

NPDES: NOTICE OF TERMINATION

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WCCD 2016 Engineer's Workshop

March 17, 2016

Overview

- Step by step process, chronological order
- Review Necessary components: Instrument, PCSM Filing Notice, Agreement, Notification
- Old NOT Form
- Current NOT Form
- Questions



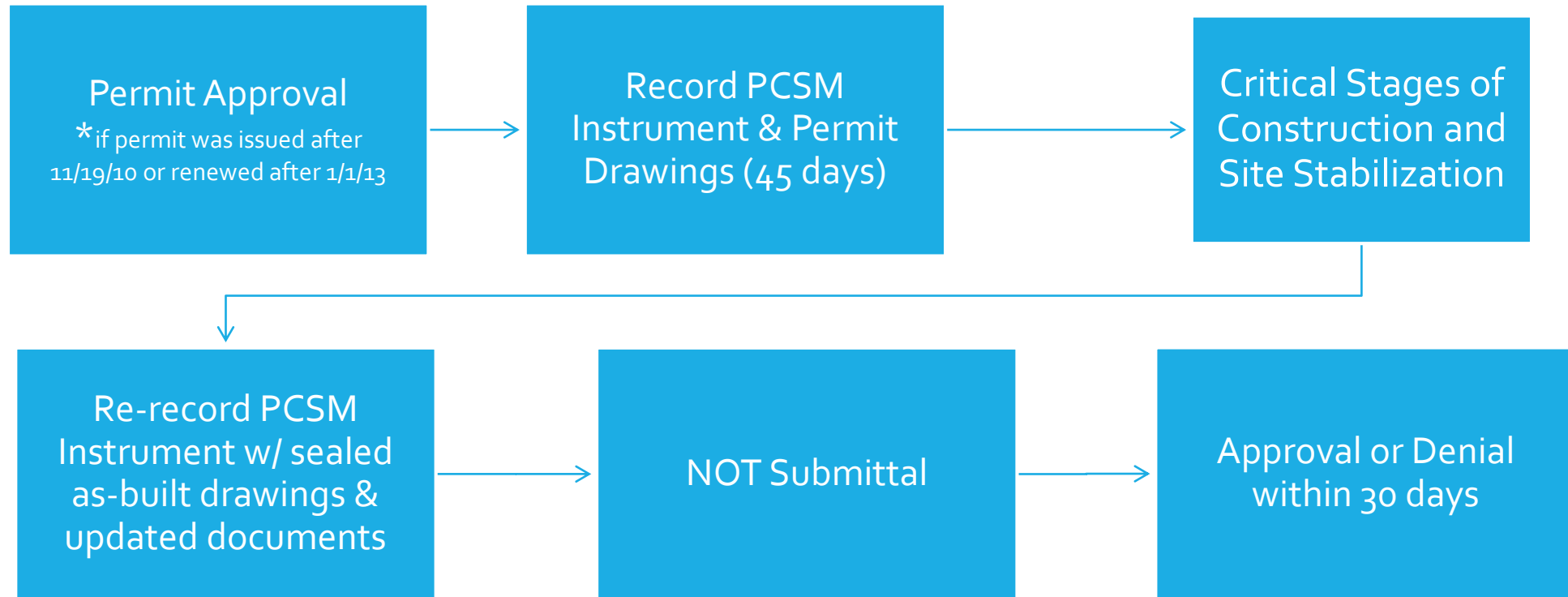
What is a NOT?

