ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION
ADMINISTRATIVE CODE

CHAPTER 335-16-2
PARTICIPATION

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335-16-2-.01 Criteria For Coverage By The Act

335-16-2-.01 Criteria For Coverage By The Act.

(1) Existing drycleaning facilities, abandoned drycleaning facilities and wholesale distributing facilities, are covered by the Fund under this program provided the following criteria are met:

(a) Pursuant to Code of Ala. 1975, §22-30D-4, the owner(s) or operator(s) have elected to participate in the program and have so notified the Department.

(b) The appropriate registration fees are paid to the Alabama Department of Revenue.

(2) New owners or operators of existing facilities who elect to be covered under the fund shall:

(a) Notify and register with the Department, using ADEM Form 425;

(b) Submit to the Alabama Department of Revenue those fees described in Code of Ala. 1976, §22-30D-6.

(3) Owners, operators establishing new drycleaning and or wholesale distribution facilities who elect to be covered by the Fund shall:

(a) Register each new facility with the Department, using ADEM Form 425, within thirty (30) days of the commencement of operation;

(b) Submit registration form(s) to the Alabama Department of Revenue within thirty (30) days of the initiation of business; and

(c) Submit to the Alabama Department of Revenue those fees described in Code of Ala. 1976, §22-30D-6.

(4) Wholesale distributors who elect to be covered under the fund shall:

(a) Notify and register with the Department, using ADEM Form 425;

(b) Submit registration form(s) to the Alabama Department of Revenue within thirty (30) days of the opening; and

(c) Submit registration form(s) to the Alabama Department of Revenue within thirty (30) days of the initiation of business; and

(d) Submit to the Alabama Department of Revenue those fees described in Code of Ala. 1976, §22-30D-6.

(5) Owners, operators and wholesale distributors of existing facilities who did not elect to participate in the Fund are:

(a) Relieved of any obligations, including those to register or pay registration fees, imposed on owners, owners and wholesale distributors who elected to be covered under the terms of the Act

(b) Prohibited from receiving Fund money for any costs incurred at the site or at any real property of any impacted party or adjacent landowner.

(6) Pursuant to Code of Ala. 1976, §22-30D-7, the following sites are excluded from coverage:

(a) Sites that are contaminated by drycleaning agents where the contamination at such sites did not result from the operation of a drycleaning, abandoned drycleaning, or wholesale distribution facility;

(b) Sites that are not drycleaning, abandoned drycleaning, or wholesale distribution facilities, or the real property of impacted third parties or adjacent landowners, but are contaminated by a release from drycleaning agents being transported to or from drycleaning, abandoned drycleaning, or wholesale distribution facilities;

(c) Any drycleaning, abandoned drycleaning, or wholesale distribution facility, or any property of any impacted third party or adjacent landowner that has been, or is in the future, identified by USEPA as a federal superfund site pursuant to 40 CFR 300 et seq.;

(d) Any drycleaning, abandoned drycleaning, or wholesale distribution facility, or any property of any impacted third party or adjacent landowner which has a treatment, storage, or

disposal permit pursuant to the federal Resource Conservation and Recovery Act (RCRA) or AHWMMA regulations;

(e) Any drycleaning, abandoned drycleaning, or wholesale distribution facility, or any real property owned or leased by any entity who not elect to be covered by the Act or any impacted third party or adjacent landowner impacted by or adjacent to any such a site; and/or

(f) Any owner, operator, impacted third party, or adjacent landowner who fails to pay, or is delinquent in payment of fees required by the Act.

(7) Coverage by the Fund shall be effective on the date that a written notice of election is received by the Department.

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