

SB268 INTRODUCED



1 S3V078-1

2 By Senator Livingston

3 RFD: Fiscal Responsibility and Economic Development

4 First Read: 02-May-23

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6 2023 Regular Session



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SYNOPSIS:

Under existing law, projects or other actions taken under the Alabama Underground Storage Tank and Wellhead Protection Act are not considered environmental response projects for purposes of an environmental covenant.

This bill would add projects or other actions taken in relation to aboveground storage tanks registered for eligibility under the Alabama Underground and Aboveground Storage Tank Trust Fund to the projects not considered environmental response projects for purposes of an environmental covenant.

A BILL
TO BE ENTITLED
AN ACT

Relating to environmental covenants; to amend Section 35-19-2, Code of Alabama 1975, to provide that work regarding aboveground storage tanks registered for eligibility under the Alabama Underground and Aboveground Storage Tank Trust Fund does not constitute an environmental response project for environmental covenant purposes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



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29 Section 1. Section 35-19-2, Code of Alabama 1975, is
30 amended to read as follows:

31 "§35-19-2

32 The following terms shall have the following meanings:

33 (1) ACTIVITY AND USE LIMITATIONS. Restrictions or
34 obligations created under this chapter with respect to real
35 property.

36 (2) AGENCY or DEPARTMENT. The Alabama Department of
37 Environmental Management.

38 (3) COMMON INTEREST COMMUNITY. A condominium,
39 cooperative, or other real property with respect to which a
40 person, by virtue of the person's ownership of a parcel of
41 real property, is obligated to pay property taxes or insurance
42 premiums, or for maintenance, or improvement of other real
43 property described in a recorded covenant that creates the
44 common interest community.

45 (4) DIRECTOR. The Director of the Alabama Department of
46 Environmental Management or his or her designated
47 representative.

48 (5) ENVIRONMENTAL COVENANT. A servitude arising under
49 an environmental response project that imposes activity and
50 use limitations.

51 (6) ENVIRONMENTAL RESPONSE PROJECT. A plan or work
52 performed for environmental remediation of real property and
53 conducted under any of the following programs or situations:

54 a. Under a federal or state program governing
55 environmental remediation of real property, including Chapter
56 30E of Title 22, but not including Chapter 36 of Title 22 or



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57 [Chapter 35 of Title 22 regarding aboveground storage tanks](#)
58 [registered for eligibility.](#)

59 b. Incident to closure of a solid or hazardous waste
60 management unit, if the closure is conducted with approval of
61 an agency.

62 c. Under a state voluntary clean-up program authorized
63 in Chapter 30E of Title 22.

64 (7) HOLDER. The grantee of an environmental covenant as
65 specified in subsection (a) of Section 35-19-3.

66 (8) PERSON. An individual, corporation, business trust,
67 estate, trust, partnership, limited liability company,
68 association, joint venture, public corporation, government,
69 governmental subdivision, agency, or instrumentality, or any
70 other legal or commercial entity.

71 (9) RECORD. Used as a noun, means information that is
72 inscribed on a tangible medium or that is stored in an
73 electronic or other medium and is retrievable in perceivable
74 form.

75 (10) STATE. The State of Alabama."

76 Section 2. This act shall become effective on the first
77 day of the third month following its passage and approval by
78 the Governor, or its otherwise becoming law.