



**CUMBERLAND COUNTY
CONSERVATION DISTRICT**

2025 E&S/NPDES Workshop

March 26, 2025

Cumberland County Conservation District

Conserving Natural Resources for Our Future

Agenda

Advisory Notice

This meeting will be recorded in its entirety for training and record-keeping purposes. By participating in this meeting, you are consenting to the recording and use of this session.



Agenda

- Welcome/PAG-02 Changes – Vince
- New NOI, Module 1 – Noelle
- EP Analysis – Matt
- Break
- PCSM Topics – Mike & Robin
 - Module 2/PCSM Spreadsheet
 - Wetland Impact Analysis
 - MRC
- Q&A



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www.cumberlandcountypa.gov/cd

717-240-7812

pdf's of presentations will be posted on our website



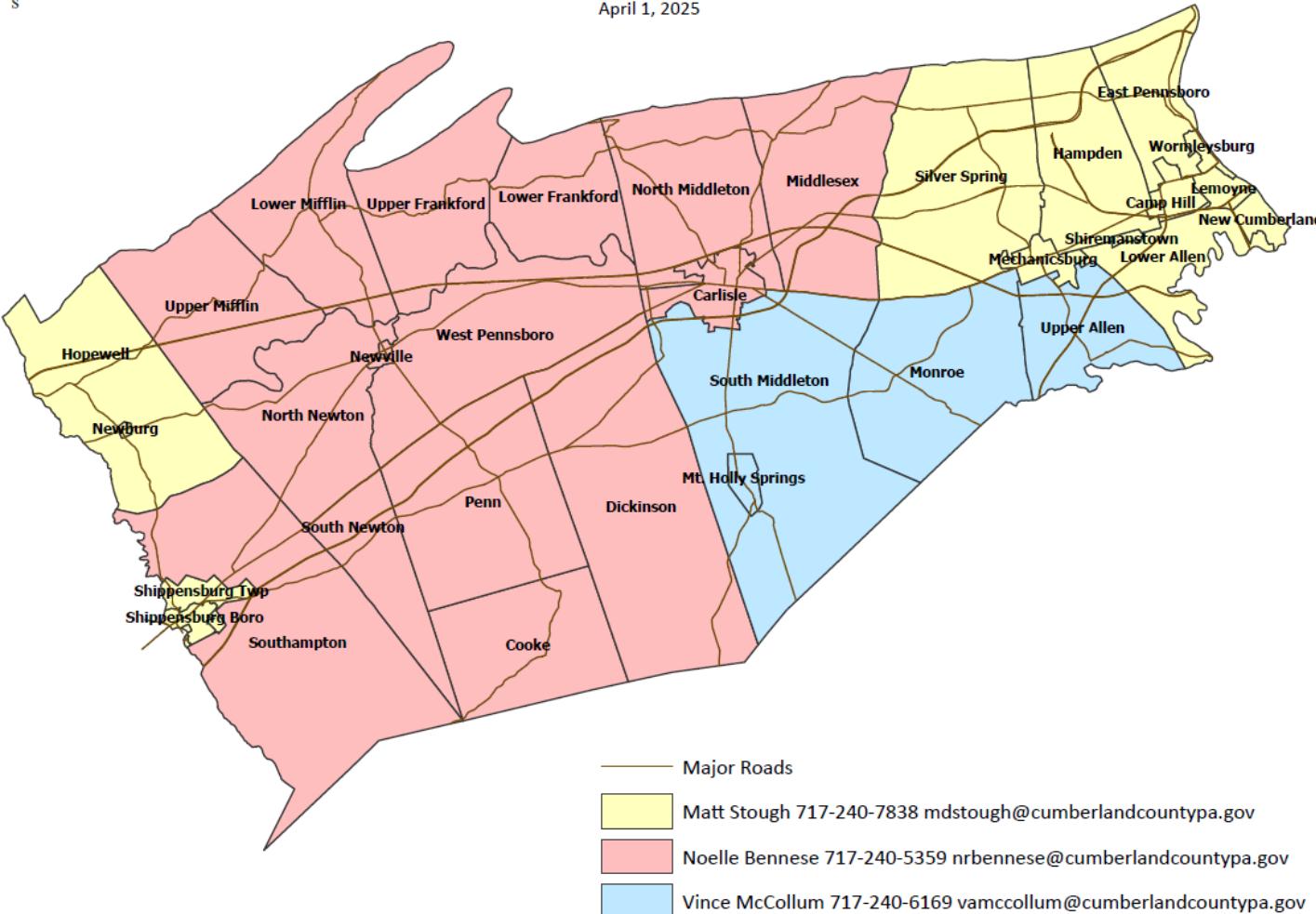
E&S Staff Municipality Assignments



Cumberland County Conservation District

Erosion Control Staff Municipality Assignments

April 1, 2025



Administrative Processing Changes

- No plans mailed to the applicant
- Go by the revision dates on plans and match to authorization cover letter
 - NOTE - add revision dates to any plan sheets revised (minimum) and always the latest date on the cover sheet
- Go to Construction Stormwater to get forms
- In some instances, we may start requesting electronic files of plans, modules, etc at authorization
- 1 set of hard copies unless otherwise discussed



Permit Conditions-Dewatering Activities

- The permittee must utilize upland vegetated areas of the project site to infiltrate construction dewatering water prior to discharge, to the extent feasible.
- For construction dewatering water that cannot be infiltrated, construction dewatering water must be treated by an approved series of two or more BMPs prior to discharge to surface waters to reduce discharges with visual turbidity (i.e. PWFB and CFS)



Permit Conditions-BMP or SCM Repair

- **Initiate** repair/replacement of BMP/SCM immediately upon discovery, if the reduction, loss, or failure of a BMP or SCM has resulted in or is likely to result in sediment or other pollutants flowing off the project site and/or discharging to surface waters. **Completion** of the repair or replacement of the BMP or SCM must occur within 24 hours
- Non-polluting failures, completion of the repair/replacement within 7 days



Permit Conditions-All Other State/Local Permits

No new discharge may be commenced under this General Permit until the applicant demonstrates compliance with and/or completes all the following:

- The applicant has obtained all other state and local permits and approvals arising out of the earth disturbance activities reported in the NOI, including but not limited to sewage planning approval required by the Pennsylvania Sewage Facilities Act, 35 P.S. § § 750.1 et seq. (Act 537), if applicable.

