

Guidelines for Transfer of Ownership Notification

Background

Ohio's rules require written confirmation of a change in ownership. Ohio Revised Code (ORC) section [3704.03\(F\)](#) provides for transfer of ownership of permit to install (PTI) requirements. ORC Section [3704.03\(G\)](#) provides for transfer of ownership for permit to operate (PTO) requirements. As of June 30, 2008, true minor (i.e., Non-Title V) and synthetic minor facilities have installation and operation requirements contained in one document called a permit to install and operate (PTIO) – ORC Section 3704.03(F) and ORC Section 3704.03(G) continues to apply to these combined permits. ORC Section 3704.036(C) provides for transfer of ownership for Title V permits. Ohio Administrative Code (OAC) rules identify the transfer of ownership responsibility and requirements of applicants/permittees subject PTI or PTIO (OAC rule [3745-31-07\(E\)](#)), and Title V (OAC rule [3745-77-01\(C\)\(4\)](#)). The OAC rule 3745-31-07(E) requirements became effective in June, 2008 and reduce the complexity of ownership transfer notification. Rather than requiring both parties to notify the Agency, the new owner (i.e., the transferee) is responsible for notifying Ohio EPA that the transfer has occurred.

In 2008, Ohio EPA initiated mandatory use of Air Services for Synthetic Minor and Title V facilities. Air Services is a web-based permit application and reporting business tool through the Agency eBusiness Center. Non-Title V facilities can choose to use Air Services or they can continue to submit hard copy applications and reports to the appropriate Ohio EPA District Office or local air agency. Ohio EPA encourages all Non-Title V facilities to take advantage and use Air Services to minimize paper use and to streamline efficiency. This will allow facilities to have greater access and control of their facility profile. Hard copy change of ownership letters should be sent to the attention of the appropriate district office or local air agency ([DO/LAA](#)) representative. This can be accomplished in a Request Administrative Permit Amendment task.

Documenting Transfer of Ownership via Air Services

Non-Title V and Synthetic Minor facilities:

- The new owner (i.e., the authorized representative (AR¹)) updates and submits the new ownership information via the “Owner/Contact Change” functionality in Air Services once the transfer is legally completed.
- If the change in ownership also changed the AR, the new AR needs to get access to the Air Services facility records before they can perform the steps identified above. There are a number of ways to accomplish this. The easiest way is for the old owner AR to grant² access to the Air Services facility records once the new AR has an eBusiness Center³ account and PIN, and the ownership transfer has occurred.
- Submitting the change automatically affects all future applications/correspondence – no permit modifications to the terms and conditions of the permit are necessary unless requested by the new owner.
- The change must be submitted through Air Services within thirty days of the ownership transfer date.

¹ OAC rule [3745-31-04\(B\)](#)

² Ohio EPA [Answer Place](#) topic ID [1522](#) – “Certify/Submit/Manage Access delegation role and Air Services – video”

³ See the following Ohio EPA Answer Place topics for additional information:

[1132](#) - “How do I create an account in the eBusiness Center?”

[1206](#) – “Create a New User in the eBusiness Center – video”

[1136](#) – “How do I get an eBusiness Center PIN? Detailed steps”

[1207](#) – “Request a PIN in the eBusiness Center – video”

If the old owner is not available to grant access, please contact Linda Lazich at linda.lazich@epa.state.oh.us to discuss access authorization options.

Transfer of Ownership and Air Permits

Title V facilities:

The steps presented above for Non-Title V and Synthetic Minor facilities should also be completed by Title V facilities in Air Services. Taking the above steps will satisfy the requirements for any permits-to-install associated with operations at a Title V facility. However, the Title V regulations also require additional documentation for the Title V permit. Changes to ownership at Title V facilities are recognized through an Administrative Permit Amendment⁴ of the Title V permit provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Director of Ohio EPA. The written agreement must be submitted by the new Responsible Official⁵ as an attachment to the Administrative Permit Amendment request in Air Services.

Documenting Transfer of Ownership via hard copy notification:

Note: this option is only available to Non-Title V facilities (i.e., not Title V and not Synthetic Minor)

- Hard copy notification of a transfer of ownership at a Non-Title V facility must be submitted on the letterhead of the new company.
- The letter must be signed by the Authorized Representative.
- One letter can cover all permits at various locations⁶ by identifying the locations and information identified below for each location (note, a copy of the letter must be sent to each of the respective DO/LAA's if the locations are in more than one Ohio EPA jurisdiction)
- The letter must identify the facility name, location (i.e., physical address), ten-digit air facility ID, contact(s)/mailing address and the date the ownership transfer became effective.
- The letter must be sent within thirty days of the ownership transfer date.

The District Office or Local Air Agency will update the owner/contact information in our records. Entering the change automatically affects all future correspondence – no permit modifications to the terms and conditions of the permit are necessary unless requested by the new owner.

Permit modifications based on a transfer of ownership

We do not routinely modify documents when a transfer of ownership occurs unless the permit needs to be modified for other reasons. In the case of the PTI, the original company/contact will remain on the permit, but the transfer will be noted in the DO/LAA permitting log for the facility. In the case of PTIOs and Title V permits, the transfer will be reflected in the next renewal issuance of the subject permit.

Fees for processing a transfer of ownership

Currently, there is no fee associated with a transfer of ownership notification.

⁴ OAC rule 3745-77-01(C)(4)

⁵ OAC rule [3745-77-01\(GG\)](#)

⁶ For example, if there are multiple permits involved, and/or multiple affected facilities in different cities..