ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION - UNIFORM ENVIRONMENTAL COVENANTS PROGRAM
ADMINISTRATIVE CODE

CHAPTER 335-5-3
NOTICE AND RECORDATION

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335-5-3-.01 Notices Of Covenants.

(1) A copy of the environmental covenant shall be provided by the owner or operator or other responsible person and in the manner required by the Department to each of the following:

(a) Each person who signed the covenant.

(b) Each person holding a recorded interest in the real property subject to the covenant.

(c) Each person in possession of the real property subject to the covenant.

(d) Each municipality or other unit of local government in which the real property subject to the covenant is located, and

(e) Any persons that are due notice under the relevant regulatory program pursuant to which the environmental covenant is being granted.

(2) The validity of a covenant is not affected by failure to provide a copy of the covenant as required under 335-5-3-.01(1).
Author: James L. Bryant; Lawrence A. Norris
Statutory Authority: Code of Ala. 1975, §§35-19-7; 35-19-13.
History: New Rule: Filed April 21, 2009; effective May 26, 2009.

335-5-3-.02 Recording Covenants.

(1) An environmental covenant and any amendment or termination of the covenant must be recorded by the owner or operator or other responsible person in every county where any portion of the real property subject to the covenant is located. The environmental covenant shall be indexed to the grantor's property in the land

records. For purposes of indexing, a holder shall be treated as a grantee.

(2) Except as otherwise provided in 335-5-4-.01(3), an environmental covenant is subject to the laws of the State governing recording and priority of interests in real property.

(3) Content of Recording Instrument. In lieu of recording the entire covenant, an ADEM approved notice may be recorded which must contain all of the following:

(a) A legally sufficient description and any available street address of the real property subject to the covenant.

(b) The names and addresses of the owner of the fee simple interest in the real property, the Department, and the holder if other than the Department.

(c) A statement that the covenant, amendment, or termination is available in a registry at the Department.

(d) A statement that the notice is notification of an environmental covenant executed pursuant to this Act.

(4) The requirements of 335-5-3-.02(3) are satisfied with a statement, executed with the same formalities as a deed in the State of Alabama, in substantially the following form:

(a) This notice is filed in the land records of the Probate Office of _____ County, Alabama, pursuant to Section 12 of the Alabama Uniform Environmental Covenants Act.

(b) This notice and the covenant, amendment, or termination to which it refers may impose significant obligations with respect to the property described below.

(c) A legal description of the property is attached as Exhibit A to this notice. The address of the property that is subject to the environmental covenant is [insert address of property or not available].

(d) The name and address of the owner of the fee simple interest in the real property on the date of this notice is [insert name of current owner of the property and the owner's current address as shown on the tax records of the jurisdiction in which the property is located].

(e) The environmental covenant, amendment, or termination was signed by the Director of the Alabama Department of Environmental Management or his designee.

(f) The environmental covenant, amendment, or termination was filed in the registry on [insert date of filing].

(g) The full text of the covenant, amendment, or termination and any other information required by the Department is on file and available for inspection and copying in the registry maintained for that purpose by the Alabama Department of Environmental Management.

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