HOP? – Temporary access HOP is acceptable



PAG02 Document Summary



Pennsylvania
Department of
Environmental Protection
Bureau of Clean Water

2024/2025 Chapter 102 Document Use Requirements

Document	New or Revised Version Must Be Used Starting ¹ :
ESCGP-4 Notice of Intent (8000-PM-OOGM0003b)	October 11, 2024
2024 PAG-02 Notice of Intent (3800-PM-BCW0405b)	December 8, 2024
Chapter 102 NPDES Annual Report (3800-PM-BCW0405e)	December 8, 2024 ²
Visual Site Inspection Report (3800-FM-BCW0271d) (for permittees)	December 8, 2024 ³
Chapter 102 Inspection Report (3800-FM-BCW0271g) (for DEP/CCD use)	December 8, 2024
Erosion Potential (EP) Analysis Form (3800-FM-BCW0271h)	December 8, 2024
New Property Owner Notification Form (3800-FM-BCW0271i)	December 8, 2024
SCM Construction Certification Form (3800-FM-BCW0271j)	December 8, 2024 ⁴
Individual NPDES Permit application (3800-PM-BCW0408b)	March 8, 2025
E&S Module 1 (3800-PM-BCW0406a)	March 8, 2025
PCSM Module 2 (3800-PM-BCW0406b)	March 8, 2025
Antidegradation Module 3 (3800-PM-BCW0406c)	March 8, 2025
Riparian Buffer Module 4 (3800-PM-BCW0406d)	March 8, 2025
Pre-Development Site Characterization (PDSC) Spreadsheet	March 8, 2025
Managed Release Concept (MRC) Spreadsheet (No Title)	March 8, 2025
PCSM Spreadsheet (version 2.0)	March 8, 2025
Notice of Termination (3800-PM-BCW0229a-c)	March 8, 2025

- ¹ Submission of outdated forms after these dates will be considered a completeness deficiency.
- ² The first annual report for all existing PAG-02 permittees is due December 7, 2025; thereafter an annual report is due by December 7 every year. New PAG-02 and Individual NPDES permittees (receiving coverage after December 7, 2024) must submit the first annual report one full year after the effective date of their permit coverage. The annual report may be submitted anytime between October 1 and December 7.
- ³ The requirement for qualified site inspectors begins on December 8, 2025. DEP's [Qualified Visual Site Inspector Training Program](#) is available in Clean Water Academy.
- ⁴ Confirmation testing for infiltration-based SCMs is required starting December 8, 2025. Until that date the questions regarding confirmation testing on the SCM Construction Certification Form may be left blank.



County/Municipal Notification Forms

- Forms dated 10/2024, keep checking for updates
- Submit to County/Municipality at least 30 days before NPDES submission
- Provide form signed by County/Municipality or proof of receipt to CD

3800-FM-BCW0271c Rev. 10/2024
Municipal Notification Form

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER

Pennsylvania
Department of
Environmental Protection

**MUNICIPAL NOTIFICATION OF PLANNED LAND DEVELOPMENT
FOR CHAPTER 102 PERMITS**

PROJECT INFORMATION	
Applicant Name:	Contact Name:
Applicant Address:	Contact Phone:
Applicant City, State, ZIP:	County:
Description of Proposed Land Development and Stormwater Controls:	Municipality:
Project Area: _____ acres <input type="checkbox"/> Phased	
Disturbance: _____ acres	
Surface Waters Receiving Stormwater Discharges:	
Tax Parcel ID(s) Affected by Proposed Land Development:	
Discharge to: <input type="checkbox"/> MS4 <input type="checkbox"/> Other SS <input type="checkbox"/> CSS	

The following information was submitted to the municipality for this project:

Land Development / Subdivision Plan E&S Plan PCSM Plan Other:



Pre-Development Site Characterization Spreadsheet

- Developed to aid consultants meet regulatory requirements
- Review instructions
- Project Site Area field – should match the NOI/Application



DEPARTMENT OF ENVIRONMENTAL
PROTECTION

CLEAR FORM

CHAPTER 102 PRE-DEVELOPMENT SITE CHARACTERIZATION SPREADSHEET

Project Site Name:

Project Site Area:

 acres

Applicant:

Will PCSM requirements for the project be satisfied entirely by stormwater capture and use or riparian forest buffer SCMs or can the entire project be considered a site restoration activity?

Yes No



Pre-Development Site Characterization Spreadsheet (con't)

BMP 6.5.2: Runoff Capture & Reuse



Capture and Reuse encompasses a wide variety of water storage techniques designed to "capture" precipitation, hold it for a period of time, and reuse the water. Heavy rainfall may require slow release over time. A water budget must be developed to ensure that the water will be used to allow for more runoff capture

<u>Key Design Elements</u>	<u>Potential Applications</u>
<ul style="list-style-type: none">Storage techniques may include cisterns, underground tanks, above-ground vertical storage tanks, rain barrels or other systemsStorage devices designed to capture a portion of the small, frequent storm eventsMost effective when designed to meet a specific water need for reuseSystems must for bypass or overflow of large storm eventsWater budget analysis incorporating anticipated water inflow and usage is requiredCollection and placement of storage elements up gradient of areas of reuse may reduce or eliminate pumping needsMaintenance - periodic tank and sump cleanout is required	<p>Residential: Yes Commercial: Yes Ultra Urban: Yes Industrial: Yes Retrofit: Yes Highway/Road: Limited</p>
<u>Stormwater Functions</u>	<u>Water Quality Functions</u>
	<p>Volume Reduction: Med/High Recharge: Low Low Peak Rate Control: Medium Water Quality:</p> <p>TSS: 100% TP: 100% NO3: 100%</p>



Pre-Development Site Characterization Spreadsheet (con't)

If "Yes" is selected, additional information is requested regarding karst features:

Is the project site located in an area of known karst terrain?

Yes No ***Complete the information below***

Identify the individual(s) responsible for the geotechnical investigation.

ADD ROW

DELETE ROW

Name	Company	License/Certification

Geotechnical investigation techniques (check all that were completed):

- Geophysical survey
- Geotechnical borings
- Soil profiling
- Downstream analysis
- Bedrock core borings
- Field review of adjacent properties
- Identification of sinkholes and closed depressions
- Other:

A geotechnical report has been completed and is attached to Module 2.

