

ANNUAL COMPLIANCE ASSURANCE FEES: STATEMENT OF BILLING RIGHTS *

INVOICE PAYMENT INFORMATION

The enclosed invoice is for the payment of Annual Compliance Assurance Fees required for the maintenance of MassDEP permit(s). The permit categories listed under “Description” on the front of the enclosed invoice represent the formal status of permit(s) associated with the listed “Customer Name” and facility account (“ACCT”) in the records of the Massachusetts Department of Environmental Protection (the Department) as of the beginning of the Fiscal Year on July 1, or for Environmental Results Program certifiers, as of September 15. As the recipient of the enclosed invoice, the individual or entity has been designated as the “permit holder” or “permittee” by the Department. Payment to the Department is required by the due date shown on the invoice. Payments may be made online or by check as described on the invoice. Late payment, or non-payment, of this invoice may affect the permittee’s ability to conduct the permitted activities regulated by the Department, as outlined in the Consequences section below.

REQUEST TO DISPUTE THE DEBT

In accordance with the requirements of 815 CMR 9.00, the permittee has a right to dispute the debt, either to assert that the debt is inaccurate, or that the Customer listed is not the individual/entity who legally owes the debt. **A request to dispute the debt must be submitted in writing to the Department on or before the invoice due date.** Written requests must be submitted to the Department by the deadline, either online (at https://massgov.formstack.com/forms/dep_acf_notification) or by mail to the mailing address shown on the invoice with reference to Attention: ACF Revenue. In addition, the invoice remit slip **must** be included if the dispute request is submitted by mail. If a meeting is also requested to review the disputed debt, the Department will schedule a meeting, in accordance with its internal dispute procedures, for the purpose of accepting testimony and documentation regarding the dispute. Whether or not a meeting is requested to discuss the dispute, the Department will review all information submitted and issue a written determination within 30 days, or in such reasonable time thereafter, based upon the information submitted and available to the Department. In accordance with the requirements of 815 CMR 9.00, the Department’s collection of the debt shall be suspended until the dispute process has been completed and a written decision has been issued.

CURRENT BALANCE ONLY

Note that the enclosed invoice will reflect only debt for the current fiscal year. To view all debt associated with this Customer account, visit <http://www.masspays.com/dep>. In addition, inquiries regarding unpaid balances from a prior year may be sent to the mailing address on this invoice or to dep.compliance-fees@mass.gov.

REQUEST FOR HARDSHIP PAYMENT PLAN

All requests to extend the time for making payment due to a severe financial hardship shall be filed in writing on or before the due date on the front of the original invoice. All hardship requests must be submitted online (at https://massgov.formstack.com/forms/dep_acf_notification) or by mail to the mailing address shown on this invoice with reference to Attention: ACF Revenue. In addition, the invoice remit slip **must** be included if the hardship request is submitted by mail. The Department will contact the sender to discuss the request and/or issue a written determination approving or denying a payment plan.

CONSEQUENCES OF LATE PAYMENT OR NON-PAYMENT

Payment shall be made by the due date of the original invoice unless a dispute or a hardship request is received by the deadlines specified above. In the event that a request to dispute the debt has been submitted, payment (if any) of the invoice shall be due within 30 days from the date of the Department’s decision. **Pursuant to M.G.L. c. 21A, §18, failure to make payment in full by the due date shall result in immediate suspension of the permit and the permit shall be invalid during the period of any such suspension. In addition, the Department may deny any other pending permit applications filed due to non-payment of this invoice.** Upon receipt of payment for the total invoiced amount(s) due to the Department, the suspended permit shall usually be reinstated automatically, subject to the discretion of the Department and specific environmental requirements with respect to certain permits.

Pursuant to M.G.L. c. 21A, §18, failure to pay for 60 days or more past the invoice due date may result in revocation of the permit. The Department shall notify the permittee of the revocation by certified mail or personal delivery to the address listed in the permit or permit application, or by any reliable means provided for service of process that includes the confirmation of receipt by the receiving party. The revocation shall take effect on the date issued by the Department, or such other date as specified in the Department’s notice. Pursuant to M.G.L. c. 30A, §13(3), the Department’s suspension, or revocation, of a permit due to the failure to pay an annual compliance assurance fee does not provide the permittee with the right to file a claim for an administrative appeal or other hearing process.

Pursuant to M.G.L. c. 7A, M.G.L. c. 62D and 815 CMR 9.00, upon failure to pay beyond 120 days from the original invoice due date, this account will be deemed delinquent by the Department, referred for intercept of state payments or tax refunds, and also referred to a debt collection agency.

Nothing in the above statements shall be construed to limit or bar the Department from assessing a penalty or taking other appropriate enforcement action for violation of a permit condition, order, or other requirement pursuant to any statute or regulation.

*** For annual compliance assurance fees pursuant to M.G.L.c.21A, §18 and 310 CMR 4.00**

ACF Statement of Billing Rights / Revised: October 2021