ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT LAND DIVISION ADMINISTRATIVE CODE

CHAPTER 335-15-3 APPLICATION

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335-15-3-.01 Purpose.

To establish procedures necessary for the submission of a complete and accurate application package thereby facilitating timely and efficient processing and review. Application packages shall be submitted with the appropriate fees as specified in ADEM Admin. Code R. 335-1-6 (See Fee Schedule H). Applications may be submitted using ADEM Form 521 (Voluntary Cleanup Program Application). As appropriate, the application package may be submitted individually or in conjunction with the Voluntary Assessment Plan or Report, Voluntary Cleanup Plan or Report, or the Certification of Compliance.
Author: Lawrence A. Norris; Stephen A. Cobb; Vernon H. Crockett; Sonja B. Favors; Crystal L. Collins; M. Gavin Adams; Austin R. Pierce; Pamela L. Monaghan
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335-15-3-.02 Application Package Submittal.

(1) Application Requirements. An application package submitted to the Department under 335-15-3 shall, at a minimum provide the following information in the form specified by the Department:

(a) Applicant description.

1. Full name of applicant;

2. Applicant’s complete mailing address; and

3. Applicant’s telephone number.

(b) The location of the property.

1. Street address and zip code;

2. Municipality or community

3. County;

4. United States Geological Survey (USGS) 7.5 minute quadrangle with the site delineated;

5. Longitude and latitude; and

6. Legal description of the property.

(c) Current ownership description.

1. Full name of owner;

2. Year(s) of ownership;

3. Current owner(s) name and title;

4. Current owner(s) address;

5. Current owner(s) telephone number; and

6. Current owner(s) email address.

(d) Recent available history of the site. The application shall include a description, including time frames, of the current and past usage of the property, to the extent known or reasonably ascertainable.

(e) Property features. The application shall include the results of a property inspection, to include the presence of various property structures and features. The property inspection shall state the date of the inspection, and the name of the person conducting the inspection.

(f) Maps

1. Legible property maps describing the locations of all units, structures, features, and potential sources of contamination. The maps shall be scaled and include:

(i) Location of all water bodies, ponds, springs, rivers and streams (including subterranean), estuaries, and wetlands;

(ii) Land use of contiguous properties and boundary lines;

(iii) Engineering structures such as drainage ways, diversion ditches, drain tiles, manholes, water lines, and sewers;

(iv) Highways, roads, roadcuts, paved or black-topped areas, and railroad lines;

(v) Outcrops, faults, caves, and sinkholes; and

(vi) Any other structures found during the preparation of the application.

2. The maps must include:

(i) An appropriate bar scale;

(ii) A north arrow; and

(iii) A legend.

(g) If applicable, request for a variance including such information as the applicant believes is relevant to the issuance of a variance under 335-15-2-.03(2).

(h) If applicable, a list of all orders, citations, and notices of violation to the applicant for any violations or alleged violations of environmental permits, laws and/or regulations. The applicant shall include a brief description of the violation(s) and the terms and status of any required remedial action(s) associated with the violations.

1. Any person signing a document under 335-15-3 shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possible revocation of the limitations of liability and removal from the program."

2. Reserved.

(i) Provide any other information requested by the Department. The Department will review the application to verify that:

1. The application is complete; and

2. The applicant and the site meet the eligibility criteria set forth in 335-15-2-.01 and 335-15-2-.02 or is entitled to a variance as set forth in 335-15-2-.03.

(2) Property Use. The applicant shall be solely responsible for ensuring that proposed use of the property will .comply with all applicable zoning requirements

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335-15-3-.03 Application Processing.

(1) Application Review. The Department shall review each application submitted for compliance with 335-15-3-.03(2). Upon completion of the initial review, the Department shall notify the applicant in writing whether the application is complete or deficient. If the application is incomplete or inaccurate, the Department:

(a) Shall request from the applicant any and all information necessary to correct the noted deficiencies;

(b) Shall notify the applicant of a date for submitting the necessary information; and

(c) May request any information necessary to clarify, modify, or supplement previously submitted material.

(2) Approval of Application. The Department shall approve an application once it is determined to be complete. An application is complete when the Department receives all required information identified in 335-15-3-.02.

(3) Disapproval of Application. An application may be disapproved if:

(a) It is ineligible under the Alabama Land Recycling and Economic Redevelopment Act Code of Ala. 1975, §22-30E and/or 335-15, or

(b) The applicant fails or refuses to correct deficiency(ies) in a timely manner.

(4) Non-Refundable Application Fee. The applicant is not entitled to a refund of the application fee for an application disapproved pursuant to 335-15-3.

(5) Application Resubmittal. An application that has been disapproved pursuant to 335-15-3-.03(2) may be submitted a second time without submission of an additional application fee. If an application is disapproved a second time, any subsequent resubmittal shall be accompanied by the appropriate application fee.

(6) Application Modification. If the applicant determines that any elements of an approved application must be modified, the applicant shall modify the approved application and submit the proposed modification for approval along with the appropriate fees.

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