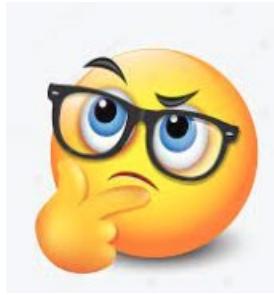
Predominant overburden depth across site:

ft



Pre-Development Site Characterization Spreadsheet (con't)

- Predominant overburden depth across site – Enter the depth, in feet, of overburden material (soil and non-carbonate rock) that exists over a majority of the project site based on the geotechnical investigation. Where a value less than 33 feet is entered, the Spreadsheet will indicate that infiltration may not be feasible, and that Managed Release Concept (MRC) stormwater control measures (SCMs) should be considered:



Predominant overburden depth across site: ft

Infiltration may not be feasible (other options should be considered)

This result does not mean that an investigation of a site's infiltration capabilities cannot be pursued, as it is the judgment of the licensed professional designing stormwater management on the karst site that ultimately determines whether infiltration may be feasible on the site; however, if an investigation of infiltration capabilities is not completed, DEP and delegated county conservation districts (CCDs) will accept this recommendation.

Where a value that is greater than or equal to 33 feet but less than 50 feet is entered, the Spreadsheet will recommend that a sinkhole risk assessment be completed.

Predominant overburden depth across site: ft

A sinkhole risk assessment is recommended

Sinkhole risk:

DEP does not provide guidance on completing a sinkhole risk assessment. There are multiple approaches available to conduct risk assessments (e.g., see publications by [American Society of Civil Engineers, U.S. Department of Transportation](#)) and the licensed professional can select any approach that is considered scientifically sound and appropriate for the project. The sinkhole risk assessment should be part of the geotechnical report. Where the sinkhole risk is considered low, the Spreadsheet will recommend that the site be investigated further for infiltration capabilities.

Sinkhole risk:

An investigation of infiltration capabilities is recommended



Pre-Development Site Characterization Spreadsheet (con't)

Areas Excluded for Infiltration SCMs

The Spreadsheet recommends that a preliminary site evaluation for infiltration capabilities is conducted in which at least one infiltration test location is investigated for every 40,000 square feet across the project site, equally distributed across the site, with a minimum of 4 test locations, unless exceptions apply (see NOTE 2). It is important to understand that opportunities for infiltration may exist outside of the LOD, within the project site boundary, and DEP expects these areas will be evaluated to the extent practicable. However, DEP understands that there are multiple constraints that could be present on a project site that would render infiltration infeasible or undesirable. These constraints can be identified to reduce the area of the project site that requires a preliminary site evaluation for infiltration capabilities. These constraints, which are identified in the Spreadsheet as "exclusions", are as follows:

1. Areas of a project site that will be disturbed for underground utilities or other infrastructure and then restored to approximate original condition.
2. Areas that have been field verified, prior to or in conjunction with subsurface investigations for infiltration capabilities, as having shallow bedrock conditions that would not comply with separation distance guidance or local ordinances for infiltration-based SCMs.
3. Areas that have been field verified, prior to or in conjunction with subsurface investigations for infiltration capabilities, as having a seasonally high water table (SHWT) and/or hydric soil conditions that would not comply with separation distance guidance or local ordinances for infiltration-based SCMs.
4. Areas that are impervious land cover in the pre-construction condition and will not be disturbed and areas where road maintenance activities will occur as defined at 25 Pa. Code § 102.1.
5. Areas that are defined at 25 Pa. Code § 102.1 as surface waters and waters of this Commonwealth and areas that are defined at 25 Pa. Code § 105.1 as floodways and floodplains.
6. Areas where soils at horizons conducive to infiltration for a project are known to contain pollutant concentrations

-Setbacks
-Higher elev than
impervious areas



Pre-Development Site Characterization Spreadsheet (con't)

NOTE 2 – If MRC SCMs will not be proposed for stormwater management on the site and it is known that infiltration-based SCMs will be used, DEP/CCD will accept a minimum of two test locations for small sites with earth disturbance less than 5 acres when 1) the applicant receives prior written approval from DEP/CCD during a pre-application meeting or otherwise prior to submission of a Chapter 102 permit application or Notice of Intent and 2) when the infiltration rate or saturated hydraulic conductivity determined for all tests completed is at least 0.4 inch/hour (i.e., not limited or marginal) prior to the application of a factor of safety.



Pre-Development Site Characterization Spreadsheet (con't)

Test Pit / Soil Boring Log No. Test Locations:

Test Location ID	Investigation Method	Total Depth Investigated (ft)	Limiting Zone Elevation (ft)	Limiting Zone Description	Infiltration Test(s) Completed?

- **Test Location ID** – Enter a unique identification (ID) number for each test pit or boring completed. The ID number should be shown on a map or PCSM Plan Drawing.
- **Investigation Method** – Select the method from the dropdown list. The options will be Test Pit, Soil Boring, Other, and any combination thereof dependent on the selections made in the Soil Investigation section.
- **Total Depth Investigated** – Enter the total vertical depth advanced in the pit or boring, in feet, as measured from the ground surface.
- **Limiting Zone Elevation** – If a zone was encountered that would restrict infiltration (limiting zone), report the elevation where the limiting zone is first encountered, in feet above mean sea level (ft msl). If a limiting zone is not encountered or if a test pit or boring advances through a limiting zone to determine its depth, and potentially suitable soils are identified below the limiting zone that may be used for infiltration, leave this cell blank.
- **Limiting Zone Description** – If a limiting zone elevation is entered, select the type of limiting zone from the dropdown list.
- **Infiltration Test(s) Completed?** If an infiltration test(s) was conducted within the test pit or boring, select "Yes", otherwise "No".



Pre-Development Site Characterization Spreadsheet (con't)

Infiltration Test Results

Select the number of infiltration tests that were completed in all test pits and/or borings from the dropdown list, up to 100. If more than 100 tests were completed, two or more instances of the Spreadsheet should be used to represent the project site.

