



## General Instructions Sheet Facility/Owner/Operator Information Update Form

Instructions are provided on the Form itself. This document supplements those instructions by listing how the process works and answering some frequently asked questions.

### **Process/Instructions for DEQ use:**

- 1) Facility notifies DEQ of an update to their facility/owner/operator/contact name information or, a DEQ staff member may request that a facility update their information based on communication received by other DEQ staff.
- 2) DEQ staff sends the facility an information package with the following materials:
  - a) *Facility/Owner/Operator Information Update Form* and the *General Instruction Sheet*;
  - b) Other applicable forms (see below).  
*(Note: The information will also be posted on the DEQ website at <http://www.deq.virginia.gov/> within the Main Menu/Forms area for downloading purposes.)*
- 3) The facility submits the completed forms along with supporting documentation to DEQ Regional Office where the facility is located (<http://www.deq.state.va.us/regions/homepage.html> lists the regional locations), within two weeks from the date of receipt of the information request package.
- 4) DEQ Regional Office staff receives the completed form along with the supporting information, reviews for accuracy and completeness, contacts/forwards to other DEQ Offices and/or DEQ Staff in other media, if necessary, and requests additional information from the facility if necessary to update the records.
- 5) DEQ staff updates the applicable records in the statewide database.
- 6) DEQ staff sends a letter to the facility indicating receipt of the completed package and that DEQ records have been updated to reflect the information provided by the facility.



**Frequently Asked Questions:**

**Question:** Should the facility send more than one ‘Facility/Owner/Operator Information Update Form’?

**Answer:** No, to minimize redundancy, the facility should send only one form to one region.

**Question:** What action should be taken if the facility has indicated that it is part of the Virginia Environmental Excellence Program (i.e., E2, E3 or E4/EPA Performance Track)?

**Answer:** The Regional Office receiving the form should contact the Office of Pollution Prevention (OPP) at the Central Office to confirm the facility’s VEEP status. If the facility’s VEEP status is confirmed, the RO should send a copy of the update form to OPP so that the VEEP files can be updated.

**Question:** How do we address situations in which the facility sends the Form to more than one media (e.g. to water and air separately)?

**Answer:** DEQ staff from different media in the Region should coordinate with each other and the facility as necessary to ensure that updates to DEQ records/efforts are not duplicated.

**Question:** How does DEQ staff address situations in which the facilities are located in more than one DEQ Region?

**Answer:** The Region receiving the document should check if the information provided pertains to other Regions. If the change impacts multiple regions, the DEQ staff receiving the completed package from the facility should make a copy for each associated DEQ Region and should mail the package to the appropriate DEQ Region.

**Question:** Once DEQ is in receipt of the completed package, should the information be reviewed and verified for accuracy?

**Answer:** Yes, to ensure the accuracy of the DEQ records, all information submitted should be verified for accuracy. If additional information is needed the staff should contact the facility.



**Question:** Regulations for the various media have requirements regarding changes in ownership and/or control at a facility. What additional information from the regulations does the facility need to submit with the Facility/Owner/Operator Information Update Form?

**Answer:** The regulatory requirements pertinent to this name change are varied for the different media, and they are provided below.

#### Air Permits

Per 9 VAC 5-80-200: an Administrative permit amendment shall be required for a change in ownership or operational control, 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 board within 30 days of the change in accordance with the requirements of 9VAC5-80-160. Submittal of this document constitutes the owner's request for an Administrative permit amendment under this section.

#### VPDES Permits

Per 9 VAC 25-31-380, there MUST be a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them. Completion of the appropriate portions of this form including the authorized signatures by both the new and former owners fulfills the regulatory requirement.

#### VPA Permits

Per 9 VAC 25-32-230, there MUST be a written agreement between the existing and proposed new owner containing a specific date of transfer of VPA permit responsibility, coverage and liability between them. Completion of the appropriate portions of this form including the authorized signatures by both the new and former owners fulfills the regulatory requirement.

#### VWP Permits

Per 9 VAC 25-210-180 and/or 9 VAC 25-[660, 670, 680, 690]-100, Part III H, an automatic transfer of permit or permit authorization responsibility may occur if:

- The current permittee notifies the State Water Control Board (board) within 30 days of the proposed transfer of the title to the facility or property;
- The notice to the board includes a written and signed agreement between the existing and proposed permittee containing a proposed date of transfer of VWP permit or permit authorization responsibility, coverage, and liability to the new permittee, or that the existing permittee will retain such responsibility, coverage, or liability, including liability



for compliance with the requirements of any enforcement activities related to the permitted activity;

- The board does not notify the existing permittee and the new permittee within the 30-day time period of its intent to modify or revoke and reissue the VWP permit; and
- The current and proposed permittees provide written notice to the board of the actual transfer date.

This form may be used to document an automatic transfer, provided that the information required above is attached to and submitted with the form.

Otherwise, the VWP permit or permit authorization must be modified to reflect the transfer. Modification requires separate application to DEQ (this form cannot be used).

