

Missouri Clean Water Commission  
 Capitol Plaza Hotel and Convention Center  
 415 W. McCarty Street  
 Jefferson City, Missouri 65109

November 7, 2012

**Outstanding Missouri Operating Permits Fees  
 May and June, 2012**

**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 March 7, 2012, the Department has sent three (3) invoices for annual operating permit fees to the billing address of record for twelve (12) permitted wastewater facilities with permit anniversary dates of May 1 through May 31, 2012; these fees were due on May 31, 2012. Since April 5, 2012, the Department has sent three (3) invoices for annual operating permit fees to the billing address of record to nineteen (19) permitted wastewater facilities with permit anniversary dates of June 1 through June 30, 2012; these fees were due on June 30, 2012. As of October 15, 2012, the Department has not received a response or payment from the thirty-two (32) outstanding facilities for May or June.

**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 March 7, 2012, 517 invoices were sent to facilities with permit anniversary dates between May 1 and May 31. On July 11, a Letter of Warning was sent with the second notice invoice via certified mail to sixty-six (66) facilities whose May fees remained outstanding. On August 14, a Notice of Violation was sent with the third notice invoice via certified mail to forty-two (42) facilities for non-payment of the May fee. As of October 15, 2012, twelve (12) facilities have not paid their May 2012 fee; seven (7) are listed below:

Facility/Permit ID	Permit Anniv Date	Annual Fee Amount	Late Fee	Total Amt Due
Steven R. Cramer Wastewater Lagoon, MO0098370	5/10/12	\$100	\$8	\$108
Patrick's, MO0125261	5/14/12	\$150	\$12	\$162
Five Star Concrete Co, MOG490308	5/13/12	\$60	\$4.80	\$64.80
Star Concrete Company, MOG490310	5/13/12	\$60	\$4.80	\$64.80
Star Concrete Company, MOG490311	5/13/12	\$60	\$4.80	\$64.80
Westar Concrete Co, MOG490312	5/13/12	\$60	\$4.80	\$64.80
Crop Production Service, MOR240337	5/19/12	\$50	\$4	\$54

On April 5, 2012 the Department sent 491 invoices to facilities with a permit anniversary date in the month of June. On August 7, 2012 a Letter of Warning was sent with a second notice invoice via certified mail to fifty-six (56) facilities with a remaining balance due. On September 11, 2012, a Notice of Violation was sent with a third notice invoice via certified mail to thirty-seven (37) facilities for non-payment of the June fee. As of October 15, 2012, seventeen (17) facilities have not paid their June 2012 fee; fourteen (14) are included in the listing below:

<b>Facility/Permit ID</b>	<b>Permit Anniv Date</b>	<b>Annual Fee Amount</b>	<b>Late Fee</b>	<b>Total Amt Due</b>
Corral Motel, Cherokee Pas, MO0055956	6/5/12	\$100	\$6	\$106
Linn Meadow Apartments, MO0104353	6/5/12	\$175	\$10.50	\$185.50
Bulldog's Beach House, MO0133558	6/13/12	\$100	\$6	\$106
Lurhaven Heights Subdivision, MO0134228	6/29/12	\$100	\$6	\$106
Greenfoot Industries, LLC, MOG491141	6/29/12	\$150	\$9	\$159
Claymont Lake Estates Pon, MOG690052	6/23/12	\$150	\$9	\$159
The New Wedgewood Bath and Ten, MOG760065	6/17/12	\$60	\$3.60	\$63.60
Voss Packing Co, MOG822092	6/1/12	\$60	\$3.60	\$63.60
Alabama Metal Industries, MOR203383	6/3/12	\$60	\$3.60	\$63.60
Ex-Cel Milling Inc.	6/27/12	\$50	\$3	\$53
Terry and Justina Griffin, MOR60A294	6/12/12	\$150	\$9	\$159
T and T Auto Salvage Inc, MOR60A295	6/19/12	\$150	\$9	\$159
Durham School Service, MOR80C553	6/30/12	\$150	\$9	\$159
Peerless Demolition LF, MO0110779	6/15/12	\$5,000	\$300	\$5,300

The remaining eight (8) facilities below, five (5) outstanding from May and three (3) from June, 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 May and June. 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
<b>May</b>					
Castlereagh Estates Subdivision, MO0084484	2009, 2010, 2012	\$2,500	\$200	\$2700	\$11,050
Meramec Sewer Company, MO0091162	2010, 2012	\$3,000	\$240	\$3,240	\$6,120
Pine Valley Resort WWTF, MO0112895	2010, 2012	\$150	\$12	\$162	\$393
C and K Concrete, MOG491107	2010, 2012	\$150	\$12	\$162	\$393
Feather Sewer Service, MOG821089	2006, 2007, 2008, 2009, 2010, 2012	\$60	\$4.80	\$64.80	\$599.80
<b>June</b>					
Happy Hollow Mobile Home, MO0106771	2009, 2010, 2012	\$250	\$15	\$265	\$1,085
Northwest Missouri Biofuel, MOR23E010	2010, 2012	\$150	\$9	\$159	\$387
Carter's Auto Salvage, MOR60A238	2007, 2008, 2009, 2010, 2012	\$150	\$9	\$159	\$1,287

**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."

**List of Attachments:**

- None

