

# Tips on Completing the Transferee Application and Agreement:

These forms are fillable and start on the next page of this PDF. Do not submit this page with the forms. It is for your information only to help you complete the forms correctly.

**PLEASE NOTE:** Only a hard copy printout with **ORIGINAL SIGNATURES** will be accepted. Electronic copies, scans, or faxes of any signature are not acceptable.

There are 2 forms: 1) a Transferee Application and 2) a Transferee Agreement.

→ Although **ALL** the information needs to be completed on the forms, listed below ← are some tips on specific areas of the forms that are often questioned...

## ➤ **APPLICATION** (pages 1-4)

- Section B (page 1):  
Both the Current Permittee's company name **AND** individual name must be listed.
- Section D (page 2):  
Both the New Transferee's company name **AND** individual name must be listed.
- Section F (page 3):  
**PLEASE NOTE: The Current Permittee does NOT sign page 3 of the Application. Only the NEW TRANSFEEE (the person whose name is listed in Section D) signs on page 3 and has his/her signature notarized on page 4.** (The extra signature line is to be used only if there is more than one New Transferee.)

## ➤ **AGREEMENT** (page 5)

**BOTH** the Current Permittee **and** the New Transferee sign the Agreement.

### **PLEASE NOTE:**

- The person whose name is listed as the Current Permittee in Section B of the Application (page 1) must be the person who signs this Agreement (page 5).
- The person whose name is listed as the New Transferee in Section D of the Application (page 2) and who signed the Application (page 3) must be the person who signs this Agreement (page 5).



**D. TRANSFEREE/CO-PERMITTEE INFORMATION**

Corporations for profit, corporations not-for-profit, limited liability companies, partnerships or sole proprietorships, limited partnerships, professional associations and business or statutory trusts that were not created or formed under the laws of Pennsylvania desiring to do business in this Commonwealth must register with the Pennsylvania Department of State.

DEP Client ID# (if known) Applicant Type (e.g. Owner, Operator, etc.)

Organization Name or Registered Fictitious Name Employer ID# (EIN)

Individual Last Name, First Name, MI, Suffix

Additional Individual Last Name, First Name, MI, Suffix

Mailing Address Street

City State ZIP+4 County

Email Address Phone

**E. COMPLIANCE REVIEW**

Yes  No  Does the applicant (owner and/or operator) have or require other environmental permits issued by the Department for this project? If yes, list each permit and the compliance history of the permitted facility or operation.

Permit Program: \_\_\_\_\_

Permit Number: \_\_\_\_\_

Brief Description: \_\_\_\_\_

Compliance History: \_\_\_\_\_

If the applicant is not in compliance with any environmental law or regulation, or Department permit, order or schedule of compliance, or has failed and continues to fail to comply, or has shown a lack of ability or intent to comply with environmental laws or regulations or any Department permit, order, or schedule of compliance, as indicated by past or continuing violations, provide a narrative description of how the applicant will achieve compliance including the appropriate milestones.

**F. CERTIFICATION AND SIGNATURE OF APPLICANT**

Applicant Certification

I certify under penalty of law that this application and all related attachments were prepared by me or 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 own knowledge and on inquiry of the person or persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. The responsible official's signature also verifies that the activity is eligible to participate in the NPDES permit, and that BMP's, E&S Plan, PPC Plan, PCSM Plan, and other controls are being or will be, implemented to ensure that water quality standards and effluent limits are attained. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment or both for knowing violations pursuant to Section 309(c)(4) of the Clean Water Act and, 18 Pa. C.S. §§4903-4904.

I grant permission to the agencies responsible for the permitting of this work, or their duly authorized representative to enter the project site for inspection purposes. I will abide by the conditions of the permit if issued and will not begin work prior to permit issuance.

(For individuals no indication of title is necessary, choose the box below. All others proceed to the next paragraph)

**Individual; proceed to signature portion.**

I hereby certify that I am the signatory pursuant to 25 Pa, Code § 92a.22 and 40 CFR §122.22 and that I am the person who is responsible for decision-making regarding environmental compliance functions for \_\_\_\_\_ (Enter Entity name), the manager of one or more manufacturing, production, or operating facilities of the applicant and am authorized to make management decisions which govern the operation of regulated facility including having explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure the applicant's long term environmental compliance with environmental laws and regulations; and I am responsible for ensuring that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements.

(choose one of the following; not applicable for individuals):

- The responsible corporate officer  president  vice president  secretary  treasure of \_\_\_\_\_ Corporation/Company Entity name
- The  member or  manager of \_\_\_\_\_ LLC  
Entity name
- The general partner of \_\_\_\_\_ partnership/LP/LLP  
Entity name
- The principal executive officer/ranking elected official of \_\_\_\_\_ Municipality/State/Federal/  
Entity name other public agency
- Power of Attorney/delegation of contractual authority (documentation supporting delegation of contracting authority must be provided) for \_\_\_\_\_  
Entity name

SIGNATURES

**New Transferee or Co-Permittee**

**Additional New Transferee or Co-Permittee (if applicable)**

\_\_\_\_\_  
Print Name and Title of Person Signing

\_\_\_\_\_  
Print Name and Title of Person Signing

\_\_\_\_\_  
Signature of New Transferee or Co-Permittee Applicant

\_\_\_\_\_  
Signature of Additional New Transferee or Co-Permittee

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Date Signed

Please note below the name, email address and telephone number of the individual that should be contacted in the event additional information is required.