### AST

Per 9 VAC 25-910-60A and 100, the attached DEQ form 7540-AST and fee (if applicable) must be submitted to DEQ's Office of Financial Management.

### UST

Per 9 VAC 25-580-70, appropriate portions of the attached DEQ form 7530-2, must be completed and submitted. These forms are also available on the DEQ web site at <http://www.deq.virginia.gov/tanks/dwnllib.htm/#forms>

### Groundwater Withdraw Permits

Per 9 VAC25-610-320B, there must be a written agreement between the existing and proposed new owner containing a specific date of transfer of permit or special exception responsibility, coverage and liability between them. Completion of the appropriate portions of this form 30 days or more in advance of the date of the transfer including the authorized signatures by both the new and former owners fulfills the regulatory requirement. More information is available at the DEQ website:

<http://www.deq.virginia.gov/waterresources/pdf/gwgcange.pdf>

### Hazardous Waste

Per 9 VAC 20-60-270 referencing 40 CFR Part 270.40, a permit may be transferred to a new owner or operator only if the permit has been modified or revoked and reissued to identify the new permittee and incorporate such other requirements as may be necessary under the appropriate act. In addition to submitting Form 8700-12, the facility/owner should meet the financial assurance requirements (40 CFR Part 264, Subpart H). More information is available at the EPA website: <http://www.epa.gov/epaoswer/hazwaste/data/form8700/8700-23.pdf>



**Question:** What requirements must the signatory of the 'Facility/Owner/Operator Information Update Form' satisfy?

**Answer:** All signatures on this document must conform to the following requirements:

*For a corporation:* by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or other actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

*For a partnership or sole proprietorship:* by a general partner or the proprietor, respectively; or

*For a municipality, state, federal, or other public agency:* by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a public agency includes: (i) the chief executive officer of the agency or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

**Question:** Is there a certification statement that applies to the signing, by the facility, of the Facility/Owner/Operator Information Update Form?

**Answer:** Yes, upon signing the Facility/Owner/Operator Information Update Form, the following certification applies.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."



## **Contact List**

If there are any questions regarding the information herein provided, please contact the appropriate DEQ Regional or Central Office Staff. *(You may go to the <http://www.deq.state.va.us/regions/homepage.html> website for further contact information not provided below.)*

### **Valley:**

Larry Simmons  
General Information  
(540) 574-7810  
E-mail: [lsimmons@deq.virginia.gov](mailto:lsimmons@deq.virginia.gov)

Olive Critzer  
Water  
(540) 574-7877  
E-mail: [obcritzer@deq.virginia.gov](mailto:obcritzer@deq.virginia.gov)

Kelly Showalter  
Air  
(540) 574-7843  
E-mail: [krshowalter@deq.virginia.gov](mailto:krshowalter@deq.virginia.gov)

Graham Simmerman  
Waste  
(540) 574-7865  
E-mail: [ghsimmerman@deq.virginia.gov](mailto:ghsimmerman@deq.virginia.gov)

### **Northern:**

Tom Faha  
(703) 583- 3846  
E-mail: [tafaha@deq.virginia.gov](mailto:tafaha@deq.virginia.gov)

### **Piedmont:**

Heather Evans  
(804) 527-5115  
E-mail: [hzevans@deq.virginia.gov](mailto:hzevans@deq.virginia.gov)

### **Tidewater:**

Debbie Kay  
(757) 518-2127  
E-mail: [dakay@deq.virginia.gov](mailto:dakay@deq.virginia.gov)

### **South Central:**

Mark Bushing  
(434) 582-6240  
E-mail: [mfbushing@deq.virginia.gov](mailto:mfbushing@deq.virginia.gov)

### **Southwest:**

Jim Stump  
(276) 676-4856  
E-mail: [jlstump@deq.virginia.gov](mailto:jlstump@deq.virginia.gov)



**West Central:**

Mike Scanlan  
Pretreatment  
(540) 562-6723  
E-mail: [mjscanlan@deq.virginia.gov](mailto:mjscanlan@deq.virginia.gov)

Kip Foster  
(540) 562-6782  
E-mail: [kdfoster@deq.virginia.gov](mailto:kdfoster@deq.virginia.gov)

Aziz Farahmand  
(540) 562-6872  
E-mail: [afarahmand@deq.virginia.gov](mailto:afarahmand@deq.virginia.gov)

**Central Office:**

Angela Fletcher  
(804) 698-4098  
E-mail: [adfletcher@deq.virginia.gov](mailto:adfletcher@deq.virginia.gov)

Burt Tuxford  
Water Division  
(804) 698-4086  
E-mail: [brtuxford@deq.virginia.gov](mailto:brtuxford@deq.virginia.gov)

Brenda Winn  
Virginia Water Protection Plan  
(804) 698-4516  
E-mail: [bkwinn@deq.virginia.gov](mailto:bkwinn@deq.virginia.gov)

Keith Boisvert  
Office of Pollution Prevention  
(804) 698-4225  
[kaboisvert@deq.virginia.gov](mailto:kaboisvert@deq.virginia.gov)