15A NCAC 02H .1009 REQUIREMENTS FOR PERMIT TRANSFERS AND PERMIT RENEWALS

(1) APPLICABILITY. Any person who has been issued a stormwater permit from the Division that requires a transfer to new ownership or a permit renewal. If the stormwater design is being modified from the originally permitted design, then the person shall follow the procedures set forth in 02H .1006.

(2) PERMIT TRANSFER APPLICATION SUBMITTAL REQUIREMENTS. The applicant shall submit the following:

(a) A completed and signed Permit Transfer Application Form**;**

(b) When the applicant is a corporation or limited liability corporation (LLC):

(i) Documentation showing the corporation or 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, supporting the titles and positions held by the person listed in Paragraphs (a)(i) or (a)(ii) of this Rule

(c) Legal documentation of the property transfer to a new owner;

(d) A copy of a signed and notarized operation and maintenance agreement;

(e) A copy of the recorded deed restrictions and protective covenants limiting the built-upon area so that it does not exceed the capacity of the SCM(s) or the BUA thresholds. As an alternative, proposed deed restriction and protective covenants and a signed agreement to provide final recorded articles shall be accepted when final documents are not available at the time of submittal;

(f) A signed, sealed and dated letter from a licensed professional stating that the stormwater management plan has been inspected and any needed maintenance activities have been performed; and

(g) A nonrefundable fee in accordance with G.S. 143-215.3D.

(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 the following:

(a) A completed and signed Permit Renewal Application Form;

(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, supporting the titles and positions held by the person listed in Paragraphs (a)(i) or (a)(ii) of this Rule.

(c) A signed, sealed and dated letter from a licensed professional stating that the stormwater management plan has been inspected and any needed maintenance activities have been performed;

(d) A copy of the current signed and notarized operation and maintenance agreement;

(e) A copy of the recorded deed restrictions and protective covenants; and

(f) A nonrefundable fee in accordance with G.S. 143-215.3D.

(5) DIVISION REVIEW OF APPLICATIONS.

(a) The Division shall take one of the following actions within 60 calendar days of receipt of the initial application or receipt of additional or amended information. All actions taken by the Division shall be in writing. The Division may:

(i) Notify the applicant that additional information is necessary for the Division to determine that the project complies with this Section. The Division shall provide a list of the information that is required. The applicant shall have 30 calendar days from the date the letter was sent to submit the required information to the Division;

(ii) Return the application if the required information listed in Item (2) or (3) is not provided or if information the Division has requested per Sub-item (i) is not provided. In this case, the applicant shall be required to resubmit a complete application with a new application fee; or

(iii) Issue an updated permit in accordance with Rule .1003 of this Section if the application is complete and the project is in compliance with its original permit conditions.

(b) The Division may conduct such investigations as it deems necessary. The applicant shall allow the Division safe access to the records, lands and facilities of the applicant and lend such assistance as shall be reasonable.

(c) The following special provisions shall apply to permit transfer applications:

(i) The Division shall transfer a permit from the declarant of a condominium or a planned community to the unit owners association, owners association, or other management entity identified in the condominium or planned community's declaration upon request of a permittee in accordance with G.S. 143-214.7(c2).

(ii) The Division may transfer a permit issued pursuant to this section 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).

(d) If the Division fails to act within 90 calendar days following receipt of the initial application or receipt of additional or amended information, 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 Director's decision;

(v) The applicant refuses the staff access to its records or premises for the purpose of gathering information necessary for the Division’s decision; or

(vi) Information necessary for the Division’s decision is unavailable.