
Instructions for Applying to Transfer An Ohio EPA Individual NPDES Permit

These instructions outline the procedure for transferring the responsibility, coverage, and liability of an individual NPDES permit. Following this procedure ensures the administrative record accurately reflects the transfer and obtains sufficient information to allow a decision to: (1) revoke and reissue the permit, (2) modify the permit, or (3) issue an administrative name change.

An Ohio NPDES permit is transferable. The transfer of any permit and its associated responsibility, coverage, and liability is subject to the approval of the director. No permit may be transferred unless the permittee and transferee file, through the district office, an agreement that includes a specific date for the transfer of permit responsibility, coverage, and liability on Ohio EPA Form 4234, *Application for Transfer of NPDES Permit*. The agreement must be signed by the permittee and the transferee. The form will request relevant ownership and operator biographic information and authorization for signatures and certification as required by OAC 3745-33-03 and 40 CFR Part 122.22.

Ohio EPA will usually issue a letter along with a revised NPDES permit that changes the name of the permit holder and occasionally the facility number. Alternatively, the director of Ohio EPA may exercise his option to modify or revoke the permit and require that a new application be filed. The permittee and transferee will be notified in writing of the director's decision within thirty days of receipt of the permit transfer form, or within sixty days of receipt of the intent to transfer the permit.

A. Permittee Responsibilities

1. Notification of any proposed permit transfer shall be provided to Ohio EPA district office no less than sixty days prior to the proposed date of transfer.

(a) The notice to Ohio EPA shall consist of a copy of a letter informing the transferee of the existence of the permit; or, in lieu of notice, the form in item 2, below.

(b) The notice must state the permit number, proposed date of transfer, and the names and addresses of the permittee (the transferor) and the transferee.

2. Upon receipt of the notice of intent to transfer a permit, the district office will send a permit transfer form (EPA

4234) and instructions to the permittee. The permittee shall complete the form, which includes a specific date for transfer of the permit responsibility, coverage, and liability, as well as other pertinent information. The form shall be signed by the permittee and transferee.

3. The permit transfer form shall be submitted by the transferee no less than thirty days prior to the proposed date of transfer.

(a) If the transferee proposes any significant changes resulting from the transfer, which may alter the characteristics or volume of the discharge, the transferee must comply with the provisions for plan approval and permits to install under OAC 3745-42.

B. Ohio EPA Responsibilities

1. Upon receipt of notification of intent to transfer the permit, the district office will acknowledge receipt and forward the appropriate form(s) and instructions to the transferee.

(a) Upon acceptance of the completed permit transfer form, the district will make a recommendation to allow the transfer to occur and draft a revised permit or deny the transfer based on significant concerns that such transfer will jeopardize compliance with the terms and conditions of the permit.

(b) The district office will forward the transfer package and recommendation to the central office permits unit for review and approval. The actions will be properly processed, public noticed, and issued in accordance with procedural rules and due process as required by ORC 3745.

C. Unauthorized Transfers

Permittees that have transferred ownership or operations of facilities without transferring the permit responsibility, coverage, and liability are responsible for the permit until a transfer is approved. When an unauthorized transfer is discovered, the district office will contact the current facility owner/operator and inform them of the requirements regarding permit transfer. The current owner/operator will have sixty days to submit a completed permit transfer form. The decision to allow the transfer will be processed in accordance with part (B) of this procedure.