Designation of maintenance responsibility and formal termination of a permit including:

- NPDES
- ESCP
- ESCGP



NOT Process



Old NOT

3:00 PM 05/06/2010 Rev. 10/2010

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATERWAYS ENGINEERING AND WETLANDS

OFFICIAL USE ONLY
PA _____

**NOTICE OF TERMINATION FOR
A GENERAL OR INDIVIDUAL NATIONAL POLLUTANT DISCHARGE ELIMINATION
SYSTEM PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH
CONSTRUCTION ACTIVITIES
-OR-
AN EROSION AND SEDIMENT CONTROL PERMIT
-OR-
AN EROSION AND SEDIMENT CONTROL GENERAL PERMIT FOR EARTH DISTURBANCE
ASSOCIATED WITH OIL AND GAS EXPLORATION, PRODUCTION, PROCESSING OR
TREATMENT OPERATIONS OR TRANSMISSION FACILITIES**

Applicability: A permittee or co-permittee presently covered under an Individual National Pollutant Discharge Elimination System (NPDES) Permit for Stormwater Discharges Associated with Construction Activities, the General NPDES Permit for Stormwater Discharges Associated with Construction Activities (PA0-02), an Erosion and Sediment Control Permit (ESCP), or an Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing, or Treatment Operations or Transmission Facilities (ESCGP) shall submit this notice of Termination (NOT) form to the Department of Environmental Protection (Department) or conservation district for permits submitted before November 19, 2010.

1. PERMIT INFORMATION:
Check the appropriate boxes
 NPDES Stormwater Construction Permit # _____
 Erosion and Sediment Permit # _____

2. EARTH DISTURBANCE SITE LOCATION
Facility/Development Name: _____
Municipality: _____ County: _____
Latitude: _____° _____' _____" Longitude: _____° _____' _____"
U.S.O.S. Quad Map Name: _____

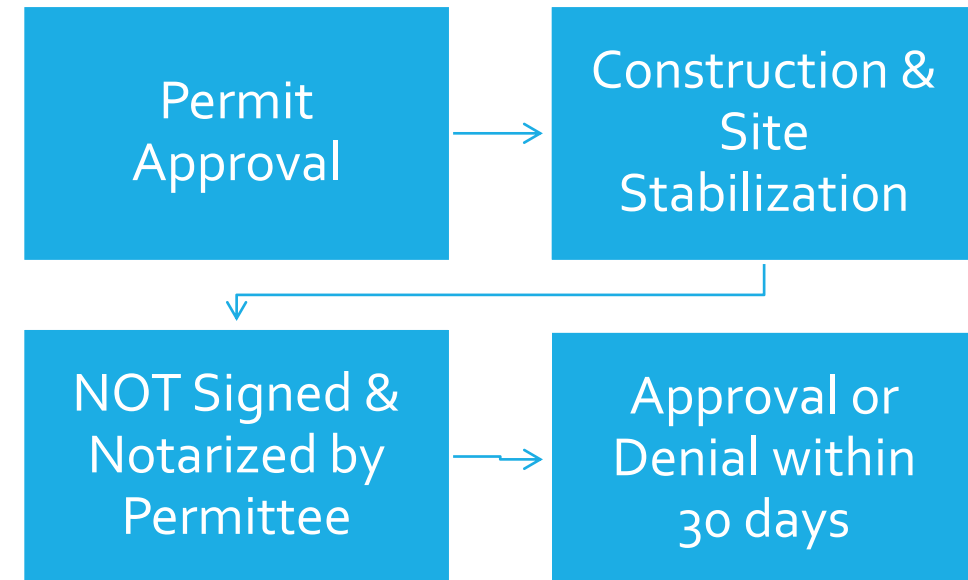
3. PERMITTEE/CO-PERMITTEE SUBMITTING THIS NOTICE OF TERMINATION

PERMITTEE	CO-PERMITTEE
Name: _____	Name: _____
Address: _____	Address: _____
City: _____	City: _____
State: _____ Zip Code: _____	State: _____ Zip Code: _____
Telephone Number: _____	Telephone Number: _____

4. PERMITTEE INFORMATION AND ACKNOWLEDGEMENT (IF APPLICABLE): (This Section must be completed by the permittee to acknowledge that a co-permittee is submitting this Notice. Leave this section blank if a Co-Permittee is not listed in Section 3.)
Name: _____
Address: _____
City: _____
State: _____ Zip Code: _____
Telephone Number: _____

I hereby acknowledge that the co-permittee submitting this Notice (identified in Section 3 above) is withdrawing as a permittee.
Name and Official Title of Permittee

*If permit was issued before 11/19/10 or renewed between 11/19/10 - 12/31/2012





When to Re-record Instrument & begin NOT Process?

