

# **15A NCAC 02H .1045 REQUIREMENTS FOR PERMIT TRANSFERS AND PERMIT RENEWALS**

This Rule contains the requirements for the transfer and renewal of State stormwater management permits that have been issued by the Division, including those issued under the standard and fast-track permitting processes.

- (1) **CONDITIONS UNDER WHICH A PERMIT SHALL BE TRANSFERRED.** Permit transfer applications shall be accepted by the Division under the following scenarios:
  - (a) upon the request of the current and proposed permittees;
  - (b) upon the request of a permitted declarant of a condominium or planned community to the unit owners association, owners association, or other management entity identified in the condominium or planned community's declaration in accordance with G.S. 143-214.7(c2); or
  - (c) upon the request for a transfer without the consent of the permit holder to a successor-owner of the property on which the permitted activity is occurring or will occur as provided in G.S. 143-214.7(c5).
- (2) **PERMIT TRANSFER APPLICATION SUBMITTAL REQUIREMENTS.** The applicant shall submit a permit application fee in accordance with G.S. 143-215.3D and two signed hard copies and one electronic copy of each of the following:
  - (a) a completed and signed Permit Transfer Application Form. This form may be obtained on the Division's website at <http://portal.ncdenr.org/web/lr/stormwater> and shall include the following information:
    - (i) current stormwater permit number;
    - (ii) current project name;
    - (iii) current permittee name and contact information; and
    - (iv) proposed permittee name and contact information.
  - (b) when the applicant is a corporation or limited liability corporation (LLC):
    - (i) Documentation showing the corporation or LLC for the proposed permittee is an active corporation in good standing with the NC Secretary of State; and
    - (ii) Documentation from the NC Secretary of State or other official documentation, showing the titles and positions held by the person who signed the application pursuant to Rule .1040 of this Section;
  - (c) legal documentation of the property transfer to a new owner;
  - (d) a copy of a signed and notarized operation and maintenance agreement from the proposed permittee;
  - (e) a copy of the recorded deed restrictions and protective covenants where required by the permit. If the project has been built, documentation that the maximum allowed per lot built-upon area or the maximum allowed total built-upon area has not been exceeded. If the project has not been built, the new owner shall provide a signed agreement to submit final recorded deed restrictions and protective covenants; and
  - (f) if the project has been built, a signed, sealed, and dated letter from a licensed professional or other qualified person in accordance with Rule .1050 of this Section stating that the stormwater management system has been inspected and that it has been built and maintained in accordance with the approved plans.
- (3) **PERMIT RENEWAL APPLICATION SUBMITTAL REQUIREMENTS.** Permittees shall submit a permit renewal application to the Division a minimum of 180 days prior to the permit's expiration date. The applicant shall submit a permit application fee in accordance with G.S. 143-215.3D and two signed hard copies and one electronic copy of each of the following:
  - (a) a completed and signed Permit Renewal Application Form. This form can be obtained on the Division's website at <http://portal.ncdenr.org/web/lr/stormwater> and shall include the following information:
    - (i) project name and stormwater permit number;
    - (ii) permittee name and contact information;
    - (iii) owner name, title, and contact information;
    - (iv) information about the physical location of project;
    - (v) description of SCMs used on the project; and
    - (vi) if applicable, description of any changes made to the project as permitted.
  - (b) when the applicant is a corporation or limited liability corporation (LLC):

- (i) Documentation showing the corporation of LLC is an active corporation in good standing with the NC Secretary of State; and
    - (ii) Documentation from the NC Secretary of State or other official documentation, showing the titles and positions held by the person who signed the application pursuant to Rule .1040 of this Section.
  - (c) documentation that the maximum allowed per lot built-upon area or the maximum allowed total built-upon area has not been exceeded;
  - (d) a signed, sealed, and dated letter from a licensed professional or other qualified person in accordance with Rule .1050 of this Section stating that the stormwater management system has been inspected and that it has been built and maintained in accordance with the approved plans;
  - (e) a copy of the current signed and notarized operation and maintenance agreement where required by the permit;
  - (f) a copy of the recorded deed restrictions and protective covenants, where required by permit; and
  - (g) if the project is out of compliance with permit conditions, a written schedule of actions to bring the project into compliance.
- (4) **DIVISION REVIEW OF APPLICATIONS.** The Division shall follow these procedures in reviewing and approving applications for permit transfers and renewals.
- (a) The Division shall take one of the following actions upon receipt of the application:
    - (i) notify the applicant that the application is incomplete, and specify the additional information required as set forth in Items (2) or (3) of this Rule for the Division to determine whether the project complies with this Section. The Division shall provide a list of the additional information required. The applicant shall have 30 days from the date the letter was sent to submit the additional information to the Division;
    - (ii) return the application if the required information listed in Items (2) or (3) of this Rule is not provided or if information the Division has requested per Sub-item (4)(a)(i) is not provided. In this case, the application shall be deemed denied, and the applicant shall be required to resubmit a complete application with a new application fee; or
    - (iii) issue an updated permit in accordance with this Section if the application is complete and the project is in compliance with its permit conditions and approved plans.
  - (b) The applicant shall allow the Division safe access to the records, lands, and facilities of the applicant. The Division may conduct any inquiry or investigation it considers necessary before acting on an application and may require an applicant to submit plans, specifications, and other information the Division considers necessary to evaluate the application.
  - (c) If the Division fails to act within the response times set forth by G.S. 143-215.1, then the application shall be considered approved unless:
    - (i) the applicant agrees, in writing, to a longer period;
    - (ii) the project being transferred or renewed is out of compliance with the stormwater permit;
    - (iii) a public notice or public hearing is required by the Director;
    - (iv) the applicant fails to furnish information necessary for the Division's decision in accordance with this Rule; or
    - (v) the applicant refuses the staff access to its records or premises for the purpose of gathering information necessary for the Division's decision.

*History Note: Authority G.S. 143-214.1; 143-214.7; 143-215.1; 143-215.3(a); Eff. January 1, 2017 (portions of this Rule previously codified in 15A NCAC 02H .1003).*