



DEPARTMENT OF TRANSPORTATION

Institutional Control Program

**Coliseum Boulevard Plume Site
Montgomery, Alabama**

Submitted By:

**Alabama Department of Transportation
1409 Coliseum Boulevard
Montgomery, Alabama**

April 2008

R1 – November 2010

R2 – October 2012

R3 – September 2014

R4 – October 2016 - r(11-1-17)



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ACRONYMS

ADEM	Alabama Department of Environmental Management
ADPH	Alabama Department of Public Health
ALDOT	Alabama Department of Transportation
ARAR	Applicable or Relevant and Appropriate Requirements
BFT	Bond-for-Title
CBP	Coliseum Boulevard Plume
CME	Corrective Measure Evaluation
CMIP	Corrective Measure Implementation Plan
COG	Community Outreach Group
EPA	United States Environmental Protection Agency
GSA	Geological Survey of Alabama
IC	Institutional Control
ICP	Institutional Control Plan
ICPM	Institutional Control Project Manager
LTM	Long-Term Monitoring Plan
MCL	Maximum Contaminant Level
OSHA	Occupational Safety and Health Administration
PACER	Public Access to Court Electronic Records
PH	Probeghole
PIO	Public Information Officer
UST	Underground Storage Tank
VOC	Volatile Organic Compound
TCE	Trichloroethylene



1. INTRODUCTION

The Voluntary Settlement Agreement between the Alabama Department of Environmental Management (ADEM) and the Alabama Department of Transportation (ALDOT) for the Coliseum Boulevard Plume (CBP) was executed in December 2011. The Agreement required the submittal and approval of four (4) Corrective Measures Implementation Plans (CMIPs), as follows:

- Kilby Ditch/Low-Lying Area CMIP
- Institutional Control Plan (ICP)
- Long-Term Monitoring Plan (LTM)
- Southwest Treatment Area CMIP

Each of these plans have been approved by ADEM and implemented by ALDOT. This revision is limited to certain operational and maintenance requirements that have changed (since approval of the CMIPs) as the systems have stabilized (for example, locations of monitoring points, frequency of samples, etc.).

1.1. BACKGROUND

The Alabama Department of Transportation (ALDOT) submitted a final report entitled "Site-Wide Corrective Measures Evaluation; Coliseum Boulevard Plume Site; Montgomery, Alabama; October 2007" (hereinafter "CME") to the Alabama Department of Environmental Management (ADEM). The CME contained descriptions of the regional and local geology and hydrogeology, and the distributions of volatile organic compounds (VOCs), primarily trichloroethylene (TCE), within the surface water and groundwater within an area described as the Coliseum Boulevard Plume (CBP). The report also included descriptions of the groundwater flow and contaminant fate and transport numerical model that was used to evaluate corrective measures, evaluation of potential exposure pathways, potential corrective measures for



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the CBP, and recommendations for corrective measures that should be implemented at the CBP.

Evaluations of potential corrective measures were based on the criteria of the U. S. Environmental Protection Agency (EPA). Those criteria are:

1. Overall protection of human health and the environment
2. Reduction of toxicity, mobility, and volume
3. Compliance with Applicable or Relevant and Appropriate Requirements (ARARs)
4. Short-term effectiveness
5. Long-term effectiveness and permanence
6. Implementability
7. Cost
8. Community acceptance
9. State acceptance

Reduction of groundwater concentrations to maximum contaminant levels (MCLs) throughout the CBP was determined to be impractical because the size of the CBP and the density of structures limit the usefulness of certain corrective measures. The discharge of groundwater that contains TCE into a drainage ditch near Coliseum Boulevard was determined to be a potential exposure pathway at the CBP. Based on these determinations, two objectives were identified to prevent exposure to TCE within the CBP:

1. Restrict access to and contact with groundwater within the CBP; and



2. Restrict contact with surface water that contains TCE and treat the surface water prior to discharge from the CBP, if necessary

The CBP includes four major study areas:

1. Kilby Ditch;
2. Probehole 12 Area (PH12 Area);
3. Low-Lying Areas; and
4. Southwestern Area.

The extent of TCE in groundwater and the associated major study/treatment areas in the CBP are shown on Figure 1. Currently, the groundwater that contains TCE underlies about 780 acres. The CME provides for:

- Institutional Controls to restrict access to TCE within the groundwater;
- Covering the West Kilby Ditch and modifications to the northern section of the Main Kilby Ditch to restrict access to surface water;
- Retaining or repositioning fences along the Main Kilby Ditch and constructing a fence around the Low-Lying area to restrict access to surface water;
- Constructing a wetlands treatment system to treat surface water within the Low-Lying Areas prior to discharge;
- Monitoring of groundwater and surface water; and
- Hydraulic control of plume migration in the Southwestern Area.