- Project is at a minimum **uniform** 70% perennial vegetative stabilized
 - The District DOES NOT make final inspections for a developers convenience, this is a violation of their permit
- All PCSM BMPs have been installed
 - Conversion of all sediment basins/sediment traps to final PCSM configuration
- Removal of all E&S BMPs
 - Silt fence removed, trench backfilled and seeded/mulched
 - Compost filter sock, wooden stakes removed, netting slit and mulch spread out



STEP 2: Re-record PCSM Instrument

PADEP Instrument Form
with Attached Exhibits:

1. Declaration of Restrictions and Covenants
2. O&M Plan
3. O&M Agreements (if applicable)
4. Landowner Notices (if applicable)
5. PCSM sealed *as-built drawings*



NOT Process



STEP 1&2a: Instrument Filing Notice Form

- Signed and Notarized by Permittee and any applicable Co-Permittees
- Revised 6/2014
- One for each lot that contains a PCSM facility



POST CONSTRUCTION STORMWATER MANAGEMENT (PCSM) INSTRUMENT FILING NOTICE

Regulatory Requirement: This PCSM Instrument Filing Notice serves to fulfill the PCSM obligations referenced in 25 Pa. Code §§ 102.7 (related to permit termination) and 102.8(m) (related to PCSM long-term operation and maintenance requirements).

Applicability: For any property containing a PCSM best management practice (BMP), the permittee or co-permittee, who are presently covered under an Individual National Pollution Discharge Elimination System (NPDES) Permit for Discharges of Stormwater Associated with Construction Activities, the General NPDES Permit for Discharges of Stormwater Associated with Construction Activities (PA0-02), an Erosion and Sediment Control Permit (ESCP), or an Erosion and Sediment Control General Permit (ESCGP) for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing, or Treatment Operations or Transmission Facilities shall use this PCSM Instrument Filing Notice to record an instrument with the Recorder of Deeds Office. *If the project is associated with a new subdivision, the instrument is to be recorded prior to issuance of the first deeds and is to be explicitly referenced in every first deed recorded in association with the project and subdivision.*

Per 25 Pa. Code §102.8(m)(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, and provide proof of filing with the Notice of Termination under §102.7(b)(5) (relating to permit termination). Documents attached as Exhibits to this PCSM Instrument Filing Notice shall include: Instrument For the Declaration of Restrictions and Covenants (Instrument), record drawings/as-builts (the approved PCSM Plan may be attached in lieu of record drawings/as-builts if construction of the PCSM BMP(s) has not been completed by time of filing), all applicable landowner notices, the long-term operation and maintenance plan which clearly outlines the operation and maintenance activities necessary for the associated PCSM BMP(s) and any PCSM BMP operation and maintenance agreements. Be advised, once record drawings/as-builts become available, they are to be included as an amendment to the instrument.

Unless later dates are approved by the Department of Environmental Protection (Department) in writing, the permittee or co-permittee shall record the instrument within **45 days** from the date of permit issuance or authorization, and provide the conservation district and the Department with the date and place of recording along with a reference to the docket, deed book or other record, within **90 days** from the date of permit issuance or authorization.

1. Parcel information (attach additional sheets as necessary):

Uniform Parcel Identifier (UPI)/Tax Parcel ID #			
Municipality:		County:	
Lot(s):		Unit(s):	



STEP 1&2a. Exhibit 1: Declaration of Restrictions and Covenants

- Declaration of the current landowner granting the responsibility of and access to the O&M PCSM BMP's to the designee
- References the as-built drawings and O&M plan as exhibits
- Signed and notarized by:
 - Grantor = landowner
 - Grantee = O&M designee
- *O&M designee possibilities:*
 - Permittee
 - HOA representative
 - Maintenance supervisor
 - Resident(s) in a development that have individual on-lot PCSM BMPs
 - Municipality

INSTRUMENT FOR THE DECLARATION OF RESTRICTIONS AND COVENANTS

This Instrument for the Declaration of Restrictions and Covenants is being made as of this _____ day of _____, 2015, by _____ (the "Grantor" and the "Grantee"), having an address of _____ and _____ (the "Grantee"), having an address of _____.

