



Minnesota  
Pollution  
Control  
Agency

# Subdivision Registration

## Using the Subdivision Registration Form

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If your construction site is covered by a NPDES Phase II permit, there is an easy way to transfer a stormwater responsibilities to another party for a portion of your site without forcing him to apply for new Phase II coverage.

The subdivision registration process is free, but only applies to projects covered under the newer Phase II permit.

### When to use it

The subdivision registration form indicates to the Minnesota Pollution Control Agency (MPCA), your interest in transferring responsibility for a portion of your overall site to a new party. This typically happens when you've sold portions of your project or you've given a new general contractor oversight for a portion of the overall construction.

Transfer responsibility for green spaces and streets with a subdivision registration form, as well.

### Who registers?

It is the responsibility of the new owner or general contractor to complete the subdivision registration form.

Each new party should submit a subdivision registration form so that the MPCA will know who the most current owners and contractors are for all areas of your original site.

While it's important that each new party individually submit a subdivision registration form, it's not essential that a separate form be submitted for parcels that share the same new owner and contractor. In that case, the

new parties may group their lots together on one subdivision registration form.

The new party should use a street address, lot number or other method to clearly identify the borders of their portion of the larger site.

### How it works

When a parcel is sold or transferred, and a subdivision registration form is submitted, the new owner and new contractor assume responsibility for NPDES Phase II requirements.

Some permit applicants worry that after a sale of a portion of their site, the new owners or contractors will fail to submit a subdivision registration form—leaving them open to liability under their original permit if the site is later found noncompliant. (Of course, their site must have been compliant with the permit at the time of sale or transfer.) In a situation like this, if the original permit holder can provide proof-of-sale in writing to the MPCA, agency staff will work with the new owner and contractor to complete the subdivision registration form.

### Proof-of-sale

The MPCA will accept a written note from the original owner or contractor as a proof-of-sale if:

- It indicates that a sale has occurred or that a change in general contractor is made
- It names a new party which should be submitting a subdivision form in order to accept responsibility
- It describes which portions of the site are

to be transferred, using street addresses, lot numbers or any other method that clearly identifies them

Submitting a memo is not a legally binding transfer. However, pursuant to MN Rule 7090.2010, Subp, 3, builders doing construction activity that requires NPDES coverage are automatically required to follow the permit conditions regardless of whether or not the subdivision form is submitted.

This rule ensures that the original owner or contractor will not be held responsible for violations due to activity by a new owner or contractor. But, the original owner or contractor are responsible for violations that occur before the time of sale or transfer. The site must be in compliance at the time of sale or transfer.

### **Filing a Notice of Termination**

By submitting a subdivision registration form, parties are responsible for the terms and conditions in the NPDES stormwater permit.

One of these requirements is the timely submission of a Notice of Termination form when construction is complete. Construction is complete when construction is finished and soil has reached final stabilization as defined in the Phase II permit.

The same parties that submitted the subdivision registration form must submit a Notice of Termination to be free of their obligations under the permit.

### **Subdivision registration examples**

The following example could apply to a typical residential or commercial site:

Assume a particular site consists of multiple lots and a new street. Although this site may have multiple owners working on the site at different times, it is considered a common plan of development and only one NPDES permit for the entire area is necessary.

Typically, an entire site is initially owned by a municipality or a developer. If the lots are not already sold at the time of initial grading, the municipality or developer

will continue working on the entire site under permit coverage along with the contractor. The contractor may be the same party as the developer or the municipality. As the lots change ownership (and/or contractor) the subdivision registration form is sent to the MPCA. One subdivision form can be used for multiple lots if they have the same owner and contractor. It is the new owner's responsibility to submit the form.

Once the construction is finished on the lot(s) covered by a particular subdivision form and the site has achieved final stabilization, a Notice of Termination needs to be sent in to the MPCA. This ends the NPDES responsibility for that lot or group of lots only.

If one or more of the lots are sold at the time construction begins, a subdivision form(s) can be sent in with the initial application. This makes the new owner of the lot responsible for that portion of the site immediately.

Conversely, the owner of the lots can submit one permit application for the entire site along with a subdivision form indicating the city will be responsible for the street areas.

If the project was started by a developer, eventually the city becomes the owner of the streets and in some cases the stormwater treatment system or perhaps, green spaces.

Unless the city (or someone) submits a subdivision registration form for these common areas, the original developer is still responsible for the NPDES requirements in those areas.

### **Contact us**

- If you have questions about forms or your permit status, call the Construction Stormwater Administrative Lead at 651-296-3890 or 1-800-657-3864.
- If you have technical questions, please contact your MPCA contact person listed at this Web page: [www.pca.state.mn.us/water/stormwater/stormwater-c.html](http://www.pca.state.mn.us/water/stormwater/stormwater-c.html)