Infiltration Test Results

No. Infiltration Tests:

Test Location ID	Infiltration Test ID	Infiltration Test Elevation (ft)	Infiltration Test Method	Field Ksat (in/hr)	Air Temp (°F)	Adjusted Ksat (in/hr)

- **Test Location ID** – If an infiltration test was completed for a Test Location ID that is entered into the Test Pit / Soil Boring Log section, the Test Location ID will be available in the dropdown list to select from.



Pre-Development Site Characterization Spreadsheet (con't)

- **Infiltration Test Elevation** – Enter the elevation, in ft msl, in which the infiltration test was conducted.
- **Infiltration Test Method** – Select the infiltration test method from the dropdown list. The options are Single Ring (infiltrometer), Double Ring (infiltrometer), Cased Borehole, and Other. Select Single Ring or Double Ring if the test device is seated at the bottom of the test pit where seating can be visualized to ensure there is no water loss from the testing area. If seating cannot be visualized select Other.



Instrument Recording

Recording requirements have not changed since 2010 reg change

- The 2024 permit requires submission of the instrument recording for review, prior to scheduling the preconstruction meeting.

(checklist and instructions for a guide)



Instrument Recording (con't)



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER

CHAPTER 102 PCSM RECORDING CHECKLIST					
<input type="checkbox"/> Initial Recording	<input type="checkbox"/> Final Recording (NOT)	<input type="checkbox"/> HOA/Planned Community Declaration			
Permittee Name:		Permit No.:			
Project Site Name:		Lot/Parcel ID(s):			
INSTRUMENT RECORDING REQUIREMENTS		YES	NO	N/A	DEP/CCD
1. Does the recording identify the type of PCSM SCM(s)?	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	
2. Does the recording identify the location of the PCSM SCM(s) on the lot?	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	
3. Does the recording include drawings identifying SCM dimensions, inlet and outlet structures, construction materials and media, and vegetation (planting plan), as applicable?	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	
4. Does the recording identify how access to the SCM is accomplished?	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	
5. Does the recording include a long-term operation and maintenance (O&M) plan for the SCM?	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	
6. Does the recorded instrument identify the party responsible for long-term O&M?	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	
7. Does the party responsible for long-term O&M identified in the recorded instrument match the information provided in Section 5 of the NOT? <i>(final recordings only)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8. Does the instrument identify that the responsibility for long-term O&M of the PCSM SCM is a covenant that runs with the land and is binding and enforceable by subsequent grantees?	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	
9. Does the instrument state that the instrument shall be incorporated by reference into any deed or other legal instrument by which the Grantor divests itself by sale, exchange, devise or gift of all or any portion of the property?	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	
10. Does the instrument include a provision that requires notification and approval by DEP or the conservation district prior to any modifications to the SCM(s)?	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	
11. Is proof provided that the instrument was recorded with the County Recorder of Deeds Office?	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	
12. If modification to the approved plans were made after the initial recording, was	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



Instrument Recording (con't)

TAMMY SHEARER
RECORDER OF DEEDS
CUMBERLAND COUNTY
1 COURTHOUSE SQUARE
CARLISLE, PA 17013
717-240-6370



Instrument Number [REDACTED]
Recorded On 2/21/2025 At 1:09:41 PM

* Instrument Type - DECLARATION
Invoice Number [REDACTED] User ID - BMM
* Grantor [REDACTED]
* Grantee [REDACTED]
* Customer - [REDACTED]

***FEES**
STATE WRIT TAX \$0.50
RECORDING FEES - \$51.50
RECORDER OF DEEDS
PARCEL CERTIFICATION \$20.00
FEES
COUNTY ARCHIVES FEE \$2.00
ROD ARCHIVES FEE \$3.00
TOTAL PAID \$77.00

* Total Pages - 5

Certification Page

DO NOT DETACH

This page is now part
of this legal document.

Cumberland County UPI Certification
On February 21, 2025 By DC

CUMBERLAND COUNTY RECORDER OF DEEDS
RECEIPT

Inv Number [REDACTED]	Invoice Date: 02/21/2025 1:09:41 PM	RECEIPT	Reg/Drw ID: 0101
Customer: [REDACTED]	Last Change:	Receipt By: COUNTER	By: BMM
Chg # Charge / Payment / Fee Description	Amount	Inst # / Inst Date	Municipality
1 DECLARATION	\$77.00	02/21/25 1:09:41 PM	SILVER SPRING TOWNSHIP
Return Via - MAIL PARCEL IDENTIFICATION NUMBER		Total Pages: 9	
Fee Detail:			
COUNTY RECORDING FEE	\$11.50		
IMPROVEMENT FEE - COUNTY	\$2.00		
IMPROVEMENT FEE - RECORDER	\$3.00		
PARCELS FEE	\$20.00		
RIGHT OF WAY PLAN FEE	\$40.00		
STATE WRIT FEE	\$0.50		
Inst Info: SEE R/W ATTACHED			
2 POSTAGE	\$1.00		
Fee Detail: POSTAGE FEE	\$1.00		
TOTAL CHARGES	\$78.00		
PAYMENTS			
CHECK: 5389	\$78.00		
TOTAL PAYMENTS	\$78.00		
AMOUNT DUE	\$78.00		
PAYMENT ON INVOICE	(\$78.00)		
BALANCE DUE	\$0.00		



Instrument Recording (con't)



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER

CHAPTER 102 PCSM RECORDING CHECKLIST INSTRUCTIONS

The Department of Environmental Protection's (DEP's) regulations at 25 Pa. Code § 102.8(m)(2) require that for any property containing a post-construction stormwater management (PCSM) stormwater control measure (SCM)¹, the permittee or co-permittee must record an instrument with the recorder of deeds which must:

- Assure disclosure of PCSM SCMs and the related obligations in the ordinary course of a title search of the subject property (i.e., operation and maintenance (O&M) activities and the party responsible for long-term O&M).
- Identify the PCSM SCMs (i.e., information such as the type, location, and construction details of the SCMs).
- Provide for access to PCSM SCMs for long-term O&M.
- Provide notice that the responsibility for long-term O&M of PCSM SCMs is a covenant that runs with the land that is binding upon and enforceable by subsequent grantees.

