## NC DEQ Division of Energy, Mineral and Land Resources

**POST CONSTRUCTION (State) Stormwater:**

**permit transfer application form**

*Pursuant to* [15A NCAC 02H.1045](https://deq.nc.gov/about/divisions/energy-mineral-land-resources/energy-mineral-land-rules/stormwater-program-rules) *and other applicable statues as referenced within*

*Only complete applications packages will be accepted and reviewed. This form (with original signatures) and the required items must be sent to the appropriate* [*DEMLR Regional Office*](https://deq.nc.gov/contact/regional-offices) *(Coastal, SA Waters) or DEMLR Central Office (Urbanizing Areas Ph 2, USMP, Non-Coastal HQW/ORW).*

*After this application is accepted, DEMLR will conduct a compliance inspection and report any deficiencies to the current permit holder and/or the proposed permit holder. It is recommended that the parties involved review the project for compliance with the approved plans and permit* ***prior*** *to submitting this application package.*

**A. GENERAL INFORMATION**

1. Stormwater Permit Number:
2. Project name:

Is this an updated project name from the current permit? [ ]  Yes [ ]  No

1. Project street address:

City:       County:       ZIP :

1. Reason for the permit transfer request:

B. TYPE OF TRANSFER REQUESTED

 *The application is being submitted:*

[ ]  1. In accordance with [15A NCAC 02H.1045(1)(a)](https://deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/stormwater-rules-and-regulations) upon request of **both the current and proposed permit holders**

[ ]  2. *In accordance with* [*G.S. 143-214.7(c2)*](http://www.ncga.state.nc.us/enactedlegislation/statutes/html/bysection/chapter_143/gs_143-214.7.html)*,* **solely by****the current permit holder, a declarant of a condominium or planned community***.* *This type of transfer requires all of the following, as supported by documentation. (skip Sections F & G)*

[ ]  The proposed permit holder is the owners association or other management entity identified in the condominium or planned community’s declaration.

[ ]  Any common areas related to the operation and maintenance of the stormwater management system, which includes common area required to maintain the density of the development, have been conveyed to the unit owners’ association or owners’ association in accordance with the declaration;

[ ]  The declarant has conveyed at least fifty percent (50%) of the units or lots to owners other than a declarant;

[ ]  The project and stormwater management system is in compliance with the stormwater permit.

[ ]  3. *In accordance with* [*G.S. 143-214.7(c5)*](http://www.ncga.state.nc.us/enactedlegislation/statutes/html/bysection/chapter_143/gs_143-214.7.html) *(see also SL 2021-158), submitted*:

[ ]  **Jointly by both the permit holder and successor-owner**, *or*

[ ]  **Solely by the successor-owner** *(skip Section D)*

and where the following 3 conditions are met:

a. The current permit holder is one of the following (select at least 1):

[ ]  A natural person who is deceased. *(skip Section D)*

[ ]  A partnership, limited liability corporation, corporation, or any other business association that has been dissolved and does not have a successor-in-interest.

[ ]  A person or entity who has been lawfully and finally divested of title to the property on which the permitted activity is occurring or will occur through foreclosure, bankruptcy or other legal proceeding.

[ ]  A person or entity who has sold the property on which the permitted activity is occurring or will occur.

[ ]  Other (please explain):

b. The successor-owner is one of the following *(select at least 1)*:

[ ]  A person or entity holding title to the property on which the permitted activity is occurring or will occur;

[ ]  The claimant of the right to engage in the permitted activity.

[ ]  An association, as defined in G.S. 47C-1-103 or G.S. 47F-1-103.

[ ]  Any other natural person, group of persons, or entity deemed appropriate by the Department to operate and maintain the permit.

c. [ ]  There will be no substantial change in the permitted activity.

C. SUBMITTAL REQUIREMENTS

*Please mark “Y” to confirm the items are included with this form. Please mark “X” if previously provided. If not applicable or not available, please mark N/A***.**

      1. A permit application processing fee of $792 made payable to NCDEQ per G.S. 143B-279.19

      2. One originally signed hard copy and one electronic copy of this completed form. The signing official(s) named on this application must meet the following:

1. Corporation – a principal executive officer of at least the level of vice-president;
2. Limited Liability Company (LLC) – a manager or company official as defined in G.S. 57D;
3. Public Entity – a principle executive officer, ranking official or duly authorized employee;
4. Partnership or limited partnership – the general partner;
5. Sole proprietor;
6. Letter of authorization signed by one of the signatories noted in a-e above authorizing the signature of another entity.

      3. For proposed permit holder(s) that are corporations or LLC’s, documentation showing the proposed permit holder is an active entity in good standing with the NC Secretary of State.

      4. For proposed permit holders(s) that are corporations or LLC’s, documentation from the NC Secretary of State or other official documentation showing the titles and positions held by the signing official.

      5. For the current permit holder, documentation supporting their current status, if applicable. For instance, if an entity, documentation showing their status with NC Secretary of State (active, dissolved, or otherwise).

