



## POST CONSTRUCTION STORMWATER MANAGEMENT (PCSM) INSTRUMENT FILING NOTICE

**Regulatory Requirement:** This PCSM Instrument Filing Notice pertains to 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 (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 shall use this PCSM Instrument Filing Notice to record a legal instrument with the Recorder of Deeds Office.

Per 25 Pa. Code §102.8(m)(2), a recorded legal instrument must provide disclosure of the PCSM BMP(s) and the related obligations in the ordinary course of a title search of the subject property. The recorded legal instrument must:

1. identify the PCSM BMP(s),
2. provide for the necessary access related to long-term operation and maintenance of the PCSM BMP(s), and
3. 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.

This PCSM Instrument Filing Notice is not a legal instrument, as it alone does not satisfy the requirements of 25 Pa. Code §102.8(m)(2). Use of this PCSM Instrument Filing Notice is not mandatory but is recommended in order to provide notice to the county recorder of deeds office of the intent to record the required documents.

Unless later dates are approved by the Department of Environmental Protection (Department) in writing, the permittee or co-permittee shall record the legal instrument within **45 days** from the date of permit issuance or authorization, and provide the conservation district or 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.

If the project is associated with a new subdivision, a legal 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.

Be advised, after record drawings/as-builts become available, but prior to permit termination the record drawings/as-builts are to be included as an attachment to an amended legal instrument.

**The following must be completed as certification of the recording of the required documents:**

<p>I _____ (permittee or co-permittee name from section 3 below), certify that the below checked items will be recorded at the project county's recorder of deeds office as attachments to this PCSM Instrument Filing Notice:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Legal instrument which addresses numbers 1, 2, and 3 above <i>(required)</i></li> <li><input type="checkbox"/> 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) <i>(required)</i></li> <li><input type="checkbox"/> Long-term operation and maintenance plan which clearly outlines the operation and maintenance activities necessary for the associated PCSM BMP(s) <i>(required)</i></li> <li><input type="checkbox"/> Property owner agreements (if applicable)</li> </ul>
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1. **Parcel Information (attach additional sheets as necessary):**

Uniform Parcel Identifier (UPI)/Tax Parcel ID #: \_\_\_\_\_

Municipality: \_\_\_\_\_ County: \_\_\_\_\_

Lot(s): \_\_\_\_\_ Unit(s): \_\_\_\_\_

2. **Project Information:**

Project Name: \_\_\_\_\_

Property Owner Name (if not the same as Permittee identified below):  
\_\_\_\_\_

\_\_\_\_\_  
Signature Date

3. **Index Information:**

Permittee Name (as displayed on the current permit):  
\_\_\_\_\_

Title:  
\_\_\_\_\_

Business Entity (if applicable):  
\_\_\_\_\_

\_\_\_\_\_  
Signature Date

OR

Co-Permittee Name (as displayed on the current permit):  
\_\_\_\_\_

Title:  
\_\_\_\_\_

Business Entity (if applicable):  
\_\_\_\_\_

\_\_\_\_\_  
Signature Date

4. **Acknowledgements:**

Commonwealth of Pennsylvania  
County of \_\_\_\_\_

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, a Notary Public, personally appeared \_\_\_\_\_, **the property owner of the premises described in this**

**PCSM Instrument Filing Notice**, 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.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

**NOTARY SEAL**

\_\_\_\_\_  
Notary Public My Commission Expires

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.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

**NOTARY SEAL**

\_\_\_\_\_  
Notary Public My Commission Expires

Commonwealth of Pennsylvania  
County of \_\_\_\_\_

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to the foregoing document, and acknowledged that he/she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal.

**NOTARY SEAL**

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Notary Public My Commission Expires