For SCMs on Commonwealth or federally owned property, the recording does not need to be completed until the time of property transfer. However, with certain exceptions, other permittees must complete an initial instrument recording either within 45 days of permit issuance or prior to scheduling the pre-construction meeting, depending on the requirements of the applicable permit. An amendment to the initial recording will need to be completed prior to submittal of the NOT if any changes have occurred in comparison to the initial recording such as changes to PCSM SCMs, entities responsible for long-term O&M of the SCMs, etc.

The Chapter 102 PCSM Recording Checklist and these instructions have been created in an effort to assist permittees with assuring PCSM recordings are complete and assist DEP and County Conservation District (CCD) staff in verifying the completeness of the recordings. Use of the Checklist is optional but is encouraged.

Completing the Checklist

Type of Recording – At the top of the Checklist check the appropriate box to indicate whether the recording is considered an Initial Recording (i.e., the first recording on the deed relating to SCMs) or a Final Recording (i.e., an amended recording that is submitted with a Notice of Termination (NOT)).

HOA Declaration – If a homeowner's association (HOA) or planned community declaration was recorded, check the appropriate box at the top of the Checklist. The declaration may satisfy regulatory requirements if it contains



Instrument Recording (con't)

Recording requirements have not changed since 2010 reg change

- The 2024 permit requires submission of the instrument recording for review, prior to scheduling the preconstruction meeting.
- DEP Sample Instrument (Highly recommended)



Instrument Recording (con't)

INSTRUMENT FOR THE DECLARATION OF RESTRICTIONS AND COVENANTS

Grantor is landowner
Grantee is person resp
for SCM O&M

Grantor and Grantee can
be the same

This Instrument for the Declaration of Restrictions and Covenants (Instrument) is being made as 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 to _____ County Instrument No. _____ (the "Property");

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

WHEREAS, the Property is included within the boundary of 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 (PAG-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 (Permit No. _____) which identifies certain Post Construction Stormwater Management Best Management Practices (PCSM BMPs) located on the Property;



Instrument Recording (con't)

Recording requirements have not changed since 2010 reg change

- The 2024 permit requires submission of the instrument recording for review, prior to scheduling the preconstruction meeting.
- DEP Sample Instrument (Highly recommended)
- Revise Appendix A, B, C paragraphs as needed



Instrument Recording (con't)

WHEREAS, the documents attached to this Instrument and incorporated herein shall include: either record drawings which accurately reflect as-built conditions or the approved PCSM Plan (if record drawings are not yet available), attached hereto as Appendix A; the long-term Operation and Maintenance Plan (O&M Plan), attached hereto as Appendix B; and, any Operation and Maintenance Agreements (O&M Agreements) between the permittee and the party responsible for implementation of the O&M Plan, attached hereto as Appendix C;

WHEREAS, Grantee has agreed to be responsible for implementation of the approved O&M Plan for the PCSM BMPs located on the Property as described in the O&M Plan, for which an agreement is attached hereto as Appendix C, and incorporated herein;

O&M agreement is **recommended** to be recorded.....not required

Update language if not recorded



Instrument Recording (con't)

Recording requirements have not changed since 2010 reg change

- The 2024 permit requires submission of the instrument recording for review, prior to scheduling the preconstruction meeting.
- DEP Sample Instrument (Highly recommended)
- Revise Appendix A, B, C paragraph as needed
- Municipal agreements do not meet Chapter 102 requirements for the instrument



Instrument Recording (con't)

OPERATION AND MAINTENANCE (O&M) AGREEMENT STORMWATER MANAGEMENT BEST MANAGEMENT PRACTICES (SWM BMPs)

THIS AGREEMENT, made and entered into this 8th day of January, 2025 by and between [REDACTED] (hereinafter the "Landowner"), and UPPER ALLEN TOWNSHIP, Cumberland County, Pennsylvania (hereinafter the "Municipality");

This is between the owner and the municipality, not
between the owner and the entity responsible for O&M



Instrument Recording (con't)

- The 2024 permit requires submission of the instrument recording for review, prior to scheduling the preconstruction meeting.
- DEP Sample Instrument (Highly recommended)
- Revise Appendix A, B, C paragraph as needed
- Municipal agreements do not meet Chapter 102 requirements for the instrument
- Changes to SCM's, new O&M entity, will require another recording for the NOT



Visual Site Inspection Report (VSIR - Use DEP Form)

- Site inspections – Weekly, post storm event (0.25”)
- Conducted by qualified site inspectors (starting 12/8/25)
- Three options to demonstrate qualifications:
 - Qualified Site Inspector Training Program (Clean Water Academy)
 - Certified Professional in Erosion and Sediment Control (CPESC) or Certified Erosion, Sediment, and Stormwater Inspector (CESSWI)
 - Submit documentation of training and experience and receive written approval from DEP/CCD



VSIR (con't)

- Color photos **at least** monthly of installed BMP/SCM or BMP/SCM deficiencies
- Date/time stamp on photos & attached
- Inspect discharge points
- Identify operators (new since last VSIR)
-no more co-permittee form submission
- CD ask for VSIRs during inspections



SCM Construction Certification Form

- Requirement to document construction of structural SCMs
- To be signed by a licensed professional and submitted to DEP/CCD within 30 days of SCM completion
- Required to include confirmation testing starting 12/8/25



Confirmation Testing for Infiltration

- For infiltration-based SCMs:
 - Post-construction testing is required to confirm SCM will infiltrate as designed
 - Infiltrations tests, **simulated runoff test, post-storm visual inspection (6 inch depth)**
 - Corrective action would be necessary if design rates are not confirmed
- Results required to be submitted with the SCM Construction Certification Form starting 12/8/25



Annual Report

- To be submitted to CD/DEP each year by December 7 (reporting period 10/1 - 9/30)
- Provides information on the status of the project (reminder of permit requirements-SCM Cert From, Revs, ant NOT)



Annual Report (con't)

3800-PM-BCW0405e Rev. 12/2024

Annual Report



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
DISCHARGES OF STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITIES
ANNUAL REPORT
FOR THE PERIOD TO

