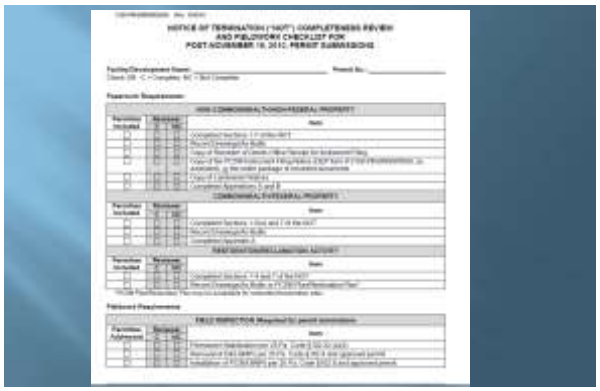
Notice of Termination

What, When, Why

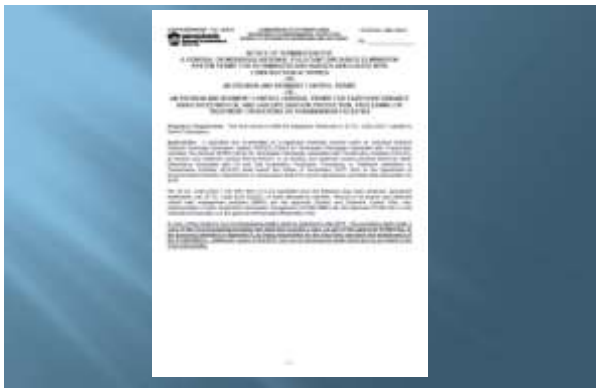
What

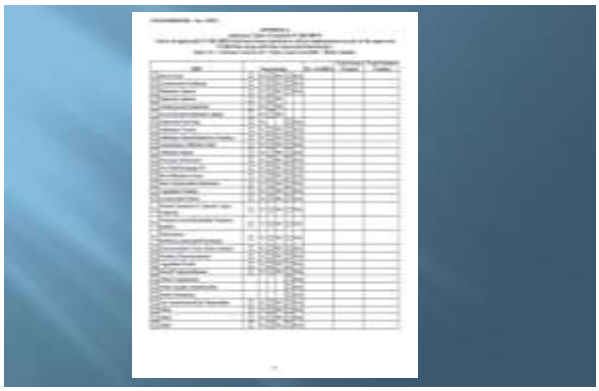
Let the NOT Completeness Checklist Be your Guide!

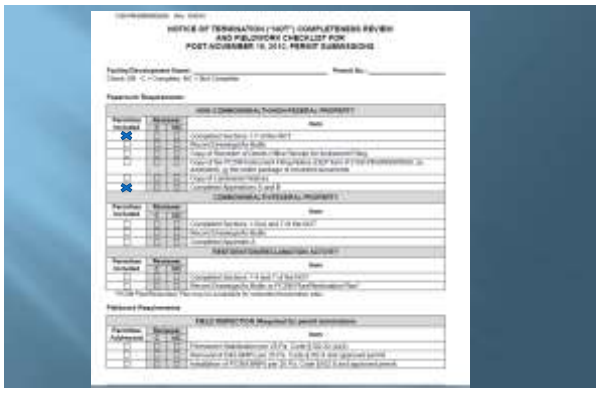


What

- NOT Form – 2 separate forms (3150-PM-BWEW0229a) for projects submitted before 11/19/2010, (3150-PM-BWEW0229b) for project submitted on or after 11/19/2010
- Appendix A
- Appendix B







What

- As-Built Record Plans
- Submit for review prior to recordation! – E-mail is OK
  - Plans should reflect the as-built condition of the PCSM BMPs.
    - Include OCS elevations, BMP top of berm, BMP bottom, and location information, location and elevations of all PCSM BMPs, location / condition of any plan changes through construction, preferably on the original PCSM Plan with new elevations identified in bold or italics. – Keep in mind some of the BMPs will not be able to be seen once they are covered so survey during construction may be necessary.
  - The Plan needs to identify the O&M procedures for all PCSM BMPs (Keep this in mind when setting up your PCSM Plans)
  - The plans need to contain the following information if they are not being recorded as part of a Land Development or Subdivision Plan (including as-built Record Plans)
    - Owner signature – Notarized
    - Tax Code # (s)
    - Township Name (s)
    - Professional's Seal
    - 1 Original Mylar copy needed no larger than 24x36

What

- Legal instrument providing for long term O&M. Sample document available – This gets recorded at the office of the recorder only needs to be submitted when the PCSM Stormwater Management Instrument Filing Notice can not be completed.
- Copy of Recorder of Deeds Receipt
- PCSM Stormwater Management Instrument Filing Notice or the entire package of recorded documents
  - Please note that the PCSM Stormwater Management Instrument Filing Notice does not replace the legal instrument.
- Submission of receipts alone is no longer sufficient.