WITNESSETH:

WHEREAS, Grantor is the owner of certain land situated in _____ Township, Allegheny County, Pennsylvania, containing _____ acres and being designated _____ on the _____ of Lots as recorded in Allegheny County Plan Book Volume _____ Page _____, and being designated as Allegheny County Tax Parcel # _____ and being more particularly described in that certain Deed recorded to Allegheny County Deed Book Volume _____ Page _____ ("the Property"); and

WHEREAS, Grantor has agreed to provide this Instrument to protect the Property; and

WHEREAS, the Property is included within the boundary of a General NPDES Permit for Discharges of Stormwater Associated with Construction Activities (Permit No. _____), which identifies certain Post Construction Stormwater Management Best Management Practices (PCSM BMPs) located on the Property;

WHEREAS, the following documents are attached to this Instrument and incorporated herein:

- Exhibit B As-Built Drawings
- Exhibit C Long-term Operation and Maintenance Plan (O&M Plan)

NOT Process



STEP 1a. Exhibit 2: PCSM sealed
STEP 2a. Exhibit 2: as-built drawings sealed

- As-Built Drawings are professional drawings of the PCSM facilities that:
 - ✓ Display proposed and as-built elevations and facility structure dimensions
 - ✓ Proposed in black
 - ✓ As-built in red
 - ✓ Sealed by Professional





STEP 1&2a. Exhibit 3: O&M Plan

Operations and Maintenance Plan

- Short narrative that outlines specific maintenance responsibilities, frequency, designee, and cost

EXHIBIT “C” LONG-TERM OPERATION AND MAINTENANCE PLAN

DESCRIPTION

The site is located on the southeast corner of bycbxcy and xcybc, just east of sdtsd Highway in dfdsd Township. The project site is Parcel 'A' of the overall xcyxcy Plan of Lots as recorded in Plan Book Volume 555555, Page 55555 for Allegheny County. The development of the 2.5 acre parcel includes a 23,450 square foot, 2-story office building and a 120-space paved parking lot. The lot is owned by cxgfdgd, LP and is designated as tax parcel ID number 5555555555. A post-construction stormwater management plan containing this operation and maintenance program was approved by sdtsd Township and Allegheny County under NPDES permit no PAG-9999999999.

STORMWATER BMP FACILITY OPERATION AND MAINTENANCE PROGRAM

The stormwater management facilities are designed to operate passively for controlling stormwater runoff from the site. However, in order to ensure that these facilities operate effectively and as intended during wet weather periods, some routine inspection and maintenance is required.

This O&M program applies to the following stormwater facilities:

- Stormwater Rain Garden Facility
- Storm drain collection and conveyance system to stormwater facility

No alterations or modifications of any of the above stormwater facilities shall be conducted by the owner without prior written approval by dfgdsfdy Township.

The stormwater detention facility, storm drain system and all related appurtenances are to be