Name \_\_\_\_\_ Phone \_\_\_\_\_  
Email \_\_\_\_\_

Notarization of New Transferee's or New Co-Permittee's signature:

Commonwealth of Pennsylvania

County of \_\_\_\_\_

Sworn to and Subscribed to Before Me This

**NOTARY**

\_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_\_

**SEAL**

Notary Public

My Commission Expires: \_\_\_\_\_

**TRANSFEEE AGREEMENT  
ASSUMPTION OF RESPONSIBILITY UNDER A GENERAL OR  
INDIVIDUAL NPDES PERMIT FOR STORMWATER DISCHARGES ASSOCIATED  
WITH CONSTRUCTION ACTIVITIES**

\_\_\_\_\_ (Permit Number)  
\_\_\_\_\_ (Name of Facility/Project)  
\_\_\_\_\_ (Municipality)  
\_\_\_\_\_ (County)

The following parties agree to transfer ownership and/or operational control under the above referenced permit.

- \_\_\_\_\_(New Transferee Name, Company & Address) hereby assumes, effective \_\_\_\_\_ (date) all responsibility, coverage, and liability under the permit for any obligations, duties, responsibility, and violations under said permit.
- \_\_\_\_\_(Transferor Name, Company & Address) shall remain liable under the permit for violations of the permit up to and including \_\_\_\_\_(date) AND until the Chester County Conservation District acknowledges the Transferee Form.

The Department may hold \_\_\_\_\_(Transferor) and \_\_\_\_\_(Transferee) jointly and severably liable under said permit for any breach of permit obligations, responsibilities, or violations.

In the case of multiple transferees, a description of site responsibilities and a map or plan drawings depicting the limits of permit responsibility, coverage, and liability for each transferee is attached.

\_\_\_\_\_  
Signature of Current Permittee/Transferor

\_\_\_\_\_  
Signature of (New) Transferee

\_\_\_\_\_  
Company Name (if applicable)

\_\_\_\_\_  
Company Name (if applicable)

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Printed Name and Title

Additional Transferees shall sign below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## INSTRUCTIONS FOR THE TRANSFEREE/CO-PERMITTEE APPLICATION FORM FOR A GENERAL OR INDIVIDUAL NPDES PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES

**Who may file the Transferee/Co-Permittee Application Form:** This form may be used by an applicant seeking to apply for either complete or partial operational control of earth disturbance activities at a site which are already authorized by either an Individual or General NPDES Permit. Federal NPDES Regulations at 40 C.F.R. §122.21(b) require that Operator(s) must become a permittee. An operator is a person who meets either of the following criteria: 1.) You have operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; **OR** 2.) You have day-to-day operational control (supervision) of those activities at the project that are necessary to ensure compliance with the Erosion and Sediment Control Plan for the site or ensure compliance with other permit conditions, i.e., General Contractors. Subcontractors generally do not have supervisory control over earth disturbance activities and therefore usually **should not** become a permittee or co-permittee. If prior to construction activities, there is no operator, the owner must apply for the permit. Once the operator has been selected, the operator must use this application either to be made a co-permittee or to have the permit transferred to the contractor. **Failure of the operator to be added to the permit is a violation of federal and state law and regulation.**

**Where to file the Transferee/Co-Permittee Application Form:** Send this form to the reviewing entity, either to the local county conservation district that is participating as the reviewing entity or, if the Department is the reviewing entity, to the appropriate DEP Regional Office, Permitting and Technical Services Section.

**When to file the Application:** This application must be filed at least 30 days prior to the proposed change of ownership and/or operational control which will result in the transfer of permit responsibility, coverage and liability.

**Completing the Application:** TYPE OR PRINT IN BLOCK LETTERS IN THE APPROPRIATE SPACES

**Section A. Permit Information** - Check the appropriate box and enter the Permit Number and date of issuance of the existing Individual or General NPDES Permit assigned to the construction activity at the site identified in Section C below.

**Section B. Current Permittee Information** - Enter the full name, address and telephone number of the individual or organization that is the current permittee. The Regional Office can supply the Client ID #, if known.

**Section C. Site Information** - Enter the DEP Site ID#, site name, site address/location, county and municipality of the site where the construction activity authorized by the NPDES Permit is located. Include the date on which the transfer of Permit responsibility, coverage and liability will occur. The Regional Office can supply the Site ID #.

**Section D. Transferee/Co-Permittee Information** - Enter the full name, address, email address, and telephone number of the individual or organization that is applying to assume operational control of construction activities at the site. The Regional Office can supply the Client ID #, if known.

**Section E. Compliance Review** - The individual or organization referenced in Section D must indicate if any other environmental permits have been received or are pending from DEP as well as their past compliance history and if they are currently in compliance with environmental laws, rules and regulations, permits, orders and schedules of compliance.

**Section F. Certification and Signature of Applicant** - The new Transferee/Co-Permittee Applicant (named in Section D) must complete the required certification to include the printed applicant name and title. The application shall be signed as follows:

- a. **For a corporation** -- By a responsible corporate officer, which means: (1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (2) The manager of one or more manufacturing, production or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- b. **For a partnership or sole proprietorship** -- By a general partner or the proprietor, respectively; or
- c. **For a municipality, State, Federal or other public agency** -- by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- d. For individuals, no indication of title is necessary.

If anyone else signs on behalf of a corporation, partnership, or public agency, documentation supporting delegation of contracting authority must be provided

**The application shall be notarized in the space provided.**