

# INSTRUCTIONS: FORM 3

## Transfer of Authorization Application for Storm Water Discharges Associated With CONSTRUCTION ACTIVITY Under a NPDES General Permit

<http://www.swc.dnrec.delaware.gov/Pages/SedimentStormwater.aspx>

### WHO MUST FILE A TRANSFER OF AUTHORIZATION APPLICATION?

The EPA can authorize any State to operate the NPDES program. Delaware received this authority in April 1974. The 1987 amendments to the Clean Water Act require national regulations to be issued for controlling pollutants entrained in storm water discharges.

Under the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et seq.; the Act), except as provided by Part I.B.3 of the permit, Federal law prohibits discharges of pollutants in storm water from construction activities without a National Pollutant Discharge Elimination System Permit. A General Permit, as defined by federal law in 40 C.F.R. §122.28, authorizes the discharge of storm water associated with industrial activity from sources within a defined area or that share certain similarities.

In 1993, Section 9 (The General Permit Program), of the State of Delaware, Department of Natural Resources and Environmental Control, Regulations Governing the Control of Water Pollution was issued. Subsection 1 of the General Permits Program contains The Regulations Governing Storm Water Discharges Associated with Industrial Activity and are referred to as the "General NPDES Storm Water Permit Program". In order to obtain coverage through the General NPDES Storm Water Permit Program, persons will be required to file with the DNREC a Notice of Intent (NOI). The NOI requirement is in accordance with 40 C.F.R. §122.28(b)(2) of the USEPA NPDES Program. The NOI is the equivalent of an NPDES permit application for General NPDES Storm Water Permit coverage.

An owner/operator who does not intend to control the permitted activities on a site shall transfer authorization to discharge storm water to a duly authorized person who will control the permitted activities. Further, an owner/operator must transfer authorization to discharge storm water to the new owner/operator should ownership of the project change during the construction period.

### WHERE TO FILE THE TRANSFER OF AUTHORIZATION APPLICATION FORM

The Transfer of Authorization application form must be submitted to the following address:

DNREC, Division of Soil and Water Conservation  
Sediment and Stormwater Program  
89 Kings Highway  
Dover, Delaware 19901

### COMPLETING THE FORM

Type or print, using uppercase letters, all information on the form. If you have any questions while completing the application form, please call (302) 739-9921.

### SECTION I. PERMIT INFORMATION

Check the appropriate box for Transfer Type. If the original owner/operator is transferring control of permitted activities, but not relinquishing ownership of the project, then the first box, "Transfer of control of permitted activities" should be checked. If the project ownership is changing, then the second box, "New property owner" should be checked.

### SECTION I. PERMIT INFORMATION (continued)

Provide the original NOI ID#, date received, and project name as it appeared on the original NOI. This information may be obtained by searching the NOI database available online at the following address: <http://apps.dnrec.state.de.us/noi/searchNoi.aspx>.

Provide the county and municipality, if applicable, for the project site location.

### SECTION II. TRANSFEROR INFORMATION

Provide the legal name, mailing address, telephone number, and fax number of the firm originally responsible for implementation of the requirements of the Sediment & Stormwater / Storm Water Pollution Prevention Plan and authorization to discharge storm water. Provide the full name of an individual representative of the owner/operator. The information provided in this section of the application should correspond with the Applicant Information provided on the original NOI form submitted to the Department.

### SECTION III. TRANSFEREE INFORMATION

Provide the legal name, mailing address, telephone number, and fax number of the firm being transferred responsibility for implementation of the requirements of the Sediment & Stormwater / Storm Water Pollution Prevention Plan and authorization to discharge storm water. Provide the full name of an individual representative of the new owner/operator.

### SECTION IV. TRANSFER AGREEMENT

Enter an effective date of transfer of ownership and/or operational control into the body of the transfer agreement. The transfer agreement must be signed and dated by both the transferor, or the original permittee, and the transferee, who is accepting ownership and/or operational control of permitted activities from the original permittee. In the event that the transfer type is "transfer of control of permitted activities" and is taking place prior to the onset of construction, the effective date of transfer must be at least ten (10) days prior to the onset of construction activities.