Additional details regarding the investigations at the CBP and the characteristics of the above corrective measures are provided in the CME

1.2. PURPOSE

This report provides the details of the Institutional Control Program (ICP), which is a component of the October 2007 CME report. The United States Environmental Protection Agency (EPA) defines institutional controls as “non-engineered instruments such as administrative and/or legal controls that minimize the potential for human exposure to contamination by limiting land or resource use.” ADEM has adopted the EPA definition of institutional controls in ADEM Rule 335-15-1-.02(z)(2 and 3) for land-use controls to limit or control exposure to residual contamination at a property. Institutional controls may include such land or resource-use controls as restrictive covenants, deed restrictions or conservation easements.

The purpose of the ICP is to restrict access to TCE within the groundwater in the CBP. The ICP comprises legal, administrative, and outreach components. The legal component provides for agreements with owners of real property in the CBP for restrictive covenants. The covenants are executed with each owner of property at the time of execution and are filed in the probate records such that the covenants are legally enforceable in perpetuity with deed restrictions that prohibit unauthorized access to and use of groundwater and access easements for continued investigations and monitoring. The administrative component of the ICP provides procedures for ongoing oversight, monitoring and enforcement of the deed restrictions. Through the outreach component, current and future stakeholders in the CBP will continue to receive information about the institutional controls.



The October 2007 CME report showed that the current extent of the CBP was about 780-acres where the groundwater contained TCE at a concentration of at least 0.005 milligram per Liter (5 parts per billion). A groundwater numerical model, calibrated to existing groundwater data for the CBP, was used to predict expansion (the Expansion Area) of the TCE-containing groundwater plume through the year 2036. Figure 2 also shows the geographic area where shallow groundwater was predicted to contain at least 0.001 milligram per Liter (1 part per billion) of TCE in 2036, with a 100-foot buffer added to allow for variations in the predicted extent of the dissolved TCE. Where TCE was predicted to underlie any portion of a parcel, the entire parcel was included in the Institutional Control Boundary (ICB). Restrictive covenants have been recorded and indexed to the majority of deeds of real property parcels throughout the ICB shown in Figure 2 to prohibit unauthorized access to and use of groundwater and to provide an access easement for continued investigation and remediation of the CBP.

ALDOT appointed an IC Project Manager (ICPM) who is responsible for implementing and sustaining the ICP. As an agency of the State of Alabama, ALDOT can meet the legal, administrative, technical, and financial requirements to implement, operate, maintain, and monitor the ICP.

1.3. SCHEDULE OF IMPLEMENTATION

Restrictive Covenants that contain groundwater access and use restrictions have been executed for approximately 99% parcels within the ICB. These Covenants were recorded and indexed in the land records of Montgomery County to provide notice of the restrictions to all interested parties. Additionally, in May 2016, the Montgomery City Council adopted Ordinance 22-2016, prohibiting drilling of wells in the area of the CBP. The ordinance provides a restriction on all public-use property (e.g. City Streets) and those few properties where restrictive covenants have not been recorded. Administrative



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and outreach procedures continue to be implemented for ongoing oversight and enforcement of the restrictions.

As of August 30, 2016, Restrictive Covenants have been executed on 99% of the parcels within the ICB. This represents approximately 99% of the total acreage within the ICB. Efforts to obtain the remaining restrictive covenants will be discontinued as those properties are now covered by City Ordinance 22-2016. Should those properties be subject to a tax sale, the Department of Revenue will execute an environmental covenant.

Administration and Outreach initiatives have been implemented to perpetuate compliance with groundwater access and use restrictions. A comprehensive plan for administration and outreach is outlined in this document and will be modified as needed throughout the project to improve communication between ALDOT and the community and to change procedures for monitoring the institutional controls as conditions warrant. An annual report will be submitted to ADEM that outlines the activities of the previous year and modifications to the ICP.