GENERAL INFORMATION			
Project Site Name:	<u> </u>	Permit No.:	<u> </u>
Permittee Name:	<u> </u>	Issuance Date:	<u> </u>
Permittee Address:	<u> </u>	Expiration Date:	<u> </u>
Permittee City, State, ZIP:	<u> </u>	Municipality:	<u> </u>
Permittee Contact:	<u> </u>	County:	<u> </u>
Contact Email:	<u> </u>	Contact Phone:	<u> </u>
Permittee contact information that has changed since the last report: <u> </u>			
<input type="checkbox"/> The permittee intends to continue operating under an Individual NPDES Permit or PAG-02 General Permit coverage during the next reporting period.			
<input type="checkbox"/> The permittee <u>does not</u> intend to continue operating under an Individual NPDES Permit or PAG-02 General Permit coverage and requests termination of permit coverage. A complete NOT is attached (3800-PM-BCW0229b).			
Have any lots or parcels within the project site that contain or will contain PCSM SCMs been sold during the reporting period?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
If Yes, have New Property Owner Notification form(s) been provided to the new owner and submitted to DEP/CCD?		<input type="checkbox"/> Yes	<input type="checkbox"/> No
PROJECT STATUS INFORMATION			

PROJECT STATUS INFORMATION

1. Describe the status of the project (i.e., what work has been completed to date and what remains to be completed).
2. Explain which step of the construction sequence as identified in the E&S and/or PCSM Plans you are presently on.
3. During the reporting period were any deviations made from the approved E&S and/or PCSM Plans? Yes No
If Yes, describe the deviation(s) and indicate the date(s) the deviation(s) were approved by DEP/CCD.

Latest Approved Revision Date for E&S Plan Drawings:

PCSM Plan Drawings:

4. Projected date by which the site will be permanently stabilized and an NOT will be submitted: _____
5. Have visual site inspections been completed weekly and after measurable storm events throughout the reporting period?
 Yes No If No, explain: _____
6. Have any PCSM SCMs been constructed during the reporting period?
If Yes, was a licensed professional or designee on-site to provide oversight of critical stages? Yes No
If Yes, was an SCM Construction Certification Form submitted to DEP/CCD? Yes No



Annual Report (con't)

- To be submitted to CD/DEP each year by December 7 (reporting period 10/1 - 9/30)
- Provides information on the status of the project (reminder of permit requirements-SCM Cert From, Revs, ant NOT)
- Existing PAG-02 permits prior to 12/7/24, first report due 12/7/25
- New PAG-02 authorized after 12/7/24, first report due 12/7/26



New Property Owner Notification Form

- To be completed when a property containing an SCM is sold during permit coverage (first end user)
- Signed by permittee and new property owner
- Submit to CD ASAP but no longer than 30 days of property transfer
- May not be necessary if a satisfactory HOA declaration was recorded (providing for long term O&M)



New Property Owner Notification Form (con't)

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Notification Form



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER

NOTICE TO NEW PROPERTY OWNERS OF PCSM SCMs AND O&M REQUIREMENTS “NEW PROPERTY OWNER NOTIFICATION FORM”

The property that you are purchasing or that you own contains one or more post-construction stormwater management (PCSM) stormwater control measures (SCMs) that require long-term operation and maintenance (O&M) to continue performing their intended functions. The long-term O&M requirements have been recorded as part of a covenant that affects this property. You have the right to enter into an agreement with a third party to perform long-term O&M. Note – Completion of long-term O&M may be enforced by your municipality under the terms of local ordinances.

PROJECT SITE INFORMATION

Project Site Name: _____ Permit No.: _____

Permittee Name: _____ Date of Sale: _____

Will the sale of property also include a transfer of the Chapter 102 permit? Yes No

PROPERTY CONTAINING PCSM SCM(s)

Municipality: _____ County: _____

Plot Book Volume: _____ Page: _____

Tax Parcel # / UPI: _____ Owner: _____

Address: _____ Phone: _____

City, State, ZIP: _____ Email: _____

PCSM SCM INFORMATION

Name / Description of SCM: _____

Location of SCM on Property: _____



New Property Owner Notification Form (con't)

Attachments

Attach the following to the form:

- A copy of the recorded legal instrument and proof that the instrument was recorded.
- The O&M Plan for the PCSM SCM.
- Record drawing(s) or equivalent for the PCSM SCM.
- An O&M agreement if a third party will be responsible for long-term O&M (optional).
- Proof of owner receipt if the owner refused to sign the form.



Notice of Termination

- Form dated 2/25 required to be used starting 3/8/25
- Tables within form take place of previous Appendix A, B, C
- When to submit the NOT?

In accordance with 25 Pa. Code § 102.7, the NOT form is to be submitted once the following have been achieved:

1. Permanent stabilization of earth disturbance activities per 25 Pa. Code § 102.22(a)(2).
2. Implementation of E&S best management practices (BMPs) and post-construction stormwater management (PCSM) stormwater control measures (SCMs) per the approved plans or implementation of site reclamation or restoration.

Do not submit the NOT until these activities have been completed. DEP or the delegated county conservation district (CCD) may hold or return any NOT without taking an action if it is determined that these activities have not been completed.



Notice of Termination

- Form dated 2/25 required to be used starting 3/8/25
- Tables within form take place of previous Appendix A, B, C
- When to submit the NOT?
- What sections to complete?
 - Projects in which no earth disturbance was conducted – complete Sections 1, 2, and 9.
 - Projects in which the original permit was issued prior to November 19, 2010 and was renewed prior to January 1, 2013 – complete Sections 1, 2, 3, and 9.
 - Projects that proposed PCSM SCMs but none of the SCMs were ultimately implemented and there are no post-construction impervious surfaces – complete Sections 1, 2, 3, 7, 8, and 9.
 - Projects that satisfy the provisions of 25 Pa. Code 102.8(n) (i.e., site restoration projects) – complete Sections 1, 2, 3, 7, 8, and 9. If a project site includes some site restoration activities and some PCSM SCMs, complete the NOT in full.
 - For all other projects the NOT should be completed in full.



Notice of Termination (con't)

- Form dated 2/25 required to be used starting 3/8/25
- Tables within form take place of previous Appendix A, B, C
- When to submit the NOT?
- What sections to complete?
- What attachments must accompany the NOT?

Please refer to the NOT Checklist (3800-PM-BCW0229c) and [Table 1](#) of these Instructions for a complete list of required attachments. The NOT Checklist should be completed and submitted with the NOT.



