ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION
ADMINISTRATIVE CODE

CHAPTER 335-15-6
PUBLIC PARTICIPATION

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335-15-6-.01 Purpose.

(1) To provide a mechanism that allows for public participation in the Voluntary Cleanup Program in accordance with 335-15-4-.04(4)(c). The public notice informs the general public concerning matters of actual or perceived contamination and the proposed or implemented remediation of previously contaminated sites.

(2) To compile a Voluntary Inventory of existing sites undergoing voluntary cleanups and to provide a mechanism for the addition and removal of properties to the Voluntary Cleanup Inventory, including the procedures for inclusion in the deed records of the applicable probate court.

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335-15-6-.02 Public Participation.

(1) Public notification of cleanup. Once a Voluntary Cleanup Plan is determined to be complete, the Department will notify the public of the opportunity to submit written comments on the plan through the Department's website and request modifications to the plan no later than 30 days from the date of the notice. It will also, in response to a legitimate request or at its own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning a Voluntary Cleanup Plan.

The Department will give public notice of the hearing at least 30 days before it occurs.

(2) Public notice procedures. Public notice of activities described in 335-15-6-.02(3) shall be given by the following methods:

(a) By mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under 335-15-6-.02(2)(a) may waive his right to receive notice):

1. The applicant;

2. Persons who request in writing to be placed on a mailing list developed for the program:

(i) Including those who request in writing to be on the list;

(ii) Soliciting persons for area lists from participants in past voluntary cleanup proceedings in that area; and

(iii) Notifying the public of the opportunity to be put on the mailing list through the Department's website. The Department may update the mailing list from time to time by requesting written indication of continued interest from those listed. The Department may delete from the list the name of any person who fails to respond to such a request; and

3. Governmental Agencies:

(i) To any unit of local government having jurisdiction over the area where the voluntary cleanup facility is located; and

(ii) To each State agency having any authority under State law with respect to the construction or operation of such facility.

(b) Publication of a notice shall be posted on the Department's website.

(3) Content. All public notices issued under 335-15-6 shall contain the following information:

(a) Name and address of the office processing the voluntary cleanup action for which the notice is being given;

(b) Name and address of the applicant and, if different, of the site or activity regulated by the voluntary cleanup action;

(c) A brief description of the proposed cleanup action to be to be conducted at the site or activity described in the Voluntary Cleanup Application;

(d) Name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft application; and

(e) A brief description of the comment procedures, including a statement of procedures to request a hearing.

(4) Departmental Review. After considering all comments submitted during the public comment period and public hearing (if held), the Department will approve or disapprove the Voluntary Cleanup Plan within 30 days of the close of the comment period. In the event that the Voluntary Cleanup Plan is not approved, the Department shall provide the applicant with a statement of reasons for the denial. The applicant must modify the Voluntary Cleanup Plan or submit a new Voluntary Cleanup Plan for approval within 30 days after receiving such written statement. The Department will approve or modify this Voluntary Cleanup Plan in writing within 60 days of receipt. If the Director modifies the Voluntary Cleanup Plan, this modified Voluntary Cleanup Plan becomes the approved Voluntary Cleanup Plan. A copy of the modified Voluntary Cleanup Plan with a detailed statement of reasons for the modifications must be mailed to the applicant.
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335-15-6-.03 Cleanup Inventory List.

(1) Voluntary Cleanup Properties Inventory. Pursuant to Code of Ala. 1975, §§22-30E-4(b)(2) and 22-30E-4(b)(3), the Department shall compile and update as necessary an inventory of all qualifying properties for which a Voluntary Properties Assessment Plan and/or Report or a Voluntary Cleanup and/or Report has been approved by the Department. No later than July 1st of each year, the Department shall send a copy of the inventory with the properties listed by county to the clerk of each probate court of the state. The inventory shall be called the Voluntary Cleanup Properties Inventory. The inventory shall include all the following information:

(a) The name of the property or another description identifying the property.

(b) The location of the property.

(c) The name of the owner of the property at the time of the property's inclusion in the inventory.

(d) A general description of the Voluntary Property Assessment Plan and/or Report or Voluntary Cleanup Plan and/or Report.

(e) A property cleaned up to standards less stringent than those required for unrestricted residential use, require a description of the applicable values used and any use restrictions which are imposed.

(2) Placement on the Cleanup Inventory. Upon the Department's approval of the Voluntary Property Assessment and/or the Voluntary Cleanup Plan, the property shall be listed on the Voluntary Cleanup Plan Properties Inventory as provided 335-15-6-.03(1).

(3) Restricted Use.

(a) The property owner of any property listed on the inventory which is designated as having been cleaned up to standards less stringent than those necessary for unrestricted residential use shall include the following notice in any deed, mortgage, deed to secure debt, lease, rental agreement, or other instrument given or caused to be given by the property owner which creates an interest in the property: "This property has been listed on the state's Voluntary Cleanup Properties Inventory and has been cleaned up to standards less stringent than those required for unrestricted residential use due to the presence of substances regulated under state law. Certain uses of this property may require additional cleanup. Contact the property owner or the Alabama Department of Environmental Management for further information concerning this property. This notice is provided in compliance with the Alabama Land Recycling and Economic Redevelopment Act."

(b) If warranted by further active or passive remediation that results in the reduction of contamination to unrestricted residential use levels, this notice may be removed in accordance with 335-15-6-.03(4).

(4) Unrestricted Use. Upon a written determination by the Department that a property has been cleaned up to standards suitable for unrestricted residential use, the notices required by 335-15-6-.03(1) shall be removed from the subject property records.

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