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INSTITUTIONAL CONTROL PROGRAM LEGAL COMPONENTS

2. INSTITUTIONAL CONTROL PROGRAM – LEGAL COMPONENTS

2.1. INTRODUCTION

The initial institutional controls implemented at the CBP resulted from the 2005 settlement of a class-action lawsuit (Allen, et al. v. ALDOT, et al.) brought by owners of residential property in the CBP. By agreement of the parties, the Court entered a “Final Order to Restrict the Use of Groundwater” that restricted unauthorized access or use of groundwater within the CBP without approval of ALDOT and an access agreement that allows entry to the property for ongoing investigation and remediation activities. The Order provides that the deed restrictions and easements “run with the land” and are effective in perpetuity. As consideration, the owners of residential property within the CBP received 5.1% of their 2003 property value as established by the Montgomery County Appraiser. From a total of 1,522 parcels of real property in the CBP, owners of 1,516 parcels agreed to the settlement and recordation of the deed restriction and easement in the real property records of Montgomery County.

The *Allen* Settlement Agreement that contained the deed restriction and easement for the participating 1,516 parcels and the Court’s “Order to Restrict the Use of Groundwater” were filed in the Montgomery County Office of Probate. Due to the manner in which the Order was filed, the deed restriction and easement were not readily apparent to interested parties conducting a title search on affected parcels. Prior to this discovery, approximately 300 parcels were sold to new owners. ALDOT promptly recorded a specific Restrictive Covenant against each of the *Allen* parcels still owned by an *Allen* party, along with a court-certified copy of the Court’s original “Final Order to Restrict the Use of Groundwater”. ALDOT has contacted each of the “new” owners of those parcels to execute a Restrictive Covenant specific to their property to be recorded in the real property records at the Montgomery County Office of Probate.

Either as part of the Restrictive Covenant or in a separate instrument, ALDOT recorded a Declaration of Responsibility for



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each parcel with an executed Covenant that provides that ALDOT is responsible for all costs for management and remediation of the CBP.

The parcels for which ALDOT has obtained the Restrictive Covenants within the ICB are shown on Figure 2. ALDOT maintains a database of ownership and other relevant information for the parcels that are within the ICB. As of September 30, 2017, 30 properties do not have a restrictive covenant executed. (see Table 1). The City Ordinance now covers those properties. Since ALDOT has made significant effort for many years to execute a covenant on each property, ALDOT will discontinue efforts to obtain Restrictive Covenants on those specific properties. However, if an owner of a property without an executed Restrictive Covenant contacts ALDOT, ALDOT will execute the Covenant and compensate the owner in the same manner as other previously executed properties. In addition, ALDOT will provide the Department of Revenue a list of unexecuted properties. If one of those properties is transferred to the Department of Revenue through a tax sale, the Department of Revenue will contact ALDOT and execute a covenant for that property.

2.2. LEGALITY OF LAND USE CONTROLS

Review of relevant Alabama statutory and case law indicates that Restrictive Covenants are enforceable and can be used as an institutional control within the ICB. Each executed Restrictive Covenant will:

- Contain a legal description of the subject parcel either expressly or by reference to other instruments recorded in the Montgomery County Office of Probate;
- Be signed by the owner of fee simple title to the parcel owner or his/her agent or attorney-in-fact;
- Be appropriately witnessed or acknowledged by an authorized officer (i.e., a notary public);
- Be recorded in the real property records of the Montgomery County Office of Probate in a manner that will provide constructive notice to interested parties including prospective purchasers, mortgagees, and/or other parties;



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- Establish an access easement to allow entry to parcels for continued investigation, implementation, and maintenance of remedial measures; and
- Restrict access to and use of groundwater without ALDOT approval.

The Restrictive Covenants, when executed by the owner of fee simple title to the subject parcel of real property and recorded in the real property records of Montgomery County, will place an encumbrance on groundwater use for the subject parcel that will run with the land (that is, apply to successor owners of the parcels) and will prohibit present and future owners, occupiers, tenants, invitees, or licensees of the parcel from accessing or using groundwater without the express approval of ALDOT. The Restrictive Covenant will be enforceable in equity against all present and future owners and occupiers of the parcel unless and until terminated by ALDOT or a court of competent jurisdiction.

The Alabama Legislature has enacted the Alabama Uniform Environmental Covenants Act. This Act provides for the use of restrictive covenants as part of a remedial plan (see Appendix A.5).

In May, 2016, the City Council of the City of Montgomery adopted Ordinance 22-2016, prohibiting drilling of wells in the area of the Coliseum Boulevard Plume without express written approval of the City (see Appendix A.6). This ordinance provides a restriction on all public-use property (such as City Streets) and the properties on which restrictive covenants have not been recorded.