Long Term O&M Instrument

Identify PCSM BMPs

Provide Access for Long Term Operation and Maintenance of PCSM BMPs

Provide notice that the responsibility for long term O&M of the PCSM BMPs is a covenant that runs with the land that is binding upon and enforceable by subsequent grantees.

INSTRUMENT FOR THE DECLARATION OF RESTRICTIONS AND COVENANTS

This Instrument for the Declaration of Restrictions and Covenants (Instrument) is being made in of this _____ day of _____, 20____, by _____ the "Grantor"), having an address of _____ and _____ the "Grantee"), having an address of _____

WITNESSETH:

WHEREAS, Grantor is the owner of certain land situated in _____ Township/Borough, _____ County, Pennsylvania, containing _____ acres and being designated as _____ on that certain Subdivision Plan recorded in _____ County Plot Book Volume _____, Page _____ and being _____ County Tax Parcel # Uniform Parcel Identifier _____ and being more particularly described in that certain Deed recorded in _____ County Instrument No. _____ (the "Property")

POST CONSTRUCTION STORMWATER MANAGEMENT (PCSM) INSTRUMENT FILING NOTICE

PROOF OF INSTRUMENT FILING WITH THE RECORDER OF DEEDS OFFICE

Per 25 Pa. Code §102.8(a)(2), the instrument will assure disclosure of the PCSM BMP(s) and the related obligations in the ordinary course of a title search of the subject property. The recorded instrument must identify the PCSM BMP(s), provide for the necessary access related to long-term operation and maintenance of the PCSM BMP(s) and provide notice that the responsibility for long-term operation and maintenance of the PCSM BMP(s) is a covenant that runs with the land that is binding upon and enforceable by subsequent grantees.

For either Commonwealth or federally owned property, a covenant that runs with the land is not required with the recorder of the deed containing the PCSM BMP(s) occurs. Upon such transfer, the deed must then comply with 25 Pa. Code § 102.8(a)(2).

a. Is the project on Commonwealth or federally owned property? ☐ Yes ☐ No

If the answer to question a. above is Yes, proceed to Section 7. If the project is not on Commonwealth or federally owned property, continue with this section and attach copies of this notice provided to all landowners who have bought or accepted ownership or other legal responsibility for owners containing PCSM BMP(s). In addition, as required by 25 Pa. Code §102.12(b)(1), a copy of the completed, signed, and notarized PCSM Instrument Filing Notice (DEP form 3-0100-PM-BWEG0036), as amended, and a copy of the Recorder of Deeds Office receipt must be attached to the NOT as proof of instrument filing along with completed Appendices A and B. If a PCSM Instrument Filing Notice (DEP form 3-0100-PM-BWEG0036), as amended, was not created to record the required documents, attach the entire package of recorded documents to the NOT as proof of instrument filing along with completed Appendices A and B.

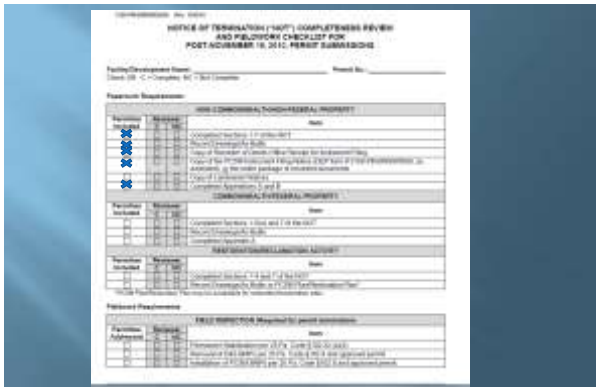
I certify, under penalty of law, that I have recorded an instrument with the Recorder of Deeds Office which will assure disclosure of the PCSM BMP(s) and the related obligations in the ordinary course of a title search of the subject property, and which meets the requirements of 25 PA Code §102.8(a)(2).