Notice of Termination (con't)

Table 1: Components of a Complete NOT Submission

Attachment Type	Projects in which the original permit was issued prior to November 19, 2010 and was renewed prior to January 1, 2013	Site restoration projects and projects that proposed PCSM SCMs but none of the SCMs were ultimately implemented and there are no post-construction impervious surfaces	All other projects (as applicable)
Completed, Signed NOT Form	✓ ¹	✓ ²	✓ ³
Copy of Latest Recorded Legal Instrument ^{4,5}			✓
Copy of Latest Recorded HOA/Planned Community Declaration ⁶			✓
Proof of Instrument Recording			✓
New Property Owner Notification Form(s) ⁷			✓
O&M Agreement(s) ⁸			✓
Record Drawings ⁹		✓	✓
Long-Term O&M Plan ¹⁰			✓
Power of attorney or delegation of authority (for Section 9), if applicable	✓	✓	✓
Attachments specific to PAG-01 (optional) ¹¹			✓

1 Complete Sections 1, 2, 3, 9 only.

2 Complete Sections 1, 2, 3, 7, 8, and 9 only.

3 For projects that did not involve any earth disturbance, complete Sections 1, 2, and 9 only. Also attach a cover letter explaining that no earth disturbance was conducted.

4 Submit a copy of the latest recorded legal instrument, reflecting all approved changes that may have occurred to PCSM SCMs during permit coverage, for every PCSM SCM implemented on the project site (unless previously submitted). Include all attachments. If the NOT separately requires information that has also been recorded, the information does not need to be submitted in duplicate.

5 Not required if the project site is located entirely on land owned by the Commonwealth or federal government.

6 For PCSM SCMs that will be maintained long-term by a property owner's association, the submission of an HOA/planned community declaration which is recorded prior to the first lot being sold and complies with 25 Pa. Code 102.8(m) will satisfy the requirement to record a legal instrument and may serve as the O&M agreement for the PCSM SCMs.

7 These are forms signed by the permittee and a new owner of property within the project site identifying PCSM SCMs and O&M responsibilities. The forms are only applicable to project sites in which property was transferred from one party to another during the term of permit coverage and the property contains PCSM SCMs. These forms may be submitted during the term of permit coverage; if previously submitted, they do not need to be attached to the NOT. These forms do not need to be recorded with the legal instrument. If the permittee cannot acquire the new property owner's signature, the permittee must submit proof that the owner received the form.

8 If Section 5 identifies the landowner as the person responsible for long-term O&M, an O&M agreement is unnecessary if either 1) the property which contains the PCSM SCM(s) did not transfer during permit coverage, or 2) the New Property Owner Notification form has been submitted for the new landowner. If Section 5 identifies a party that will be responsible for long-term O&M of PCSM SCMs that is not the landowner or the permittee, a separate O&M Agreement must be attached.

9 Submit record drawings depicting SCM construction details and locations as well as final site conditions satisfying Section 8 of the NOT. Record drawings depicting SCM construction details and locations must be recorded (or otherwise the applicable information in Section 8 of the NOT must be recorded). For site restoration projects and projects without PCSM SCMs, only the record drawings depicting final site conditions must be submitted.

10 If the record drawings contain detailed information on maintenance and inspection of the PCSM SCM, a separate Long-Term O&M Plan does not need to be submitted.

11 PAG-01 permittees may submit 1) infiltration test results for dry wells and rain gardens when soils are mapped as HSG A or B; and 2) a written report from a soils professional evaluating the adequacy of soil amendments. If not submitted with the NOT, DEP/CCD will generally request to see them during the NOT inspection.



Notice of Termination (con't)

- DEP highly recommends LP perform onsite inspections to verify critical stages (instead of solely relying on designee)

Did the licensed professional signing this certification conduct oversight of critical stages of PCSM SCM implementation?

Yes No *If No, list the name, company, and title of the individual who conducted oversight of critical stages.*

Name: _____

Designee

Company: _____

Title: _____

Date the licensed professional providing this certification last inspected the site to verify record drawings:



Notice of Termination (con't)

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APPENDIX A

Summary Table of Installed PCSM BMPs

Check all applicable PCSM BMPs that have been installed as part of the approved PCSM Plan along with their associated function(s).

Note: VC = Volume Control, RC = Rate Control and WQ = Water Quality

Permit No.: _____

BMP	Function(s)				No. of BMPs	Total Acres Treated	Total Volume Treated
<input type="checkbox"/> Wet Ponds	<input type="checkbox"/> VC	<input type="checkbox"/> RC	<input type="checkbox"/> WQ				
<input type="checkbox"/> Constructed Wetlands	<input type="checkbox"/> VC	<input type="checkbox"/> RC	<input type="checkbox"/> WQ				
<input type="checkbox"/> Retention Basins	<input type="checkbox"/> VC	<input type="checkbox"/> RC	<input type="checkbox"/> WQ				
<input type="checkbox"/> Detention Basins	<input type="checkbox"/> VC	<input type="checkbox"/> RC					
<input type="checkbox"/> Underground Detention	<input type="checkbox"/> VC	<input type="checkbox"/> RC					
<input type="checkbox"/> Dry Extended Detention Basin	<input type="checkbox"/> VC	<input type="checkbox"/> RC					
<input type="checkbox"/> Sediment Fore Bay	<input type="checkbox"/> VC		<input type="checkbox"/> WQ				
<input type="checkbox"/> Infiltration Trench	<input type="checkbox"/> VC	<input type="checkbox"/> RC	<input type="checkbox"/> WQ				
<input type="checkbox"/> Infiltration Berm/Retentive Grading	<input type="checkbox"/> VC	<input type="checkbox"/> RC	<input type="checkbox"/> WQ				
<input type="checkbox"/> Subsurface Infiltration Bed	<input type="checkbox"/> VC	<input type="checkbox"/> RC	<input type="checkbox"/> WQ				
<input type="checkbox"/> Infiltration Basin	<input type="checkbox"/> VC	<input type="checkbox"/> RC	<input type="checkbox"/> WQ				
<input type="checkbox"/> Pervious Pavement	<input type="checkbox"/> VC	<input type="checkbox"/> RC	<input type="checkbox"/> WQ				
<input type="checkbox"/> Dry Well/Seepage Pit	<input type="checkbox"/> VC	<input type="checkbox"/> RC	<input type="checkbox"/> WQ				
<input type="checkbox"/> Bio-Infiltration Areas	<input type="checkbox"/> VC	<input type="checkbox"/> RC	<input type="checkbox"/> WQ				
<input type="checkbox"/> Rain Gardens/Bio-Retention	<input type="checkbox"/> VC	<input type="checkbox"/> RC	<input type="checkbox"/> WQ				

