

MSGP Permit Transfer Policy

This policy is to clarify how applications to transfer authorizations under the Multi-Sector General permit (MSGP) will be administered. Depending on the circumstances of the facility operations and transfer, the permittees may be required to submit a new NOI (Notice of Intent – Application form) and administrative processing fee OR apply for a new MSGP authorization. A detailed explanation of each case is as follows:

Change in ownership, but not in operations: New owners or operators of an existing permitted MSGP facility, “where the conditions of the facility operation that contribute to, or affect, the discharge will not be materially different under the new ownership” (VWPCR, below), may submit a new NOI for the operation to receive permit coverage. Only the Administrative Fee will need to be submitted. No public notice is required. The previous owner or operator shall submit a Notice of Termination (NOT). In effect, we will use the NOI and NOT as the forms for processing the transfer.

Change in ownership and/or change in operations: New owners or operators of an existing permitted MSGP facility that do not meet the terms of section 4.d.i of the VWPCR, below, shall submit a new NOI and Stormwater Pollution Prevention Plan (SWPPP) for the operation, plus the application and admin processing fee. The NOI will go on public notice for 10 days. The previous owner or operator shall submit an NOT.

MSGP Permit Requirements

1.5.2 When to Submit a Notice of Termination.

You must submit a Notice of Termination within 30 days after one or more of the following conditions have been met:

- A new owner or operator has taken over responsibility for the facility; or
- You have ceased operations at the facility, there are not or no longer will be discharges of stormwater associated with industrial activity from the facility, and you have already implemented necessary sediment and erosion controls as required by Part 2.1.2.5;
- You are a Sector G, H, or J facility and you have met the applicable termination requirements; or
- You have obtained coverage under an individual or alternative general permit for all discharges required to be covered by an NPDES permit.

MSGP Appendix B.12 Reporting Requirements

C. Transfers. This permit is not transferable to any person except in accordance with the requirements of this subsection and Vermont Water Pollution Control Regulations § 13.12[C][4]. Any new owner or operator of a facility, including those who replace an owner or operator who

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has previously obtained permit coverage, must submit an NOI to be covered for discharges for which they are the owner or operator. The new owner or operator must complete and file an NOI on forms provided by the Secretary at least thirty (30) days prior to taking over ownership or operational control of the facility. The old owner or operator must file a Notice of Termination in accordance with Part 1.5 within thirty (30) days after the new owner or operator has assumed responsibility for the facility. The Secretary may require the owner and operator to apply for and obtain an individual permit as stated in Part 1.7.1 of this permit.

Vermont Water Pollution Control Regulations, Chapter 13.12(C)

<http://www.watershedmanagement.vt.gov/ww/Rules/WPC/chap1312.pdf>

4. Transfer of Authorization to Discharge - Any permittee may transfer the authorization to discharge by submitting a notice of transfer to the Secretary. The notice shall be submitted 30 days prior to the proposed date of transfer and shall include the following:

- (a) the name and address of the present permittee
- (b) the name and address of the prospective permittee
- (c) the proposed date of transfer
- (d) a statement signed by the prospective permittee, stating that:
 - i. The conditions of the facility operation that contribute to, or affect, the discharge will not be materially different under the new ownership;
 - ii. he/she has read and is familiar with the terms of the permit and agrees to comply with all the terms and conditions of the permit, and;
 - iii. he/she has adequate funding or other means to effect compliance with all the terms of the permit.