

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

March 9, 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 August 10, 2011, the Department has sent three (3) invoices for annual operating permit fees to the billing address of record for fourteen (14) permitted wastewater facilities with permit anniversary dates of September 1 through September 30, 2011; these fees were due on September 30, 2011. Since August 12, 2011, 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 October 1 through October 31, 2011; these fees were due on October 31, 2011. As of February 14, 2011, the Department has not received a response or payment from the twenty-four (24) outstanding facilities for September or October.

**Background:** The Department generates invoices monthly for annual operating permit fees – typically 2 months prior to the due date. Staff worked to get billing back on track following re-authorization of the permit fee on July 11, so in August invoices for July, August, September and October were sent out. 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 August 10, 2011, 882 invoices were sent to facilities with permit anniversary dates between September 1 and September 30. On November 10 a letter of warning was sent with the second notice invoice via certified mail to 100 facilities whose September fees remained outstanding. On December 16, 2011 a Notice of Violation was sent with the third notice invoice via certified mail to 59 facilities for non-payment of the September fee. As of February 14, 2012, 14 facilities have not paid their September 2011 fee. Nine (9) are included in the listing below in addition to one facility with outstanding fees from July, 2011, that did not get added to the Commission referral request in January:

Facility/Permit ID	Permit Anniv Date	Annual Fee Amount	Late Fee	Total Amt Due
Red Oak Estates, MO0134571	7/13/2011	\$1,000	\$120	\$1,120
Lake Virginia Subd E Lagoon, MO0101672	9/23/2011	\$250	\$20	\$270
Somerset Townhomes, MO0103918	9/13/2011	\$175	\$14	\$189

Facility/Permit ID	Permit Anniv Date	Annual Fee Amount	Late Fee	Total Amt Due
Secluded Forest Subd WWTF, MO0105597	9/7/2011	\$250	\$20	\$270
Sennawood Village, MO0106577	9/7/2011	\$2,500	\$200	\$2,700
Splitrail Subdivision, MO0117374	9/27/2011	\$100	\$8	\$108
Maple Leaf Subdivision, MO0129119	9/9/2011	\$100	\$8	\$108
Hansen's Green Waste Facility, MO0135992	9/2/2011	\$1,350	\$108	\$1,458
Bilt Best Products Inc., MOR22C037	9/25/2011	\$60	\$4.80	\$64.80
Action Products Co., Inc., MOR23D016	9/14/2011	\$60	\$4.80	\$64.80

On August 12, 2011 the Department sent 470 invoices to facilities with a permit anniversary date in the month of October. On December 15, 2011 a Letter of Warning was sent with a second notice invoice via certified mail to 54 facilities with a remaining balance due. On January 11, 2012, a Notice of Violation was sent with a third notice invoice via certified mail to 40 facilities for non-payment of the October fee. As of February 14, 2012, 10 facilities have not paid their October 2011 fee. Six (6) are included in the listing below:

Facility/Permit ID	Permit Anniv Date	Annual Fee Amount	Late Fee	Total Amt Due
Villa Ridge Estates, MO0038237	10/23/2011	\$3,000	\$180	\$3,180
Fairview Greenhouse, Inc., MO0107166	10/23/2011	\$1,500	\$90	\$1,590
Shawnee Bend Asphalt and Quarry, MOG490879	10/4/2011	\$60	\$3.60	\$63.60
Splash Universe, MOG760096	10/31/2011	\$150	\$9	\$159
Shrader's Salvage, MOR60A284	10/24/2011	\$150	\$9	\$159
Mike's Auto Body and Rebuil, MOR60A297	10/2/2011	\$150	\$9	\$159

The following nine (9) facilities were referred to the Attorney General's Office in September for collection of outstanding fees for years prior to 2011. The outstanding 2011 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>September</b>					
Village of Junction City, FEE000014 (POTW)	2006, 2007, 2008, 2009, 2010, 2011	UNKNOWN			
CBS Redi-Mix, Inc., MOG490582	2009, 2010, 2011	\$60	\$180	\$55.20	\$235.20

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Facility/Permit ID	Years Outstanding	Annual Fee	Total Fee Due	Total Late Fee Due	Total Outstanding
Counts Complete Septic SE, MOG821151	2008, 2009, 2010, 2011	\$60	\$240	\$102	\$342
Rock Island Hardwoods LLC, MOR22C041	2009, 2010, 2011	\$60	\$180	\$55.20	\$235.20
NP Sterling, MOR23A060	2010, 2011	\$60	\$120	\$22.80	\$142.80
<b>October</b>					
Tiny's Smokehouse WWTF, MO0037079	2008, 2009, 2010, 2011	\$100	\$400	\$162	\$562
Ozark Quality Hardwoods L, MOR22C060	2009, 2010, 2011	\$150	\$450	\$129	\$579
Wholesale Auto Works, MOR60A191	2009, 2010, 2011	\$60	\$180	\$51.60	\$231.60
AAA Auto Repair, MOR60A272	2009, 2010, 2011	\$60	\$180	\$51.60	\$231.60

**Recommended Action:** The Water Protection Program recommends that the Commission refer these new cases to the Attorney General's Office for appropriate legal action in order 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.

**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."

