

Missouri Clean Water Commission
 Department of Natural Resources
 Lewis and Clark State Office Building
 LaCharrette/Nightingale Conference Rooms
 1101 Riverside Drive
 Jefferson City, Missouri 65102

January 9, 2013

**Outstanding Missouri Operating Permits Fees
 July and August 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 May 4, 2012, the Department has sent three (3) invoices for annual operating permit fees to the billing address of record for fifteen (15) permitted wastewater facilities with permit anniversary dates of July 1 through July 31, 2012; these fees were due on July 31, 2012. Since June 6, 2012, the Department has sent three (3) invoices for annual operating permit fees to the billing address of record to ten (10) permitted wastewater facilities with permit anniversary dates of August 1 through August 31, 2012; these fees were due on August 31, 2012. As of December 18, 2012, the Department has not received a response or payment from the twenty-five (25) outstanding facilities for July or August.

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 May 4, 2012, 441 invoices were sent to facilities with permit anniversary dates between July 1 and July 31. On September 19, a Letter of Warning was sent with the second notice invoice via certified mail to fifty-two (52) facilities whose July fees remained outstanding. On October 23, a Notice of Violation was sent with the third notice invoice via certified mail to twenty-four (24) facilities for non-payment of the July fee. As of December 18, 2012, fifteen (15) facilities have not paid their July 2012 fee; twelve (12) are listed below:

Facility/Permit ID	Permit Anniv Date	Annual Fee Amount	Late Fee	Total Amt Due
Cedar Haven Resort, MO0052043	7/1/12	\$100	\$8	\$108
Cole Circle Mobile Home Park, MO0054984	7/16/12	\$100	\$8	\$108
Mapaville Meadows Subdivision, MO0081906	7/6/12	\$100	\$8	\$108
Whiteman MHP, MO0085545	7/27/12	\$450	\$36	\$486

Facility/Permit ID	Permit Anniv Date	Annual Fee Amount	Late Fee	Total Amt Due
C and S Auto Salvage, MO0136638	7/22/12	\$1,350	\$108	\$1,458
Hillside Septic Service, MOG821047	7/11/12	\$60	\$4.80	\$64.80
Steele Septic Service, MOG821166	7/23/12	\$150	\$12	\$162
Steele Septic Service, MOG822177	7/24/12	\$60	\$4.80	\$64.80
Tru Green Chemlawn, MOR240571	7/10/12	\$50	\$4	\$54
Smith Bros Auto Sales and Service, MOR60A188	7/8/12	\$60	\$4.80	\$64.80
Williband Acres, MO0097411	7/31/12			Pays by Connection
St Francis Xavier School WWTF, MO0101559	7/31/12			Pays by Connection

On June 6, 2012 the Department sent 605 invoices to facilities with a permit anniversary date in the month of August. On October 10, 2012 a Letter of Warning was sent with a second notice invoice via certified mail to fifty-seven (57) facilities with a remaining balance due. On November 19, 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 June fee. As of December 18, 2012, ten (10) facilities have not paid their August 2012 fee; eight (8) are included in the listing below:

Facility/Permit ID	Permit Anniv Date	Annual Fee Amount	Late Fee	Total Amt Due
Summit Acres MHP, MO0090522	8/12/12	\$200	\$16	\$216
Essex Place Sewage Lagoon, MO0122807	8/29/12	\$150	\$9	\$159
Bradlin Hills WWTF, MO0130362	8/3/12	\$100	\$6	\$106
Boettcher Concrete Co, MOG490555	8/28/12	\$60	\$3.60	\$63.60
Eddie Twitchell, MOR80H113	8/11/12	\$60	\$3.60	\$63.60
Midwest Container Reconditioning, MOR80H135	8/13/12	\$150	\$9	\$159
Dixon WWTF, MO0100129	8/31/12			Pays by Connection
Sunrise Meadows Subdivision, MO0122939	8/31/12			Pays by Connection

The remaining five (5) facilities listed on the following page, three (3) outstanding from July and two (2) from August, were referred to the Attorney General's Office in September 2011 for collection of outstanding fees for years prior to 2012. 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
July					
Tiger Cenex, MO0115932	2008, 2009, 2010, 2012	\$100	\$400	\$242	\$642
Arbor Trails Subd WWTF, MO0128279	2009, 2010, 2012	\$3,000	\$9,000	\$4,020	\$13,020
Red Oak Estates, MO0134571	2011, 2012	\$1,000	\$2,000	\$400	\$2,400
August					
Leath and Sons, Inc, MO0119831	2007, 2008, 2009, 2010, 2011, 2012	\$1,350	\$8,100	\$3,294	\$11,394
Cape Fair MHP, MO0125458	2011, 2012	\$100	\$200	\$36	\$236

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.”