NOT Process



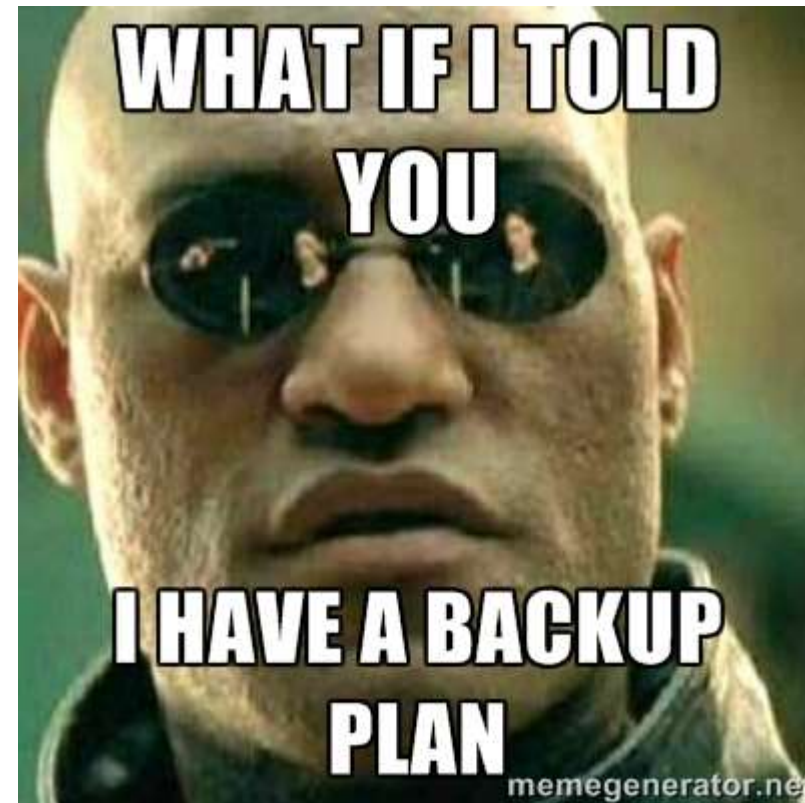
STEP 1&2a. Exhibit 4: Any O&M Agreements

*Not required by county or state and varies by municipality

Agreement with municipality stating:

1. All O&M will be executed
2. If not, municipality has right to access property and perform O&M
3. All costs forwarded to landowner &/or O&M designee

AKA The back-up plan



NOT Process



STEP 1&2a. Exhibit 5: Landowner Notices

- Includes property information and references the O&M Plan
- Signed only by the landowner

EXHIBIT “D”

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, MAY CONTAIN 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 MAY AFFECT 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: Allegheny

Plan Book Volume:

NOT Process



REVIEW STEP 2: Re-record PCSM Instrument

Once all signatures and seals are acquired, record the Instrument Form along with all attachments at County Office (& save the receipt!!)

Instrument Form with attached Exhibits:

1. Declaration of Restrictions and Covenants
2. O&M Plan
3. Any O&M Agreements
4. Landowner Notices
5. PCSM sealed as-built drawings

POST CONSTRUCTION STORMWATER MANAGEMENT (PCSM) INSTRUMENT FILING NOTICE

EXHIBIT "B"
INSTRUMENT FOR THE
DECLARATION OF RESTRICTIONS
AND COVENANTS

EXHIBIT "C"
LONG-TERM OPERATION AND
MAINTENANCE PLAN

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

Receipt

Allegheny County
Jerry Tykowiak
Department of Real Estate
Pittsburgh, PA 15219

Recorded On: Instrument Number: BK, DE, VL, PG-
As Deed Agreement

Parties: PENNSYLVANIA COWORTH BY DEP ENVIRMTL PROTECTION # of Pages: 14

Comment: STORMWATER BTMG

***** THIS IS NOT A BILL *****

Deed Agreement: 142.00
Total: 142.00

Ready Transfer Stamp: Department of Real Estate Stamp
Not a Deed of Transfer: EXEMPT
Not a Deed of Transfer

Record and Return To: GREGG THOMAS ENGINEERING CO.
8851 OLD PERRY HWY
WESTFORD PA 15386

Gregg Thomas
Branch Manager, County Recorder



NOT Form

- Designation of maintenance responsibility and formal termination of a permit including:
 - NPDES
 - ESCP
 - ESCGP
- PADEP form revised 9/2015
- Contains:
 - 7 Sections
 - Appendix A & B
 - Checklist

3150-PM-BWEW0229b Rev. 9/2015	COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION BUREAU OF WATERWAYS ENGINEERING AND WETLANDS	OFFICIAL USE ONLY PA <input type="text"/>
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**NOTICE OF TERMINATION FOR
A GENERAL OR INDIVIDUAL NATIONAL POLLUTANT DISCHARGE ELIMINATION
SYSTEM PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH
CONSTRUCTION ACTIVITIES**

- OR -

AN EROSION AND SEDIMENT CONTROL PERMIT

- OR -

**AN EROSION AND SEDIMENT CONTROL GENERAL PERMIT FOR EARTH DISTURBANCE
ASSOCIATED WITH OIL AND GAS EXPLORATION, PRODUCTION, PROCESSING OR
TREATMENT OPERATIONS OR TRANSMISSION FACILITIES**

Regulatory Requirement: This form serves to fulfill the obligations referenced in 25 PA Code §102.7 (related to Permit Termination).

