

# INSTRUCTIONS: FORM 4

## Co-Permittee Application

### for Shared Operational Control of 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 CO-PERMITTEE 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.

When multiple persons maintain operational control of a site, all are considered co-permittees of the site. Any person who maintains operational control on a site in addition to the original permittee, shall complete the Co-Permittee Application form and submit it to the Department in order to be authorized to discharge storm water. Multiple co-permittees are possible for any one site.

#### WHERE TO FILE THE CO-PERMITTEE APPLICATION FORM

The Co-Permittee 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

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. ORIGINAL PERMITTEE 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.

#### SECTION II. ORIGINAL PERMITTEE INFORMATION (continued)

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. CO-PERMITTEE INFORMATION

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

#### SECTION IV. SHARED OPERATIONAL CONTROL AGREEMENT

Enter an effective date of shared operational control into the body of the Shared Operational Control Agreement. The Agreement must be signed and dated by both the original permittee, and co-permittee, who is accepting shared operational control of permitted activities with the original permittee.

#### SECTION V. CERTIFICATION OF CO-PERMITTEE

State law provides for severe penalties for submitting false information on this application form. **An unsigned or undated Co-Permittee 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 4</b>
DATE RECEIVED: _____
ID #: _____

**Co-Permittee Application  
for Shared Operational Control of  
Storm Water Discharges Associated With  
CONSTRUCTION ACTIVITY Under a NPDES General Permit**

**I. Permit Information**

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

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

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

**II. Original Permittee 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. Co-Permittee 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: \_\_\_\_\_



## Co-Permittee Application for Shared Operational Control of Storm Water Discharges Associated With CONSTRUCTION ACTIVITY Under a NPDES General Permit

### IV. Shared Operational Control Agreement

The following parties agree to share operational control under the above referenced permit effective \_\_\_\_ / \_\_\_\_ / \_\_\_\_\_. Co-Permittee hereby assumes joint and severable responsibility, coverage, and liability under the permit for any obligations, duties, responsibilities and violations under said permit. Original Permittee shall remain liable under the permit for violations of the permit conditions up to and including the above referenced date and until a Notice of Termination is filed and acknowledged by the DNREC, Division of Soil and Water Conservation. Co-permittee shall remain liable under the permit for violations of the permit conditions up to and including the above referenced date and until a Notice of Termination is filed and acknowledged by the DNREC, Division of Soil and Water Conservation or until co-permittee no longer maintains operational control.

Original Permittee Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Original Permittee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Co-Permittee Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Co-Permittee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### V. Certification of Co-Permittee

#### 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.**