

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 335 Department or Agency Environmental Management
Rule No. 335-5-1-.05
Rule Title: Registry of Environmental Covenants

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Mandy Elliott

Date October 22, 2012

APA-2
07/04

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

<u>RULE NO. & TITLE</u>	335-5-1-.02	<u>Applicability</u> (Amend)
	335-5-1-.03	<u>Definitions</u> (Amend)
	335-5-1-.05	<u>Registry of Environmental Covenants</u> (Amend)
	335-5-1-.06	<u>Fees</u> (Amend)
	335-5-1-.07	<u>Process for Entering a Covenant</u> (Amend)

INTENDED ACTION:

Revise Division 5 of the ADEM Administrative Code to amend Rules 335-5-1-.02 (Applicability), 335-5-1-.03 (Definitions), 335-5-1-.05 (Registry of Environmental Covenants), 335-5-1-.06 (Fees), 335-5-1-.07 (Process for Entering a Covenant).

SUBSTANCE OR PROPOSED ACTION:


Revisions to Division 5 are being proposed to amend rules 335-5-1-.02, 335-5-1-.03, 335-5-1-.05, 335-5-1-.06, and 335-5-1-.07 to address changes required by Alabama Act 2-12-317 concerning underground storage tanks, to address applicability to federal facilities and to clarify programmatic requirements for environmental covenants.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Comments may be submitted in writing or orally at a public hearing to be held December 13, 2012 at 1:00 p.m. in the ADEM Main Hearing Room, ADEM Building, 1400 Coliseum Boulevard, Montgomery, Alabama 36110.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: December 13, 2012

CONTACT PERSON AT AGENCY: James L. Bryant (334)271-7771


Lance R. LeFleur
Director

335-5-1-.05 Registry of Environmental Covenants.

(1) The Department shall establish and maintain a registry that contains all environmental covenants and any amendment or termination of those covenants executed pursuant to 335-5.

(2) In addition to the requirements of 335-5-1-.05(1), the registry may contain any other information concerning environmental covenants and the real property subject to them which the Department considers appropriate.

(3) The full text of the covenant, amendment, or termination and any other information required by ADEM shall be submitted to ADEM within thirty (30) days of its ~~execution~~ recording in the land records of the county where the property is located for inclusion in the ADEM Registry of Environmental Covenants. The person submitting the covenant may be the owner, operator, other responsible person, grantor or any holder of the covenant.

Authors: James L. Bryant; Lawrence A. Norris.

Statutory Authority: Code of Alabama 1975, §§35-19-12; 35-19-13.

History: May 26, 2009; XXXXXXX, 2013.