail to fifty-eight (58) facilities for non-payment of the March fee. As of August 15, 2012, nineteen (19) facilities have not paid their March 2012 fee; sixteen (16) are listed below:

Facility/Permit ID	Permit Anniv Date	Annual Fee Amount	Late Fee	Total Amt Due
Laddonia WWTF, MO0039638	3/31/12			
Phillipsburg WWTF, MO0125237	3/31/12			
Town of Norwood Court, FEEMS4039	3/14/12	\$60	\$60	\$60
Wedgewood Village Plat 2, MO0105970	3/24/12	\$2,000	\$160	\$2,160
Prairie Meadow, MO0125172	3/9/12	\$100	\$8	\$108
Angell's Cove Subdivision, MO0125334	3/7/12	\$100	\$8	\$108
Grand Cayman Subdivision,	3/7/12	\$100	\$8	\$108

Facility/Permit ID	Permit Anniv Date	Annual Fee Amount	Late Fee	Total Amt Due
MO0125903				
Madeira Cove, MO0128821	3/18/12	\$100	\$8	\$108
Atlantis Island Condos WWTF, MO0132411	3/6/12	\$225	\$18	\$243
Egyptian Concrete Company, MOG490736	3/24/12	\$60	\$4.80	\$64.80
White Rock Quarry, LLC, MOG490932	3/4/12	\$60	\$4.80	\$64.80
Morse Mill Quarry, MOG490998	3/9/12	\$60	\$4.80	\$64.80
RJB Septic Service, MOG821160	3/25/12	\$150	\$12	\$162
Thermal Science Inc, MOR23A071	3/14/12	\$60	\$4.80	\$64.80
Park-Mark Inc, MOR23A082	3/10/12	\$60	\$4.80	\$64.80
Crop Production Services, MOR240315	3/21/12	\$50	\$4	\$54

On February 7, 2012 the Department sent 512 invoices to facilities with a permit anniversary date in the month of April. On June 7, 2012 a Letter of Warning was sent with a second notice invoice via certified mail to fifty-one (51) facilities with a remaining balance due. On July 16, 2012, a Notice of Violation was sent with a third notice invoice via certified mail to twenty-seven (27) facilities for non-payment of the April fee. As of August 15, 2012, seven (7) facilities have not paid their April 2012 fee; four (4) are included in the listing below:

Facility/Permit ID	Permit Anniv Date	Annual Fee Amount	Late Fee	Total Amt Due
Maxwell Estates, MO0123692	4/6/12	\$100	\$6	\$106
Twin State Limestone LLC, MOG491155	4/23/12	\$150	\$9	\$159
Partridge Sand and Gravel, MOG500048	4/26/12	\$60	\$3.60	\$63.60
Cook Lumber Inc, MOR22A237	4/1/12	\$150	\$9	\$159

The remaining six (6) facilities below, three (3) outstanding from March and three (3) from April, were referred to the Attorney General's Office in September 2011 for collection of outstanding fees for years prior to 2012. There are no outstanding fees for 2011 included in the table below. The Department was not authorized to collect water permit fees for the months of March and April. The outstanding 2012 permit fee and late fee amount will be added to their previous outstanding balance.

Facility/Permit ID	Years Outstanding	Annual Fee	Total Fee Due	Total Late Fee Due	Total Outstanding
March					
Robert Stone, MO0045675	2009, 2010, 2012	\$100	\$300	\$140	\$440
Warrenton Copper, LLC, MO0101095	2010, 2012	\$3,500	\$7,000	\$2,170	\$9,170
Budget Host 7 Motel,	2007, 2008,	\$100	\$500	\$270	\$770

Facility/Permit ID	Years Outstanding	Annual Fee	Total Fee Due	Total Late Fee Due	Total Outstanding
MO0118516	2009, 2010, 2012				
April					
Progressive Moulded Produc, MOR23D123	2009, 2010, 2012	\$150	\$450	\$201	\$651
Ron's Auto Salvage, MOR60A258	2009, 2010, 2012	\$150	\$450	\$201	\$651
Walker's Salvage, MOR60A288	2010, 2012	\$150	\$300	\$87	\$387

Recommended Action: Staff recommends that the Commission refer these new cases to the Attorney General's Office for appropriate legal action in order to collect delinquent permit fees, compel compliance, pursue civil penalties and any other appropriate form of relief.

Suggested Motion Language: "I move that the Commission refer these new cases to the Attorney General's Office for appropriate legal action in order to collect delinquent permit fees, compel compliance for any other violation of Missouri Clean Water Law and Clean Water Commission regulations, pursue a civil penalty, and/or seek any other appropriate form of relief."

