

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 4, 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 1, 2011, 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 11 through July 31, 2011; these fees were due on July 31, 2011. Since August 2, 2011, 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 August 1 through August 31, 2011; these fees were due on August 31, 2011. As of December 14, 2011, the Department has not received a response or payment from any of the thirty-four (34) outstanding facilities for July or August.

**Background:** Historically the Department has generated and mailed invoices 60 days prior to the due date; however with the sunset of the permit fee on December 31, 2010, invoices could not be generated until legislation had been passed and then signed into law by Governor Nixon. The Department was not authorized to invoice or collect water permit fees from any facility with permit anniversary dates of January 1 through July 10. On July 11, 2011, House Bill 89 was signed by Governor Nixon re-authorizing the Department to collect fees for wastewater permits. The Department immediately prepared to begin generation of monthly invoices through its electronic billing system and, on August 1, sent 331 invoices to facilities with permit anniversary dates between July 11 through July 31. On September 15 a reminder letter was sent via certified mail to 66 facilities whose July fees remained outstanding, with a follow-up phone call to 19 facilities that are classified as a Publicly Owned Treatment Works (POTW). The late fee would be waived if payment was received prior to September 30; on October 18, 2011 a Notice of Violation was sent via certified mail to 29 facilities for non-payment of the July fee. As of December 14 there remains 11 facilities that have not paid their July 2011 fee:

Facility/Permit ID	Permit Anniv Date	Annual Fee Amount	Late Fee	Total Amt Due
Gibson Properties Inc., MO0129143	7/28/2011	\$100	\$8.00	\$108
Red Bird Pre-Mix Co., MOG490488	7/21/2011	\$60	\$4.80	\$64.80
Current River Gravel and Ready Mix, MOG491184	7/19/2011	\$150	\$12	\$162
Park Place Condos, MOG641019	7/25/2011	\$150	\$12	\$162
Hillside Septic Service, MOG821047	7/11/2011	\$60	\$4.80	\$64.80
S and K Meats, MOG822194	7/20/2011	\$150	\$12	\$162
Crashsite Parts Sales and Towing, MOR60A320	7/30/2011	\$150	\$12	\$162

On August 2, 2011 the Department sent 591 invoices to facilities with a permit anniversary date in the month of August. On October 14, 2011 a reminder letter was sent via certified mail to 80 facilities with a remaining balance due. The late fee would be waived if payment was received prior to October 31; on November 10, a Notice of Violation was sent via certified mail to 39 facilities for non-payment of the August fee. As of December 14 there remains 17 facilities that have not paid their August 2011 fee, including three municipal systems (POTWs):

Facility/Permit ID	Permit Anniv Date	Annual Fee Amount	Late Fee	Total Amt Due
<b>POTW: (these facilities remit fees collected from their customers through a report of the number of service connections. Until they send in their report and fee, the actual amount due is unknown to WPP. The amounts identified are estimates based on their last report submitted in 2010)</b>				
Chula WWTP, MO0091146	8/31/2011	\$102.60	\$6.16	\$108.76
Lk Lotawana Sewer Dist #2, MO0131962	8/17/2011	\$23.18	\$1.39	\$24.57
St. Thomas WWTF, MO0133001 (New facility permitted for operation on 8/20/2010 – 2011 is the first year that they had a fee due)	8/20/2011			
Cape Fair MHP, MO0125458	8/25/2011	\$100	\$6	\$106
Bradin Hills WWTF, MO0130362	8/3/2011	\$100	\$6	\$106
Delta Concrete, MOG491186	8/2/2011	\$150	\$9	\$159
Crouch Meats, MOG822133	8/24/2011	\$150	\$9	\$159
Doane Pet Care Company, MOR12A137	8/25/2011	\$60	\$2.40	\$62.40
Bernadette Business Forms, MOR130014	8/6/2011	\$60	\$3.60	\$63.60
R and R New Parts and Salvage,	8/12/2011	\$60	\$3.60	\$63.60

Facility/Permit ID	Permit Anniv Date	Annual Fee Amount	Late Fee	Total Amt Due
MOR60A110				
Stateline Auto Salvage, MOR60A208	8/20/2011	\$60	\$3.60	\$63.60
UPS, Willow Springs, MOR80C199	8/27/2011	\$60	\$3.60	\$63.60
Eddie Twitchell, MOR80H113	8/11/2011	\$60	\$3.60	\$63.60
Midwest Container Reconditioning, MOR80H135	8/13/2011	\$150	\$9	\$159

The following 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>July</b>					
Nestle Purina Petcare Co, MO0101788	2010, 2011	\$2,500	\$5,000	\$950	\$5,950
American Septic, MOG821094	2007, 2008, 2009, 2010, 2011	\$60	\$300	\$163.20	\$463.20
Webb's Railroad Condition, MOR80H068	2009, 2010, 2011	\$60	\$180	\$55.20	\$235.20
Cuivre River Site #1, MOG500121	2006, 2007, 2008, 2009, 2010, 2011	\$150	\$900	\$588	\$1,488
<b>August</b>					
Edwin Chaney, MOR60A210	2006, 2007, 2008, 2009, 2010, 2011	\$150	\$900	\$570	\$1,470
T and R Recycling, MOR60A301	2010, 2011	\$150	\$300	\$51	\$351
T and R Recycling, MOR60A302	2010, 2011	\$150	\$300	\$51	\$351

**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.”