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INSTITUTIONAL CONTROL PROGRAM ADMINISTRATIVE OUTREACH COMPONENTS

3. INSTITUTIONAL CONTROL PROGRAM - ADMINISTRATIVE OUTREACH COMPONENTS

3.1. INTRODUCTION

The ICP is a dynamic program that provides for input from stakeholders. The ICP relies on various land-use controls to restrict uncontrolled access or use of groundwater. Also, the ICP provides for access to each parcel for investigation and management of the CBP. The administrative and outreach components provide:

- A defined organizational structure that provides for direct communications among the ICPM, ALDOT Director, ADEM, and Alabama Department of Public Health (ADPH);
- Reviews of real property transfers to verify the Restrictive Covenants are recorded to “run with the land” and are readily discoverable during title research;
- Maintenance of administrative/regulatory notification and permitting procedures at state and local levels through agreements to monitor and restrict access to and use of groundwater;
- Subscription to Alabama One-Call/Alabama 811 for notification of intent to drill or excavate on land within the ICB;
- Aerial photograph comparisons and vehicular reconnaissance to identify land-use changes that might affect the ICB;
- Periodic reviews to verify that stakeholders have been identified;
- Stakeholder outreach and communications; and, Annual compliance reports.

The administrative and outreach components of the ICP are presented in an action-specific format to define responsibilities. Several of the actions within the components stipulate various types of reviews of deeds, documents, agency forms, transmitting of letters, and so forth. The personnel who will be responsible for these actions will be identified by the ICPM.



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Flow charts are provided as Figures 3 through 7 for some elements of the ICP to depict the administrative processes. Forms referenced in the text are provided in the “Forms” section of this report. The order of presentation of the administrative and outreach components to sustain the ICP is as follows:

- Restrictive Covenants and City Ordinance to prevent access to and contact with groundwater;
- Control excavations through Alabama One-Call/Alabama 811;
- Inspections to sustain Institutional Control;
- Stakeholders;
- Stakeholder Outreach and Communications; and,
- Annual Compliance Report.

A Long-Term Monitoring (LTM) Program will also be an integral part of the management of the Coliseum Boulevard Plume. The LTM Program will be outlined in detail in a separate plan and contains proposed groundwater and surface water sampling and a contingency plan for augmenting the corrective actions if the institutional controls require modification.

3.2. ADMINISTRATIVE AND OUTREACH COMPONENTS

3.2.1. RESTRICTIVE COVENANTS

ALDOT has obtained a legally enforceable written agreement on approximately 99% of the properties within the ICB. The agreement contains restrictions that run with the land and prohibit access and use of the groundwater at the property without ALDOT approval and provides an easement for ALDOT’s entry to the property, as needed, for investigation and management of the CBP (see Section 2.1). The agreements, regardless of the document title, are referred to as “Restrictive Covenant” or “Covenant.” Appropriate recording, indexing and cross-indexing of the Covenants will provide notice to new parcel owners or interested parties of the Covenant terms and legal enforceability.

Interest in real property may be transferred through deeds, bond-for-title (BFT) agreements, tax sales, foreclosures or bankruptcies. Deeds, including foreclosure deeds, and sometimes



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BFT agreements are filed in Probate and can be cross-indexed to the Covenants. Periodic monitoring of the Covenants has been and will continue to be accomplished as follows (also see Figure 3):

Year 1 (2008)

- Reviewed all parcels with a Covenant filed at Probate to verify that the Covenants were properly cross-indexed to ownership instruments;

Years 2 – 30 Monitoring

- Deeds
 - Monitor changes in ownership within the ICB by conducting a review approximately twice a year of the Montgomery County Probate records and Montgomery County Online Property Tax Information;
 - Following each review provide written notice to the new owner (purchaser) of the existence, terms and conditions of the Covenant (see Forms 2A and 2B);
 - For each property with a deed filed in Probate during the preceding monitoring period, review the recorded document to determine if the newly recorded document is properly cross-indexed to the recorded Covenant. If the documents are not properly cross-indexed send a list of documents to be cross-indexed to Probate.
- Foreclosures
 - Review the *Montgomery Independent*, *Montgomery Advertiser* and Montgomery County Probate records approximately twice a year in order to monitor foreclosures within the ICB;
 - Following each review provide written notice to the foreclosing party and the foreclosing party's attorney of the existence, terms and conditions of the Covenant (see Forms 2A – 2D);
 - For each property with a foreclosure filed in Probate during the preceding monitoring period, review the recorded document to determine if the newly



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recorded document is properly cross-indexed to the recorded Covenant. If the documents are not properly cross-indexed send a list of documents to be cross-indexed to Probate.

