

**SUMMARY OF REASONS/CHANGES PROPOSED FOR DIVISION 5
(ENVIRONMENTAL COVENANTS) OF THE ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT ADMINISTRATIVE CODE**

Revisions to the ADEM Administrative Code Div. 335-5 are being proposed to comply with updated/revised state law through Act 2012-317 of the 2012 Alabama Legislative Session and Act 2023-378 and Act 2023-390 from the 2023 Alabama Legislative Session.

Revisions to the ADEM Administrative Code Division 335-5-1 and 335-5-2 update definitions and amend the requirements for covenant contents to include a provision releasing grantors from future claims by grantees or their successors.

Specifically, the definition for “Environmental Response Project” is clarified to exclude sites covered under ADEM Administrative Code Division 335-6-15 (Technical Standards, Corrective Action Requirements and Financial Responsibility for Owners and Operators of Underground Storage Tanks) and 335-6-16 [Administrative Guidelines and Procedures for The Alabama Underground and Aboveground Storage (Tank Trust Fund) Trust Fund].