Applicability: A permittee or co-permittee presently covered under an Individual National Pollutant Discharge Elimination System (NPDES) Permit for Stormwater Discharges Associated with Construction Activities, the General NPDES Permit for Stormwater Discharges Associated with Construction Activities (PAG-02), an Erosion and Sediment Control Permit (ESCP), or an Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing, or Treatment Operations or Transmission Facilities (ESCGP) shall submit this Notice of Termination (NOT) form to the Department of Environmental Protection (Department) or conservation district for permits submitted *after November 19, 2010*.

Per 25 PA Code §102.7, the NOT form is to be submitted once the following have been achieved: permanent stabilization, per 25 PA Code §102.22(a)(2), of earth disturbance activities; removal of all erosion and sediment control best management practices (BMPs) per the approved Erosion and Sediment Control Plan; and, implementation of post construction stormwater management (PCSM) BMPs per the approved PCSM Plan or site restoration/reclamation via the approved Reclamation/Restoration Plan.

A copy of the project's record drawings/as-builts shall be attached to this NOT. The permittee shall retain a copy of the record drawings/as-builts and shall also provide a copy, as part of the approved PCSM Plan, to the person(s) identified in Appendix B, as being responsible for the long-term operation and maintenance of the PCSM BMP(s). Additional copies of this NOT and record drawings/as-builts shall also be provided to the local municipality.



NOT Form

Sealed by Professional

Section 5

This project involves: (check the appropriate box)

- Installation and subsequent long-term operation and maintenance of PCSM BMPs.

OR

- Restoration or reclamation activities per 25 PA Code §102.8(n).

Note: For projects solely involving restoration or reclamation activities, proceed to Section 7.

5. FINAL CERTIFICATION OF LICENSED PROFESSIONAL:

This section is to be completed by the licensed professional who was onsite and responsible during critical stages of implementation associated with the approved PCSM Plan. The licensed professional is also to complete Appendix A.

I, _____, do hereby certify pursuant to the penalties of 18 Pa. C.S.A. § 4904 to the best of my knowledge, information and belief, that the accompanying record drawings accurately reflect the as-built conditions, are true and correct, and are in conformance with Chapter 102 of the rules and regulations of the Department of Environmental Protection and that the project site was constructed in accordance with the approved plan changes and accepted construction practices.

Name and Official Title of Licensed Professional

Signature: _____



Signed by Permittee in 2 places

Unless the property is owned by the Commonwealth, then only 1 place.

Section 6

6. PROOF OF INSTRUMENT FILING WITH THE RECORDER OF DEEDS OFFICE:

The 25 PA Code §102.8(n)(2), the instrument and copies 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) and provide notice that the owner shall be responsible for long-term operation and maintenance of the PCSM BMP(s) in a covenant that runs with the land and that is binding upon and enforceable by subsequent parties.

For other Commonwealth or Federally-owned property, a covenant that runs with the land is not required and the transfer of the land containing the PCSM BMP(s) occurs. The owner transfers the deed that their names with 25 PA Code § 102.8(n)(2).

a. Is the project on Commonwealth or Federally-owned property? Yes No

I, _____, do hereby certify pursuant to the penalties of 18 Pa. C.S.A. § 4904 to the best of my knowledge, information and belief, that the accompanying record drawings accurately reflect the as-built conditions, are true and correct, and are in conformance with Chapter 102 of the rules and regulations of the Department of Environmental Protection and that the project site was constructed in accordance with the approved plan changes and accepted construction practices.

I certify, under penalty of law, that I have recorded a instrument with the Recorder of Deeds Office which will secure 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(n)(2).