      6. Legal documentation that the property included the permitted project area has transferred to the proposed permit holder (such as a recorded deed and associated plats for the property, uncompleted development and/or common areas) or legal documentation demonstrating that the proposed permit holder is the sole claimant of the right to engage in the permitted activity.

      7. If transferring under [G.S. 143-214.7(c5)](http://www.ncga.state.nc.us/enactedlegislation/statutes/html/bysection/chapter_143/gs_143-214.7.html) *(i.e., Section B.3 of this form is selected)*, provide documentation supporting if the permit transfer conditions outlined in G.S. 143-214.7(c5)(1) were met before or on/after July 1, 2021.

      8. If Section B.1 or B.3 of this form is selected, a signed and notarized operation and maintenance agreement (O&M) from the proposed permit holder. For standard designs, the O&M-EZ form available on the following website may be used: [Stormwater Design Manual](https://deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/stormwater-design)

      9. A copy of any recorded documents required by the permit and/or rules, including:

     Deed restrictions and protective covenants. If the project has not been built, the new owner shall provide a signed agreement to submit final recorded deed restrictions and protective covenants.

     If approved under the 2017 Rules, a copy of the recorded O&M agreement.

     If applicable, a copy of the final plat documenting the recorded easements and if approved under the 2017 Rules, a reference to the recorded O&M Agreement.

      10. 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.

      11. 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 stating the stormwater management system has been inspected and whether it has been built and maintained in accordance with the approved plans and permit conditions.

      12. If transferring under [G.S. 143-214.7(c2)](http://www.ncga.state.nc.us/enactedlegislation/statutes/html/bysection/chapter_143/gs_143-214.7.html) (i.e., if Section B.2 of this form is selected), documentation verifying that 50% or more of the lots have been conveyed to individuals (not builders). Copies of the deeds of conveyance or a chart listing the lot number, lot address, owner’s name, conveyance date and deed book and page number are acceptable.

      13. If transferring under [G.S. 143-214.7(c5)](http://www.ncga.state.nc.us/enactedlegislation/statutes/html/bysection/chapter_143/gs_143-214.7.html) *(i.e., Section B.3 of this form is selected)* andthe property was transferred prior to July 1, 2021, documentation demonstrating that the property was in compliance with its permit in the period either 12 months immediately before or after the property was transferred. *[G.S. 143-214.7(c5)(1c)]*

      14. If transferring under [G.S. 143-214.7(c5)](http://www.ncga.state.nc.us/enactedlegislation/statutes/html/bysection/chapter_143/gs_143-214.7.html) *(i.e., Section B.3 of this form is selected)* and the activity on the property does not conform to the approved plans and permit conditions, one of the following has been included:

 [ ]  A written schedule of actions to bring the permitted activity into compliance within one calendar year.

 [ ]  If there has been or will be a modification to the permitted activity, an application for a permit modification.

      15. If the proposed permit holder is the lessee, a copy of the lease agreement.

      16. If the proposed permit holder is the purchaser, a copy of the pending sales agreement.

**D. CURRENT PERMIT HOLDER INFORMATION AND CERTIFICATION** *Please provide Email.*

1. Current Permit Holder’s Company Name/Organization:
2. Signing Official’s Name:
3. Signing Official’s Title:
4. Mailing Address:

 City:       State:       ZIP :

1. Street Address:

 City:       State:       ZIP :

1. Phone: (   )       Email:

I,       , the current permit holder, am submitting this application for a transfer of ownership for the above listed stormwater permit under the General Statutes and regulations identified in Section B of this application. I hereby notify DEMLR of the sale or other legal transfer of the property/project and/or the stormwater system associated with this permit. I have provided a copy of the following documents to the proposed permit holder named in this application form:

[ ]  the most recent permit;

[ ]  the designer’s certification for each SCM;

[ ]  any recorded deed restrictions, covenants, common areas, drainage easements, plats, or O&M;

[ ]  the approved plans and/or approved as-built plans;

[ ]  the previously approved operation and maintenance agreement;

[ ]  past maintenance records from the previous permit holder (where required);

[ ]  a copy of the most recent inspection report;

For any items that were not provided, please explain why:

I further attest that this application and request for a permit transfer is accurate and complete to the best of my knowledge. I attest that I have provided all of the required items per the law to transfer this permit. I understand that if all required parts of this request are not completed or if all required supporting information and attachments listed above are not included, this request package will be returned as incomplete. I assign all rights and obligations as permit holder to the proposed permit holder named below. I understand that this request to transfer the permit may not be approved by the DEMLR unless and until the facility is in compliance with the permit.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a Notary Public for the State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby certify that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ personally appeared before me this the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_\_, and acknowledge the due execution of the forgoing instrument. Witness my hand and official seal,

*(Notary Seal)*

Notary Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

My commission expires \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**E. PROPOSED PERMIT HOLDER INFORMATION**

1. Name/Entity:
2. Signing Official’s Name:
3. Signing Official’s Title:
4. Mailing Address:

City:       State:       ZIP:

1. Street Address:

City:       State:       ZIP:

1. Phone: (   )       Email:
2. **The proposed permit holder is the:**

[G.S. 143-214.7(c5)](http://www.ncga.state.nc.us/enactedlegislation/statutes/html/bysection/chapter_143/gs_143-214.7.html)[ ]  **Property owner** *(Also complete Section F.)*

[ ]  **Home Owners Association (HOA), Property Owners Association (POA), or Unit Owner Association (UOA)** *(if being transferred per Section B.1 or B.3, also complete Section F.)*

[ ]  **Lessee** - *Attach a copy of the lease agreement. Both the lessee and the property owner will appear on the permit as co-permit holders. If the lease is terminated, responsibility for the permit reverts to the property owner. (Also complete Section F & G.)*

[ ]  **Purchaser** *- Attach a copy of the pending sales agreement. The permit will require submission of a copy of the recorded deed after the purchase has taken place. If the purchase agreement is cancelled the permit reverts to the property owner. (Also complete Section F & G.)*

[ ]  **Developer** *- Attach a copy of the development agreement. Both the developer and the property owner will appear on the permit as co-permit holders. If the development agreement is terminated, responsibility for the permit reverts to the property owner.*  (*Also complete Section F & G.)*

1. Property Owner Information (for a leasee, purchaser, or developer situation)
2. Property Holder Name/Entity:
3. Signing Official’s Name:
4. Signing Official’s Title:
5. Mailing Address:

City:       State:       ZIP:

1. Street Address:

 City:       State:       ZIP:

1. Phone: (     )       Email:
2. **If there is a management company or other point of contact for the property:** *Please provide Email.*
3. Management Company or Entity:
4. Contact Name:       Title:
5. Mailing Address:
6. City:       State:       ZIP:
7. Phone: (   )       Email:

**F. PROPOSED PERMIT HOLDER CERTIFICATION**

I,      , hereby notify the DEMLR that I have acquired through sale, lease, development agreement, or other legal transfer, the project/property covered by the stormwater management permit and/or the responsibility for constructing and/or operating and maintaining the permitted stormwater management system. I acknowledge and attest that I have received a copy of: *(select all that apply):*

[ ]  the most recent permit;

[ ]  the designer’s certification for each SCM;

[ ]  any recorded deed restrictions, covenants, common areas, drainage easements or plats;

[ ]  the approved plans and/or approved as-built plans;

[ ]  the approved operation and maintenance agreement;

[ ]  past maintenance records from the previous permit holder (where required);

[ ]  a copy of the most recent inspection report;

*[ ]  Check here if the proposed permit holder agrees to be the entity responsible for addressing any compliance issues outlined in the Compliance Inspection Report. If checked, the proposed permit holder must provide a written document statement, with a “plan of action and schedule” addressed to this office stating that they will bring the project into compliance upon receipt of the transferred permit. This written “plan of action and schedule” must be received by the Division before the Division will transfer the permit.*

I have reviewed the permit, approved plans and other documents listed above, and I acknowledge that I will comply with the terms and conditions of the permit. I will construct/maintain the project’s built-upon area as shown on the approved plans; and I will construct, operate and maintain the approved stormwater management system pursuant to the requirements listed in the permit and in the operation and maintenance agreement.

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a Notary Public for the State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby certify that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ personally appeared before me this the \_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_, and acknowledge the due execution of the forgoing instrument. Witness my hand and official seal*,*

 *(Notary Seal)*

Notary Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

My commission expires \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**G. PROPERTY OWNER INFORMATION AND CERTIFICATION**

*Fill out this section only if the property owner is different from the proposed permit holder. The permit will revert to the property owner if the purchase agreement, developer agreement or lease expires or is terminated.*

I,       , hereby certify that I currently own the property identified in this permit transfer document and acknowledge that the Proposed Permit holder listed in Section F will be purchasing the property, developing the property on my behalf, and/or leasing the property from me. A copy of the purchase agreement, development agreement or the lease agreement, which names the party responsible for the construction and/or operation and maintenance of the stormwater system, has been provided with the permit transfer request.

I agree to notify DEMLR within 30 days if there are any changes to the purchase, developer or lease agreements and will submit the applicable completed and signed Permit Information Update Form or Permit Transfer Application Form to address these changes. As the legal property owner, I acknowledge, understand, and agree by my signature below, that the permit will revert to me and I will be responsible for complying with the DEMLR Stormwater permit if the property purchase, lease or developer agreement/contract is cancelled or defaults. I understand that any individual or entity found to be in noncompliance with the provisions of the stormwater management permit or the stormwater rules is subject to enforcement action as set forth in NC General Statute (NCGS) 143, Article 21.

Signature of the property owner \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a Notary Public for the State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, do hereby certify that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ personally appeared before me this the \_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_\_\_, and acknowledge the due execution of the forgoing instrument. Witness my hand and official seal,

*(Notary Seal)*

Notary Signature\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

My commission expires\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_