Name and Official Title of person listed under Section 3:

_____

_____

Signature: _____



NOTICE OF TERMINATION ("NOT") COMPLETENESS REVIEW AND FOLLOW-UP CHECKLIST FOR POST-NOVEMBER 18, 2012, PERMIT SUBMISSIONS

Facility/Development Name: _____ Permit No.: _____

Check OR: C = Complete; NC = Not Complete

Paperwork Requirements:

Facilities Included	Reviewed		Note
			NON-COMMONWEALTH/NON-FEDERAL PROPERTY
☒	C	NC	Completed Section 1-7 of the NOT
☒	C	NC	Recent Coverage by Rule
☒	C	NC	Copy of Recorder of Deeds Office Receipt for Instrument Filing
☒	C	NC	Copy of the PCSM Instrument Filing Notice (DEP form 3-0100-PM-BWEG0036), as amended, or the entire package of recorded documents
☒	C	NC	Copy of Completed NOI(s)
☒	C	NC	Completed Appendices A and B
			COMMONWEALTH/FEDERAL PROPERTY
	C	NC	Completed Section 1-5(a) and 7-8 of the NOT
	C	NC	Recent Coverage by Rule
	C	NC	Completed Appendix A
			FEE SIMPLE OWNER/LIMITED ACCESS
	C	NC	Completed Section 7-8 and 11-14 of the NOT
	C	NC	Recent Coverage by Rule or PT 2/3/7 Certification Form

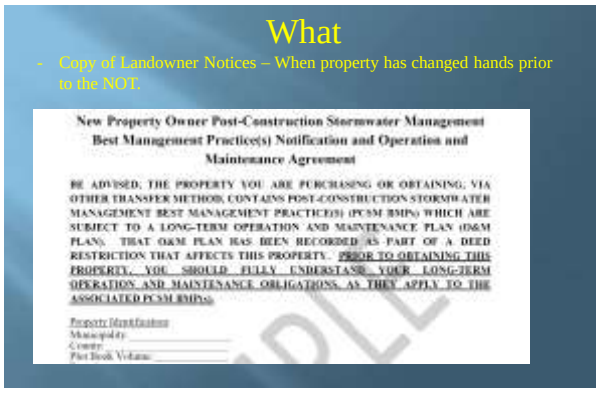
*Include Post-Construction Plan and/or Operation and Maintenance Plan

Relevant Requirements:

Facilities Addressed	Reviewed		Note
			FEE SIMPLE OWNER (Required for permit submission)
	C	NC	Permanent Maintenance per 25 Pa. Code § 102.12(a)(2)
	C	NC	Recorded PCSM BMP(s) per 25 Pa. Code § 102.8 and approved permit
	C	NC	Installation of PCSM BMP(s) per 25 Pa. Code §102.8 and approved permit

What

- Copy of Landowner Notices – When property has changed hands prior to the NOT.



New Property Owner Post-Construction Stormwater Management Best Management Practice(s) Notification and Operation and Maintenance Agreement

BE ADVISED: THE PROPERTY YOU ARE PURCHASING OR OBTAINING, VIA OTHER TRANSFER METHOD, CONTAINS POST-CONSTRUCTION STORMWATER MANAGEMENT BEST MANAGEMENT PRACTICE(S) (PCSM BMPs) WHICH ARE SUBJECT TO A LONG-TERM OPERATION AND MAINTENANCE PLAN (O&M PLAN). THAT O&M PLAN HAS BEEN RECORDED AS PART OF A DEED RESTRICTION THAT AFFECTS THIS PROPERTY. PRIOR TO OBTAINING THIS PROPERTY, YOU SHOULD FULLY UNDERSTAND YOUR LONG-TERM OPERATION AND MAINTENANCE OBLIGATIONS, AS THEY APPLY TO THE ASSOCIATED PCSM BMP(s).

Property Identification
Municipality: _____
County: _____
Plat Book Volume: _____

When

Initial Recordation – Within 45 Days of permit issuance – proof of filing needs to be provided within 90 days of permit issuance

As-Built Record Plan Preparation – During construction for in-ground PCSM BMPs and once all above ground PCSM BMPs are installed. - Submit an informal copy of the as-built record plans to CCD for review prior to recordation. Recommended prior to the release of liability.

Co-Permittee Release of Liability – When the scope of that Co-Permittee's work, identified in the Co-Permittee Agreement, is complete and the permittee agrees to assume responsibility for that work including repairs.

NOT Submission - Upon permanent stabilization of the project site and installation of PCSM BMPs – Get your engineer involved before submission to make sure the facilities and stabilization is complete.

Why

- Allowing a permit to expire without formally terminating the permit is a violation of the permit.
- The applicant and co-applicants remain responsible for compliance with permit terms and conditions, including long term O&M of the PCSM BMPs until another person is named and acknowledged on the NOT form.
- To ensure the long term management of stormwater generated by new developments
- To provide notice to future property owners of the presence, location and O&M obligations of the PCSM BMPs

What to take when you are going to the recorder.

45 day initial recordation
- PCSM Plans (This is best done when the subdivision or land development plans are recorded)
- Executed Instrument for Long Term O&M
- PCSM Instrument Filing Notice

At the Time of NOT
- AS-Built Record Plans
- Amended Executed Instrument for Long Term O&M
- Amended PCSM Instrument Filing Notice

Questions?