ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT LAND DIVISION ADMINISTRATIVE CODE

CHAPTER 335-16-7
CLEANUP INVENTORY LIST

TABLE OF CONTENTS

335-16-7-.01 Purpose
335-16-7-.02 Public Participation
335-16-7-.03 Cleanup Inventory List

335-16-7-.01 Purpose.

(1) To provide a mechanism that allows for public participation in the remediation process. Remediation plans for sites covered under this program are placed on public notice to allow the general public the opportunity to comment. The public notice aids in the education of the general public concerning matters of possible contamination.

(2) To compile a Cleanup Inventory List of existing sites currently undergoing assessments and cleanups and to provide a mechanism for the addition and removal of properties to the Cleanup Inventory List, including the procedures for the filing in the deed records of the applicable probate court.
Author: Lawrence A. Norris; Pamela R. Wilson
Statutory Authority: Code of Ala. 1975, §22-30D-4.
History: New Rule: Filed June 20, 2003; effective July 25, 2003.

335-16-7-.02 Public Participation.

(1) Public notification of remediation. Once a remediation plan is determined to be complete, the eligible entity will provide the public, through a newspaper notice, the opportunity to submit written comments to the Department on the plan no later than 30 days from the date of the notice. The Department 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 remediation 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 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 335-16-7-.02(2)(a)2. may waive his right to receive notice):

1. The Department;

2. Persons on a mailing list developed by:

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

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

3. Governmental Agencies:

(i) To any unit of local government having jurisdiction over the area where the drycleaning facility, abandoned drycleaning facility, wholesale distributor, impacted third party, or adjacent landowner(s) property 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 in a daily or weekly major local newspaper of general circulation. The newspaper display advertisement should be located at a spot in the paper calculated to give effective notice to the general public, and should be large enough to be seen easily by the reader. In addition to the display ads, eligible entity is encouraged to place advertisements in free newspapers, community bulletins, newsletters, and other low-cost or free publications.

(3) Contents. All public notices shall contain the following minimum information:

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

(b) Name and address of the eligible entity and, if different, of the site or activity regulated by the remediation action;

(c) A brief description of the business conducted at the site or activity described in the remediation application;

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

(e) A brief description of the comment procedures and the time and place of any hearing that will be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final remediation decision.

(4) Departmental Review. After considering any comments submitted during the public comment period and public hearing (if held), the Department will approve or disapprove the remediation plan within 30 days of the close of the comment period. In the event that the remediation plan is not approved, the Department shall provide the eligible entity with a detailed statement of reasons for the denial. The eligible entity must modify the remediation plan or submit a new remediation plan for approval within 30 days after receiving such written statement. If the Director modifies the remediation plan, this modified remediation plan becomes the approved remediation plan. A copy of the modified remediation plan with a detailed statement of reasons for the modifications will be mailed to the eligible entity.
Author: Lawrence A. Norris
Statutory Authority: Code of Ala. 1975, §22-30-11.
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335-16-7-.03 Cleanup Inventory List.

(1) Cleanup Inventory List. The Department shall compile and update as necessary an inventory of all qualifying properties for which a property assessment plan or remediation plan 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, who shall place and maintain the most current copy of the inventory in the room or rooms in which the deed records of the county are kept. The inventory shall be called the 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 property assessment or remediation plan.

(e) A description of the contaminant types and levels to which the site has been remediated if the levels are less stringent than those required for unrestricted residential use.

(2) Placement on the Cleanup Inventory List. Upon the Department's approval of the property assessment and/or the remediation plan, the property shall be placed on the cleanup inventory list.

(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 required 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 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 remediation. Contact the property owner or the Alabama Department of Environmental Management for further information concerning this property."

(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 335-16-7-.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 335-16-7-.03(3)(a) shall be removed from the subject property records for the property.

Author: Lawrence A. Norris
Statutory Authority: Code of Ala. 1975, §22-30D-4, 22-30D-11.
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