■ Bankruptcies

- Monitor active bankruptcies involving current property owners approximately twice a year by reviewing the Public Access to Court Electronic Records (PACER) database;
- Following each review provide written notice to the bankruptcy attorney and bankruptcy trustee of the existence terms and conditions of the Covenant (see Forms 3C – 3F).

■ BFT Agreements

- In conjunction with the deed review, conduct a review of the Montgomery County Online Property Tax Information once per year until 2018 to identify any BFT agreements within the ICB;
- Following each review provide written notice to the BFT purchasers of the existence, terms and conditions of the Covenant (see Forms 2E and 2F);
- For each property with a BFT agreement filed in Probate during the preceding monitoring period, review the recorded document to determine if the newly recorded document is properly cross-indexed to the recorded Covenant. If the documents are not properly cross-indexed send a list of documents to be cross-indexed to Probate.

■ Tax Sales

- In conjunction with the deed and BFT reviews, review the Montgomery County Online Property Tax Information and Montgomery Independent once per year until 2018 to identify real properties with tax certificates sold via tax sale;
- Following each review provide written notice to the tax sale purchaser of the existence, terms and conditions of the Covenant (see Forms 3A and 3B).



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Years 2 – 30 Post-Review Reporting

- Annually issue a report that documents monitoring efforts completed during the preceding year using Forms 1A and 1B;
 - Provide recommendations regarding modifications, if any, to the review process;
 - Prepare report attachments for all deeds, foreclosures, bankruptcies, BFTs and/or tax sales within the ICB; and
 - Prepare a map showing the location of each parcel with a deed, foreclosure, bankruptcy, BFT and/or tax sale within the ICB.
 - Annual reviews for BFTs and tax sales will be discontinued in 2018 and will not be included in the report unless ALDOT is contacted by the Department of Revenue about a new tax sale property.
- Maintain communication with all owners of parcels within the ICB about the existence, terms and conditions of the Covenant through outreach and communications programs.

3.2.2. COMMUNICATIONS/OUTREACH

- Annually contact relevant trade groups and organizations to assist in identification of stakeholders.
- Annually disseminate current information regarding the CBP and the terms and conditions of the Restrictive Covenants for real property within the ICB to stakeholders via United States Postal Service first class mail or meetings.
- Meet with individuals when circumstances prevent individuals from attending the group meetings.
- Maintain an automated answering service for inquiries regarding the CBP, the Restrictive Covenants and the ICP. Responses to inquiries will be provided by ALDOT; and,
- Maintain public access to the CBP website.



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3.2.3. PREVENT ACCESS TO AND CONTACT WITH GROUNDWATER

The primary goal of the ICP is to prevent access to and contact with groundwater that contains TCE. Installation of water wells is the primary means of groundwater access/use. Thus, prohibition of new wells and closure of existing wells are important parts of the ICP. Two existing notification processes have been incorporated into the ICP. First, ADEM Administrative Code R. 335-9 requires drillers to give notice of intent to drill a water well and post-installation notice. Second, the City of Montgomery requires a property owner to obtain a permit from the Plumbing, Gas, and Mechanical Department (see Appendix A.3) of the City prior to installation of a well. The specific attributes of these procedures are described below. In addition to monitoring of the existing permit records, ALDOT observes each parcel within the ICB to identify the presence of unlisted water wells and/or the presence of other ways to access groundwater. A database is maintained by ALDOT to document property observations, identified wells or other potential exposure pathways to groundwater, and actions to abandon the wells or potential access to groundwater.

There are a number of commercial properties within the ICB that may have monitoring wells or require monitoring wells in the future. ALDOT will coordinate with those parcel owners to verify that the monitoring wells are constructed in a manner that will not breach the lower confining clay. Personnel involved in constructing and sampling the monitoring wells shall possess the proper Occupational Safety Health Administration (OSHA) training and qualifications to manage contaminated groundwater. Annually, the ALDOT will conduct a Federal and State database search of regulated sites that might have groundwater wells within the CBP.

