

SUBJECT: Transfer (MR-19Q)

DATE: November 1, 2001 - Revised 09-01-06

Legal Authority: 22-4-11, 22-4-26 (filing fee), 22-4-7 (deny), 38-3-12

A permit transfer is required when the interest of a permittee is sold, leased, assigned or otherwise disposed of. A transfer is NOT required for contractors operating on a permit area. The permittee is responsible for all violations within the permit area.

Applicant shall:

- Submit one original and 3 copies (1 additional copy if NPDES is included) of MR-19Q to the appropriate DEP regional office bound in folders no larger than 10 ½ X 12. All pages will be numbered in top right-hand corner.
- \$500.00 filing fee required per application.
- Multiple permits being transferred can be combined into one MR-19Q, however, a filing fee is required for each permit contained in the application.
- Certificate of Publication is to be submitted within 10 days of the close of the comment period. Ad will be published once a week for three successive weeks with six full days between publications. End of comment will be 30 days from initial date of publication.
- Submit Performance Bond or contributions to the Bond Pooling Fund. Bond will be recalculated for new permit holder and appropriate bond returned to old permit holder. A new permit holder who qualifies for the Bond Pooling Fund, will replace the contributions to the Bond Pooling Fund.
- Submit a Certificate of Insurance with coverage not less than one million dollars for personal injury per occurrence and not less than five hundred thousand dollars for property damage per occurrence. If blasting is proposed, blasting coverage must be included.

Regional Office shall:

- Deposit filing fee, stamp application received, enter in ERIS and notify inspector and permit supervisor that the application has been received.
The director shall act upon the permit transfer as expeditiously as possible but not later than thirty days after the application forms and any supplemental information required are filed with the director [22-4-11(c)]
- Once the application is complete (except for bond and public notice) the applicant will be notified to begin advertisement in a newspaper of general circulation in the county or counties in which the area is located. A copy of the application will be placed on file during the public comment period in the County Clerk's office for the county or counties in which the area is located.
- Bond will be recalculated for new permit holder and appropriate bond returned to old permit holder. A new permit holder, who qualifies for the Bond Pooling Fund, will replace the contributions to the Bond Pooling Fund.

- Final checks will be made to ensure that the applicant, or any officer or greater-than-10%-shareholder, is not permit blocked (see Permit Block Section of Handbook).
- Prepare package to be forwarded to headquarters for approval. Package includes the original application, Permit Review Team's Facts and Findings, the completed MR-2 and appropriate attachments into a blue 9 X 12 clasp binder.
- No application will be approved or denied without an inspector's recommendation. The DMR reviewer must also complete a Checklist for Quarry Transfer (MR-48). This form can be found on our DMR website.
- MR-2 (permit face) is signed and dated in headquarters. The approval is distributed

A transfer may be denied for one or more of the following reasons (22-4-7):

- Any requirements of federal or state environmental law, rule or regulation would be violated by the proposed permit.
- The proposed quarry operation will be located in an area of the state, which the director finds ineligible for a permit pursuant to Section 8.

The applicant or any person required to be listed on the application pursuant to section five of the code has not corrected ALL violations of any prior permit issued pursuant to Article 4 which resulted in (a) revocation of a permit - unless reinstated as outlined in 22-4-7 (b) cessation of the operation by order of the director (c) forfeiture of all or part of the permit bond or other surety (d) a court order issued against the applicant related to mining or quarrying (e) applicant or any person required to be listed on the application pursuant to section 5 of the code has not paid all fines or fees assessed by the agency or by court judgment imposed pursuant to Article 4.

NOTE: If there is an officer change within the structure of the company but does not affect the overall corporate structure (i.e. one or two officer changes), the permittee may submit a letter to DEP indicating the end and beginning dates of the officer(s). This letter must be signed by a principal officer of the company or corporate secretary.

DEP REGIONAL LETTERHEAD

Date

“Permission to Advertise Letter”

Company
Address
City, State Zip

Re: Co. Name
Permit #, Application Type

Gentlemen:

A copy of your application for the above referenced permit has been placed on public review at the County Clerk's office. You may now begin advertisement in accordance with the enclosed sample legal ad. Please submit the original Certificate of Publication within 10 days of final date of publication.

If you should have any questions, please contact us.

Sincerely,

Enclosure

cc: Inspector
Consultant