Name and Official Title of person listed under Section 3:

Signature: _____

Section 7

7. Permit Termination Certification:

This Section is to be completed by the person listed in Section 3 and, when applicable, Section 6.

I, _____, do hereby certify under penalty of law that permanent stabilization, under 25 PA Code §102.8(n)(2), of the earth disturbance activities that occurred and either the installation of BMP(s) in accordance with an approved plan prepared and implemented per §§ 102.4 and 102.8 (relating to erosion and sediment control requirements, and PCSM requirements) has occurred or all approved restoration/reclamation activities have been completed. I understand that by submitting this NOT, I am no longer authorized to conduct earth disturbance activities under the referenced permit and that discharging stormwater from earth disturbance activities to waters of the Commonwealth is unlawful where the discharge is not authorized by a permit. I also understand that the submission of this NOT does not release a permittee or cooperative from liability for any violations of the permit, the latest Clean Water Act (if applicable), the Pennsylvania Coal Seam Gas Law and the rules and regulations promulgated thereunder, or from liability for any environmental damages occurring as a result of any earth disturbance activities conducted at the site. I understand that there are significant penalties for submitting false information, including possible fines and imprisonment for knowing violators.

Name and Official Title of person listed under Section 3 and, when applicable, Section 6:

Signature: _____

Acknowledgement: _____
Commonwealth of Pennsylvania
County of _____

On this, the _____ day of _____, 20____, before me, a Notary Public, personally appeared _____ having a title of _____ within the business entity of _____ known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing document, and acknowledged that he/she executed the same for the purposes therein contained as WITNESSED WHEREOF, I have hereunto set my hand and notarial seal.

NOTARY SEAL

My Commission Expires: _____

Notary Public



NOT Form – Appendix B

Signed by designee responsible for O&M in Appendix B

- Always the same signee in the Declaration of Restrictions and Covenants
- Possibilities:
 - Permittee
 - HOA representative
 - Maintenance supervisor
 - Resident(s) in a development that have individual on-lot PCSM BMPs
 - Municipality

2150-PM-00000220b Rev. 9/2015

APPENDIX B

Person(s) Responsible for Long-Term Operation and Maintenance of PCSM BMPs:
 Statement: I understand and agree with the long-term operation and maintenance responsibilities outlined in the new property owner notification form or other landowner notice and as they apply to the PCSM BMP(s) on the property I am purchasing.

Name	Signature	Phone #	Address	Responsible for the Following PCSM BMPs	Location, including Latitude and Longitude, of each PCSM BMP

Attach additional Appendix B Forms as needed.

