

Missouri Clean Water Commission  
 Department of Natural Resources  
 Roaring River State Park  
 12716 Farm Road 2239  
 Cassville, Missouri

July 11, 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 November 4, 2011, the Department has sent three (3) invoices for annual operating permit fees to the billing address of record for nine (9) permitted wastewater facilities with permit anniversary dates of January 1 through January 30, 2012; these fees were due on January 30, 2012. Since December 7, 2011, the Department has sent three (3) invoices for annual operating permit fees to the billing address of record to eleven (11) permitted wastewater facilities with permit anniversary dates of February 1 through February 28, 2012; these fees were due on February 28, 2012. As of June 20, 2012, the Department has not received a response or payment from the twenty (20) outstanding facilities for January or February.

**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 November 4, 2011, 503 invoices were sent to facilities with permit anniversary dates between January 1 and January 31. On March 6, a Letter of Warning was sent with the second notice invoice via certified mail to seventy-two (72) facilities whose January fees remained outstanding. On April 5, a Notice of Violation was sent with the third notice invoice via certified mail to forty-seven (47) facilities for non-payment of the January fee. As of June 20, 2012, nine (9) facilities have not paid their January 2012 fee; six (6) are listed below:

Facility/Permit ID	Permit Anniv Date	Annual Fee Amount	Late Fee	Total Amt Due
Labadie Creek Treatment F, MO0114910	1/31/12			
Heritage Acres Foods, LLC, MO0113204	1/6/12	\$3,500	\$280	\$3,780
Good Humor – Breyers Ice, MO0115339	1/7/12	\$1,500	\$120	\$1,620
Bayview Estates No1, MO0125806	1/6/12	\$250	\$20	\$270
94 North Citgo, MOG940208	1/26/12	\$150	\$12	\$162

Facility/Permit ID	Permit Anniv Date	Annual Fee Amount	Late Fee	Total Amt Due
Engines Plus Inc, MOR203314	1/11/12	\$60	\$4.80	\$64.80

On December 7, 2011 the Department sent 555 invoices to facilities with a permit anniversary date in the month of February. On April 10, 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 May 10, 2012, a Notice of Violation was sent with a third notice invoice via certified mail to thirty-three (33) facilities for non-payment of the February fee. As of June 20, 2012, eleven (11) facilities have not paid their February 2012 fee; nine (9) are included in the listing below:

Facility/Permit ID	Permit Anniv Date	Annual Fee Amount	Late Fee	Total Amt Due
Doniphan Municipal Wastew, MO0047350	2/28/12			
Great Western Motel WWTF, MO0108758	2/17/12	\$100	\$6	\$106
East Highway 42 Business Park, MO0128520	2/8/12	\$375	\$22.50	\$297.50 (has a \$100 credit)
Guehne Investments WWTF, MO0131776	2/2/12	\$100	\$6	\$106
Emory Creek, MO0133311	2/6/12	\$3,000	\$180	\$3,180
Eagle View Lots 3 and 4, MO0136085	2/28/12	\$100	\$6	\$106
Nelson Stone, MOG490801	2/15/12	\$60	\$3.60	\$63.60
Van Buren Stone Co Inc, MOG490829	2/1/12	\$60	\$3.60	\$63.60
Jeff Proffitt Excavating, MOG821136	2/3/12	\$150	\$9	\$159

The following five (5) facilities were referred to the Attorney General's Office in September 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 January and February. 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>January</b>					
Sugar Creek Restaurant, MO0134848	2010, 2012	\$100	\$200	\$62	\$262
Paris Ready Mix and Preca, MOG491065	2009, 2010, 2012	\$150	\$450	\$210	\$660
Republic Incorporated,	2009, 2010,	\$60	\$270	\$118.20	\$328.20 (has

<b>Facility/Permit ID</b>	<b>Years Outstanding</b>	<b>Annual Fee</b>	<b>Total Fee Due</b>	<b>Total Late Fee Due</b>	<b>Total Outstanding</b>
MOR203372	2012				a \$60 credit)
<b>February</b>					
Kings River Beach Subdivision, MO0106046	2010, 2012	\$100	\$200	\$58	\$258
G.T Management LLC, MOR60A287	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.”

**Attachments:** None.