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**SECTION V. CERTIFICATION OF TRANSFEREE**

State law provides for severe penalties for submitting false information on this application form. **An unsigned or undated Transfer of Authorization Application form will not be granted permit coverage.**

The form certification shall be signed as follows:

- For a corporation: by a responsible corporate officer which means: (i) president, secretary, treasurer, vice-president of the corporation in charge of a principal business function, or any person who performs similar policy or decision making function, or (ii) the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- For a partnership or sole proprietorship: by a general partner or the proprietor, or
- For a municipality, state, federal, or other public facility: by either a principal executive officer or ranking elected official.

For Delaware businesses, the form certification shall be signed as follows:

- For a Corporation: by an Authorized Officer (8 Del. C., Chapter 1),
- For a Limited Liability Company: by an Authorized Person (6 Del C., Chapter 18),
- For a Limited Partnership: by a General Partner (6 Del C., Chapter 17),
- For a General Partnership: by a Partner or Authorized Person (6 Del. C., Chapter 15),
- For a Limited Liability Partnership: by a Partner or Authorized Person (6 Del. C., Chapter 15), or
- For a Statutory Trust: by a Trustee (12 Del. C., Chapter 38).

Reference the Delaware Code as listed for definitions of the individuals who may sign for the various business entities.



<b>FORM 3</b>
DATE _____
RECEIVED: _____
ID#: _____

## Transfer of Authorization Application for Storm Water Discharges Associated With CONSTRUCTION ACTIVITY Under a NPDES General Permit

### I. Permit Information

Transfer Type:

- Transfer of Authorization – Transfer of control of permitted activities
- Transfer of Authorization – New property owner

NOI ID#: \_\_\_\_\_ NOI Date Received: \_\_\_\_\_

NOI Project Name: \_\_\_\_\_

County: \_\_\_\_\_ Municipality: \_\_\_\_\_

### II. Transferor Information (Applicant Information as appears on original NOI)

Owner/Operator: \_\_\_\_\_

Contact Person Last Name: \_\_\_\_\_

Contact Person First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Prefix: \_\_\_\_\_ Suffix: \_\_\_\_\_

Mailing Address 1: \_\_\_\_\_

Mailing Address 2: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ --

Telephone: \_\_\_\_\_ FAX: \_\_\_\_\_

### III. Transferee Information

Owner/Operator: \_\_\_\_\_

Contact Person Last Name: \_\_\_\_\_

Contact Person First Name: \_\_\_\_\_ MI: \_\_\_\_\_ Prefix: \_\_\_\_\_ Suffix: \_\_\_\_\_

Mailing Address 1: \_\_\_\_\_

Mailing Address 2: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ --

Telephone: \_\_\_\_\_ FAX: \_\_\_\_\_



## Transfer of Authorization Application for Storm Water Discharges Associated With CONSTRUCTION ACTIVITY Under a NPDES General Permit

### IV. Transfer Agreement

The following parties agree to transfer ownership and/or operational control under the above referenced permit. Transferee hereby assumes, effective \_\_\_\_/\_\_\_\_/\_\_\_\_ all responsibility, coverage and liability under the permit for any obligations, duties, responsibilities, and violations under said permit. Transferor shall remain liable under the permit for violations of the permit up to and including \_\_\_\_/\_\_\_\_/\_\_\_\_ and until the DNREC, Division of Soil and Water Conservation (Department) acknowledges the Transfer of Authorization Form. The Department may hold the Transferor and Transferee jointly and severably liable under said permit for any breach of permit obligations, responsibilities, or violations.

Transferor Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Transferor Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Transferee Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Transferee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### V. Certification of Transferee

#### NOTE: SEE INSTRUCTIONS FOR SIGNATURE REQUIREMENTS

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage this system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I certify under penalty of law that I understand the terms of and conditions of the Delaware National Pollutant Discharge Elimination System (NPDES) Special Conditions for Storm Water Discharges Associated with Construction Activities.

Print Name: \_\_\_\_\_ Print Title: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Submission of this form serves as a notification of the facility identified on this form to adhere to the provisions of The Regulations Governing Stormwater Discharges Associated with Industrial Activity and Part 2 – Special Conditions for Stormwater Discharges Associated with Construction Activities. This form must be complete in order to obtain permit coverage.**