Page of

NOT Process



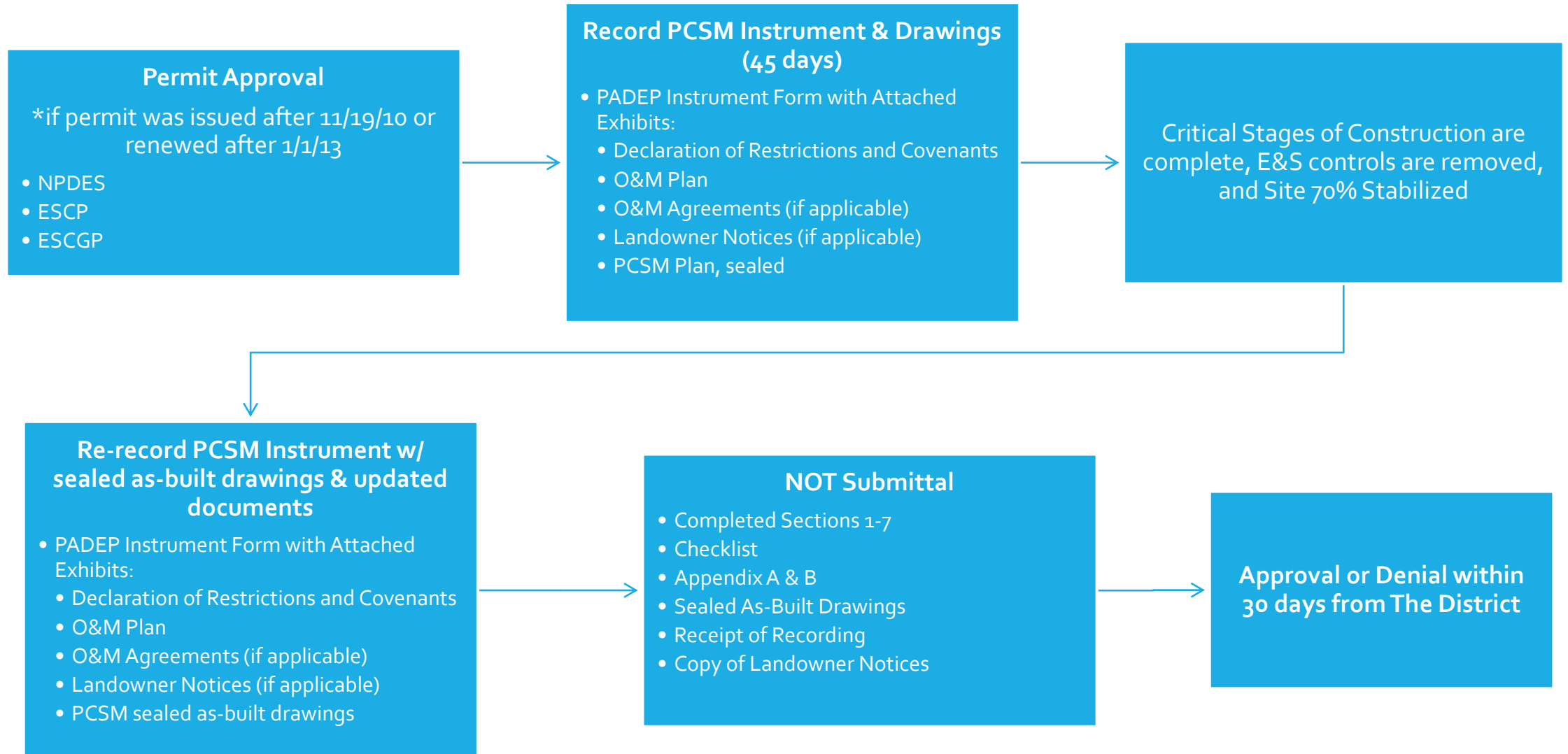
Complete NOT Submittal

- ✓ Completed Sections 1-7
- ✓ Checklist
- ✓ Appendix A & B
- ✓ Sealed As-Built Drawings
- ✓ Receipt of Recording
- ✓ Copy of Landowner Notices

Approval or Denial from The District within 30 days



NOT Process Review



Restoration/Reclamation projects Exemptions

- Instrument Filing Notices & all attached exhibits
- Skip over Section 5 & 6 of NOT
- Appendix A of NOT
- Instead of as-built drawing, can submit PCSM/reclamation plan

Commonwealth/Federally owned properties Exemptions

*not municipally owned property

- Instrument Filing Notices Instrument Filing Notices & all attached exhibits
- Section 6 of NOT
- Appendix B of NOT



Resources:

CO-PERMITTEE LIABILITY RELEASE FORM FOR PERMITS ASSOCIATED WITH 25 PA CODE CHAPTER 102

- DEP form 3150-FM-BWEW0271, **New 10/2015**
- <http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-108860/3150-FM-BWEW0271.pdf>

NOTICE OF TERMINATION before November 19, 2010

- DEP form 3150-PM-BWEW0229a, **Rev. 10/2015**
- <http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-108867/3150-PM-BWEW0229a.pdf>

NOTICE OF TERMINATION after November 19, 2010 or renewed after January 1, 2013

- DEP form 3150-PM-BWEW0229b, **Rev. 9/2015**
- <http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-108869/3150-PM-BWEW0229b.pdf>

Websites above can be found on PADEP's online eLibrary:

<http://www.elibrary.dep.state.pa.us/dsweb/View/Collection-11362>