



## NOTICE TO NEW PROPERTY OWNERS OF PCSM SCMs AND O&M REQUIREMENTS INSTRUCTIONS

### General Information

The Notice to New Property Owners of PCSM SCMs and O&M Requirements (“New Property Owner Notification”) form must be completed and submitted to the Department of Environmental Protection (DEP) or a delegated county conservation district (CCD) anytime property that contains or is planned to contain post-construction stormwater management (PCSM) stormwater control measures (SCMs) within the project site is transferred to a new owner\* during coverage under a Chapter 102 permit. The form must be signed by the permittee and the new property owner (regardless of whether the permittee currently or ever owned the property). It is recommended that the form be completed at the time that the sales agreement is signed by the new owner. The completed, signed form should be submitted as soon as possible by the permittee to DEP/CCD, but no later than 30 days from the date of property transfer. This form must be used for all planned or implemented PCSM SCMs on transferred property with the potential exception of PCSM SCMs that will be maintained long-term by a property owner’s association if an HOA/planned community declaration is recorded to satisfy regulatory and permit requirements (see the NOT Instructions, [3800-PM-BCW0229a](#)).

\* **If a permittee sells lot(s) with an existing or planned PCSM SCM to a developer or other party that will not ultimately own the lot(s), the ultimate owner (e.g., new homeowner) is expected to receive the New Property Owner Notification form.**

**Complete one form for each PCSM SCM.** For example, if there are two PCSM SCMs on a property to be transferred, two forms should be completed and submitted.

### Completing the Form

**Project Site Information** – The permittee should record the Project Site Name, the permittee’s name (organization or individual), the Chapter 102 Permit Number, and the anticipated or actual date of sale of the property that is the subject of the form.

**Permit Transfer** – Check the box for Yes or No to indicate whether the form is being submitted as part of a permit transfer. If Yes, a copy of this form must be attached to the Application for NPDES or WQM Permit Transfer (3800-PM-BCW0041b). If the property is being transferred but not the permit, select No.

**Property Containing PCSM SCM(s)** – The permittee or the new property owner (or their agent) must provide the following information to identify the property: municipality and county; the Plot Book Volume, page, and Tax Parcel ID number (#) or Universal Property Identifier (UPI) as recorded with the County Recorder of Deeds Office; the name of the new owner of the property (“Owner”); the street address (“Address”) and city, state, and ZIP code of the property; and the phone number and email address of the new property owner (optional).

**PCSM SCM Information** – This section should be completed by the permittee.

- **Name / Description of SCM** – At a minimum, the name used for the SCM in the approved PCSM Plan should be reported. Additional description may be added.
- **Location of SCM on Property** – Provide a narrative description of the location of the SCM on the property (e.g., “Northeast corner of backyard”).
- **Describe Access to SCM** – Provide a brief description on how to access the SCM. If the SCM is not visible from the land surface it is recommended that the permittee attach photographs (if already constructed and if applicable).
- **Impervious Area Treated** – Record the maximum area, in acre(s) and square feet, of impervious surface the SCM is designed to treat.
- **Recorded Instrument** – The permittee must, prior to the transfer of any property containing (or planning to contain) a PCSM SCM, record a legal instrument identifying the PCSM SCM on the property. Check the box to confirm the recording was completed.
- **O&M Plan** – The permittee must provide the new property owner with the long-term operation and maintenance (O&M) Plan. The O&M Plan must also be recorded with the legal instrument. Record drawings that

clearly identify O&M requirements can serve as the O&M Plan. Check the box to confirm the O&M Plan was provided to the new property owner and was recorded.

- **Record Drawings** – The permittee must provide the new property owner with record drawing(s) that show construction details (i.e., dimensions, components, materials, etc.) of the PCSM SCM. Record drawing(s) or other documentation that identifies the location of the SCMs on the relevant properties; the planned size (length, width, depth) of the SCMs; depictions of the inlet and outlet structures of the SCMs, as applicable; construction materials and media, as applicable; and the planned vegetation for the SCMs, as applicable, must also be recorded with the legal instrument. Check the box to confirm the record drawing(s) were provided to the new property owner and were recorded.

**NOTE** – The permittee must record a legal instrument in order for DEP/CCD to approve a Notice of Termination (NOT) for the project. When the new property owner or another person is identified as being responsible for long-term O&M of the SCM in the NOT, that person becomes responsible for long-term O&M upon DEP/CCD approval of the NOT. If the NOT is not approved, the permittee and co-permittee(s) (if applicable) may be held jointly and severally responsible with the landowner for the long-term O&M of the PCSM SCMs located on the property.

- **Inspection Frequency** – The permittee must inform the new property owner of the inspection frequency requirements for the PCSM SCM. This may be part of the O&M Plan. Check the box to confirm that the permittee has informed the new property owner of the inspection frequency requirements.
- **Municipal Inspections** – Local ordinances may require inspection and O&M of PCSM SCMs. For example, municipalities with NPDES permits for municipal separate storm sewer system (MS4) discharges must assure long-term O&M of PCSM SCMs and may require the submission of inspection reports. If the municipality has an inspection reporting requirement, the permittee must identify the frequency of reporting to the municipality. It is also recommended that the permittee provide a copy of the municipality's inspection report to the new property owner. If the municipality does not require inspections of the PCSM SCM and submission of an inspection report this box may remain unchecked.
- **Responsibility** – Check the box if the new property owner will be responsible for long-term O&M of the PCSM SCM, otherwise this box may remain unchecked.
- **Third Party** – If the legal instrument identifies an entity other than the property owner as being responsible for the long-term O&M such as an HOA, provide the name, company, address, city, state, ZIP code, phone number, and email address of the responsible party.

The permittee must provide the entity responsible for long-term O&M with a copy of the O&M Plan. Check the box to confirm that the responsible party has been provided the O&M Plan.

If the property owner has been identified as being responsible for the long-term O&M of the PCSM SCM, the new property owner is free to contract with a third party to conduct the O&M of the PCSM SCM after the New Property Owner Notification Form is submitted. However, the property owner is ultimately responsible for ensuring the O&M is being conducted as required.

### **Certifications**

The permittee and new property owner each have certifications to review and complete. The permittee must sign and date the notification form and return it to DEP/CCD. The permittee must attempt to obtain the signature of the new property owner. If the new property owner fails to sign, the permittee should enter "Refused to Sign" in lieu of the owner's signature and return the form to DEP. In this instance, it is recommended that the permittee retain proof of notification, such as a certified mail receipt.

### **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.

**Submission**

The permittee must submit the completed New Property Owner Notification Form and all attachments to the CCD for the county in which the property resides with the exception of Forest County and Philadelphia County, in which the permittee should submit the form to DEP's Northwest and Southeast Regional Offices, respectively. Submit the completed form and attachments to EP/CCD within 30 days of the date of property transfer. The permittee should also submit a copy to the municipality.