

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

May 2, 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 September 13, 2011, the Department has sent three (3) invoices for annual operating permit fees to the billing address of record for eight (8) permitted wastewater facilities with permit anniversary dates of November 1 through November 30, 2011; these fees were due on November 30, 2011. Since October 11, 2011, the Department has sent three (3) invoices for annual operating permit fees to the billing address of record to fourteen (14) permitted wastewater facilities with permit anniversary dates of December 1 through December 31, 2011; these fees were due on December 31, 2011. As of April 11, 2012, the Department has not received a response or payment from the twenty-two (22) outstanding facilities for November or December.

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 September 13, 2011, 481 invoices were sent to facilities with permit anniversary dates between November 1 and November 30. On January 9, a Letter of Warning was sent with the second notice invoice via certified mail to thirty-six (36) facilities whose November fees remained outstanding. On February 16, a Notice of Violation was sent with the third notice invoice via certified mail to twenty-four (24) facilities for non-payment of the November fee. As of April 11, 2012, eight (8) facilities have not paid their November 2011 fee. Three (3) are included in the listing below in addition to one facility with outstanding fees from September, 2011, that did not get added to the Commission referral request in March. The remaining facilities had previously been referred to the Attorney General’s Office for non-payment of fees.

Facility/Permit ID	Permit Anniv Date	Annual Fee Amount	Late Fee	Total Amt Due
Millstone Marina Service, MOR80C520	9/15/2011	\$60	\$4.80	\$64.80
Bel Air Estates MHP Sub, MO0086576	11/7/11	\$450	\$36	\$486
Branson View Campground, MO0111767	11/1/11	\$100	\$8	\$108
Clennin Meats, MOG822014	11/12/11	\$60	\$4.80	\$64.80

On October 11, 2011 the Department sent 412 invoices to facilities with a permit anniversary date in the month of December. On February 8, 2012 a Letter of Warning was sent with a second notice invoice via certified mail to forty-seven (47) facilities with a remaining balance due. On March 9, 2012, a Notice of Violation was sent with a third notice invoice via certified mail to twenty-three (23) facilities for non-payment of the December fee. As of April 11, 2012, fourteen (14) facilities have not paid their December 2011 fee. Eight (8) are included in the listing below. The remaining facilities had previously been referred to the Attorney General's Office for non-payment of fees.

Facility/Permit ID	Permit Anniv Date	Annual Fee Amount	Late Fee	Total Amt Due
Northweye Mobile Home Park, MO0081981	12/9/11	\$100	\$6	\$106
Thunderbird MHP, MO0110035	12/15/11	\$100	\$6	\$106
Moore Recirculating Filter, MO0127388	12/13/11	\$100	\$6	\$106
Witmore Farms WWTF, MO0135984	12/18/11	\$150	\$9	\$159
Palmer Limestone, MOG490226	12/29/11	\$60	\$3.60	\$63.60
Fuqua Home Inc., MOR203306	12/1/11	\$60	\$3.60	\$63.60
Comstock's Auto Salvage, MOR60A285	12/5/11	\$150	\$9	\$159
All Type Auto Parts and Salvage, MOR60A305	12/31/11	\$150	\$9	\$159

The following eleven (11) facilities are those that had been previously 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
November					
Elk Inn Complex, MO0092398	2009, 2010, 2011	\$100	\$300	\$92	\$392
Hilltop Acres LLC, MO0118273	2009, 2010, 2011	\$100	\$300	\$92	\$392

Facility/Permit ID	Years Outstanding	Annual Fee	Total Fee Due	Total Late Fee Due	Total Outstanding
Morningside Development, MO0132594	2010, 2011	\$3,000	\$6,000	\$1,140	\$7,140
Fullerton Stone Company, Inc., MOG491046	2010, 2011	\$60	\$120	\$22.80	\$142.80
Baldwin Vehicle Salvage, MOR60A173	2008, 2009, 2010, 2011	\$60	\$240	\$102	\$342
December					
Elmwood Mobile Home Park, MO0054038	2010, 2011	\$550	\$1,100	\$187	\$1,149.50 (\$137.50 – credit)
Anna Meadows Subd WWTF, MO0131211	2008, 2009, 2010, 2011	\$3,000	\$12,000	\$4,860	\$16,860
Jumping Bass Cove WWTF, MO0133132	2010, 2011	\$175	\$350	\$59.50	\$409.50
Southside Re-D-Mix LLC, MOG491057	2008, 2009, 2010, 2011	\$150	\$600	\$243	\$843
Muilenburg Excavating, MOG500131	2009, 2010, 2011	\$150	\$450	\$129	\$579
Westport Auto Salvage, MOR60A152	2009, 2010, 2011	\$60	\$180	\$36	\$186 (\$30 – credit)

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.”

