

**Summary of Reasons Supporting the Adoption of the Proposed Amendments to
the Alabama Department of Environmental Management's Administrative Code
for Division 5
Land Division**

Revisions to the Division 5 Code are being proposed to amend the requirements to submit multiple original paper copies in an effort to reduce paper waste and any correction of typographical errors.

Rule 335-5-1-.05(3) “Registry of Environmental Covenants” contains the details on how the Department will establish and maintain a Registry of Environmental Covenants. Revisions are being proposed to this rule to change when executed environmental covenants will be added to the registry to be consistent with the Act. In addition, verbiage has been added to establish a timeline for the execution of an approved covenant.

Rule 335-5-1-.06 “Fees” contains the requirements for the assessment of a fee to implement the provisions of the Act. Revisions to this rule to correct the numerical nomenclature to be consistent with the entire chapter.

Rule 335-5-1-.06(2) “Fees” contains the requirements for the assessment of a fee to implement the provisions of the Act. Revisions to this rule are being proposed to remove language regarding the 30 year inspection period.

Rule 335-5-1-.07 “Process for Entering a Covenant” contains the requirements for entering a covenant into the Registry of Environmental Covenants. Revisions to this rule are being proposed alongside the revisions proposed in 335-5-1-.05(3) to establish a timeline for the execution of an approved covenant and reduce the number of original Environmental Covenant copies that must be provided to the Department for execution; to add verbiage to allow for the recording of a recording instrument in lieu of the text covenant as described in the Act and ADEM Admin. Code div. 335-5; revision to request documentation of the recording with the county land of record within 30 days of the filing in accordance with the Act

Rule 335-5-3-.02(3) “Recording of Covenants” contains the requirements for providing notice and recording a covenant. Revisions to this rule are being proposed to provide clarity on the recording instrument.

Rule 335-5-3-.02(4)(c) “Recording of Covenants” contains the requirements for providing notice and recording a covenant. Revisions to this rule are being proposed to provide clarity on the content of recording instrument.

Rule 335-5-3-.02(4)(e) “Recording of Covenants” contains the requirements for providing notice and recording a covenant. Revisions to this rule are being proposed to provide clarity on the signatory requirements.