

11. Non-Payment of Fees

Under several environmental statutes and rules, fees are due for certain permits and other services provided by the department. These fees are part of the normal costs of operating for those individuals, businesses or agencies subject to the fees. The department is obligated to collect fees for certain services. The fees support some or all of the department's efforts in providing services. Each program is responsible for ensuring fee payers are aware of their fee obligations. If fees are not collected, the department's ability to provide these services is reduced and other funding sources may be used to provide services in place of fees, thus subsidizing the parties not paying the fees and providing them a competitive advantage.

The following procedures will be used to ensure appropriate fees are paid in a timely manner.

Permits, licenses, registrations and certifications will not be issued if fees are not paid. If laws require actions to be taken on applications for these approvals and fees are not paid, the applications will be denied without prejudice. This means the department may reconsider the application if the applicant pays the fees and any other applicable costs.

1. For annual or periodic fees, each program will promptly notify the responsible party when a fee is 30 days past due. The program will use the first attached letter, or similar letter, as the standard notification letter. This letter will request the fee payment and any late fee, and provide a 30-day opportunity to make the payment.
 - If the letter achieves a full payment or other resolution that satisfies the program, the matter is documented and closed.
 - If the letter achieves a partial payment or commitment to a payment plan, the matter is tracked to ensure complete payment is made. If complete payment is not made or the party does not adhere to the plan, proceed to Step 2.
 - If the letter is returned as undeliverable or the party denies responsibility, the program follows up to determine if the responsible party remains in operation. If the party is no longer in operation or cannot be contacted, discontinue the service (e.g., revoke the permit) and notify any others involved with the responsible party of this changed status. If the responsible party remains viable, consider this response to be further refusal to pay and proceed to Step 2.
 - If no response is received, transfer the matter to the enforcement section so that an appropriate penalty can be included in the proceeding and continue to Step 2.
2. For continuing nonpayment, the program will send a notice of violation by certified mail. Use the second attached letter as the standard demand letter. In addition to the payment of the fee and any late fee, this letter will also request payment of a penalty to resolve the matter.
 - If the letter achieves a full payment or other resolution that satisfies the program, the matter is documented and closed.
 - If the letter achieves a partial payment or commitment to a payment plan, the matter is tracked to ensure complete payment is made. If complete payment is not made or the party does not adhere to the plan, proceed to Step 3.
 - If no response is received, proceed to Step 3. In addition, discontinue the service (e.g., revoke the permit) and notify any others involved with the responsible party of this changed status.

3. For continuing nonpayment, refer the matter to the Attorney General's Office for collection with a recommendation to recover the fee, any late fee and appropriate penalties.

11.A Forms

Attachment letter templates provide fill-in-the-blank spaces for payment amount, due date, relevant authority and other program or payment specific information.

First Letter - Notice of Late Payment Letter