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4. STRUCTURAL AND NON-STRUCTURAL PCSM SCMs

The information in Section 4 is provided as an attachment to the NOT



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APPENDIX B

Record Drawings (accurately reflecting as-built conditions) Checklist

Permit No.: _____

Indicate whether each item is included or not applicable		
		Building Improvements
Included	Not Applicable	Item
<input type="checkbox"/>	<input type="checkbox"/>	Building Footprint
<input type="checkbox"/>	<input type="checkbox"/>	Limits of Paving and other impervious areas
<input type="checkbox"/>	<input type="checkbox"/>	Property Lines
<input type="checkbox"/>	<input type="checkbox"/>	Finish Grading
<input type="checkbox"/>	<input type="checkbox"/>	Downspout Locations
		Site Utilities
Included	Not Applicable	Item
<input type="checkbox"/>	<input type="checkbox"/>	Well location
<input type="checkbox"/>	<input type="checkbox"/>	Septic tanks, dosing tanks, distribution boxes and on-lot absorption area
		Stormwater Conveyance
Included	Not Applicable	Item
<input type="checkbox"/>	<input type="checkbox"/>	Pipe locations including pipe material, diameter, slope and length
<input type="checkbox"/>	<input type="checkbox"/>	Inlets and endwall locations including inverts and grate elevations
<input type="checkbox"/>	<input type="checkbox"/>	Swale locations and dimensions
<input type="checkbox"/>	<input type="checkbox"/>	Rock aprons and other pipe outlets locations
		Post Construction Storm Water Management (PCSM)
Included	Not Applicable	Item
<input type="checkbox"/>	<input type="checkbox"/>	Structural PCSM BMP locations and access
<input type="checkbox"/>	<input type="checkbox"/>	Non-Structural PCSM BMP locations
<input type="checkbox"/>	<input type="checkbox"/>	Construction details of PCSM BMPs in as-built condition

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8. RECORD DRAWING CHECKLIST

Item Description	Included by Permittee	Not Applicable	Verified by DEP/CCD
a. Project site boundary	<input type="checkbox"/>		
b. Property line(s)	<input type="checkbox"/>		
c. Footprints of all buildings/structures	<input type="checkbox"/>	<input type="checkbox"/>	
d. All roads, driveways, parking areas, gravel areas, and other impervious surfaces (e.g., pools/patios)	<input type="checkbox"/>	<input type="checkbox"/>	
e. Locations/boundaries of riparian buffers / riparian forest buffers	<input type="checkbox"/>	<input type="checkbox"/>	
f. Identification of pervious land covers (e.g., lawn, meadow, forest)	<input type="checkbox"/>	<input type="checkbox"/>	
g. Field-verified final grades	<input type="checkbox"/>	<input type="checkbox"/>	
h. Location of retaining walls (with elevations)	<input type="checkbox"/>	<input type="checkbox"/>	
i. Location of water supply well(s)	<input type="checkbox"/>	<input type="checkbox"/>	
j. Location of septic tank(s) and all septic fields	<input type="checkbox"/>	<input type="checkbox"/>	
k. Location of buried utility lines (water, sewer, electric, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	
l. Location of storm sewers (including materials, diameters, slopes and lengths) and outlets	<input type="checkbox"/>	<input type="checkbox"/>	
m. Location of storm inlets and endwalls (including invert and grate elevations) and structure type (manhole, inlet, yard drain)	<input type="checkbox"/>	<input type="checkbox"/>	
n. Location and dimensions of swales, ditches, and other stormwater conduits	<input type="checkbox"/>	<input type="checkbox"/>	
o. Location of downspouts and headers/leaders to SCMs	<input type="checkbox"/>	<input type="checkbox"/>	
p. Locations of all surface structural PCSM SCMs	<input type="checkbox"/>	<input type="checkbox"/>	
q. Locations of all underground structural PCSM SCMs and access methods	<input type="checkbox"/>	<input type="checkbox"/>	
r. Locations or descriptions of non-structural PCSM SCMs	<input type="checkbox"/>	<input type="checkbox"/>	



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APPENDIX C

Permit No.: _____

Person(s) Responsible for Long-Term Operation and Maintenance of PCSM BMPs:				
The following person(s) understand and have agreed to the long-term operation and maintenance of the PCSM BMPs as per the long-term operation and maintenance plan.				
PCSM BMPs (list one BMP per row)	Latitude and Longitude, of each PCSM BMP	Name of Responsible Party	Address	Phone #

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5. PERSONS RESPONSIBLE FOR LONG-TERM O&M OF PCSM SCMs

The information in Section 5 is provided as an attachment to the NOT

O&M Agreement. Check the box in the “O&M Agreement” column if an agreement has been secured by the permittee from the person(s) responsible for long-term O&M. An O&M agreement will be necessary when the person responsible for long-term O&M is someone other than the landowner (e.g., property maintenance company, landscape company). Attach copies of all O&M agreements unless submitted previously. If the landowner is the person responsible for long-term O&M this agreement is unnecessary.



Notice of Termination (con't)

f. Were any modifications to PCSM SCMs made during construction in comparison to the approved PCSM Plan?

Yes No *If Yes, answer the following question:*

g. Was an amendment to the initial recording completed?

Yes No *If Yes, list the date(s) of the amended recording(s):* _____

h. A copy of the latest recording with the County Recorder of Deeds Office is attached and contains:

- A legal instrument which addresses 25 Pa. Code § 102.8(m)(2).
- Record drawings which accurately reflect as-built conditions.
- Long-term O&M Plan which clearly identifies the O&M activities necessary for the associated PCSM SCM(s).
- Long-term O&M agreement(s) with party(ies) responsible for long-term O&M (optional).

i. Evidence that the legal instrument and attachments were recorded is attached to the NOT.

j. A copy of the latest recording was submitted to DEP/CCD
on: _____

If recording is not attached to the NOT



Questions?