3.2.3.1. STATE WATER-WELL NOTIFICATION PROCEDURE

The in-place notification procedure is mandated by ADEM Administrative Code R. 335-9. The requirement is for submittal of a notification of intent to drill/completion form. Code R. 335-9 requires that:



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- To construct a water-supply well, a driller must be licensed by the ADEM and must:
 - Submit ADEM Form 60 “Notification of Intent to Drill a Water Well and Certification of Completion” Form to ADEM 7 days prior to constructing the well (see ADEM Form 60 in Appendix A.4);
 - Submit a “Certification of Completion” Form to ADEM within 30 days after constructing the well (see Form in Appendix A.4); and,
 - Collect samples in compliance with (see Appendix A.4) Code of Alabama 1975, §§ 22-24-8 (5) (84) if requested by the Geological Survey of Alabama (GSA).
- ADEM must notify local health authorities within 7 days of the receipt of the Certificate of Completion Form. ADEM will then:
 - File the notification and completion forms according to county and driller within the Groundwater Branch office of ADEM;
 - Make the filed forms available for review by appointment after seven 7 days from a request to review files;
 - Enter the following information into ADEM’s computerized database, which is not available to the public but may be accessed by ADEM personnel during a file review:
 - Drilling company name and license number;
 - Owner of well;
 - Address of owner;
 - Address of well;
 - Depth of well;
 - Category of well (e.g. private supply or irrigation); and
 - Latitude and longitude (if provided).
- A copy of ADEM Form 60 “Notification of Intent to Drill a Water Well and Certification of Completion” Form (See Appendix A.4) historically has been submitted to the GSA Water Information office within 30 days after installation. The GSA Water Information office then:
- Files forms in the GSA Water Information office according to county and well location (by township,



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section, and range if provided). Forms that do not have the township, section, and range designated are filed separately as “location unknown”, and;

- Make filed forms available for view in the GSA Water Information office Monday through Friday from 8:00 am to 12:00 pm and from 1:00 pm to 5:00 pm. No notice is required but the office should be called to confirm the appropriate personnel will be present.

3.2.3.2. CITY OF MONTGOMERY PERMIT PROCEDURE

The City of Montgomery Code contains three ordinances that regulate installation of water wells within the corporate limits of the City. City Ordinances 71-67 and 72-67 require:

- Submittal of an “Application for Permit to Drill Water Wells” (see application in Appendix A.3) prior to constructing a water well. The permit must:
 - Show the latitude and longitude of the proposed well;
 - Show the physical address and Zip Code of the proposed well;
 - Be signed by a driller with a business license; and,
 - Be submitted to the Plumbing, Gas, and Mechanical Department.
 - Receive approval of the application by the City of Montgomery Chief Plumbing Inspector and the Montgomery County Health Officer.

Ordinance 22-2016 specifically makes it unlawful to dig or drill a well or otherwise access groundwater within the institutional control boundaries of the Coliseum Boulevard Plume without express, written approval of the City.

3.2.3.3. ADDITIONAL INSTITUTIONAL CONTROL TO BE IMPLEMENTED BY ALDOT

Existing State and City regulations incident to water-well installation provide helpful information and are considered an additional layer of notification and means to monitor the ICP. Figure 4 identifies the regulatory or governmental entities involved with the installation of water-wells in the City of Montgomery and the process to monitor for water-well installations.



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To increase the effectiveness of the ICP, ALDOT:

- Has established a procedure whereby ADEM will transmit a copy of the “Notification of Intent to Drill a Well” form for each well in Montgomery County to the ALDOT ICPM within three (3) days of receipt of the form by ADEM;
- Has established the procedure diagramed in Figure 5 with the City of Montgomery for notification and coordination with ALDOT when a driller files a “Notification of Intent to Drill a Well” within the ICB;
- Will coordinate with GSA and ADEM to determine if regulations should be amended to provide a requirement that GSA will provide ADEM prompt notice of the receipt of intent to drill forms so that ADEM can ascertain if the intended well location is within the ICB;
- Will increase assurance that wells have not been constructed without proper notice and controls within the ICB by conducting annual, (see Figure 4) documented reviews of:
 - “Intent to Drill a Well” and “Certificate of Completion” forms filed with ADEM;
 - Permit applications and approvals by the City of Montgomery; and,
 - “Intent to Drill a Well” and “Certificate of Completion” forms filed with GSA.
- Will provide the ICPM with a copy of completed Form 4 after completion of the annual document review at ADEM, the City and GSA;
- Will notify, via certified letter (see Form 5), the owner of a parcel that has been determined to contain an unauthorized water well that access and use of groundwater at the site is regulated by a Restrictive Covenant and that the owner must contact the ICPM within 5 business days;
- Will annually meet with representatives of ADEM, City of Montgomery, and the GSA to determine if the existing procedures for annual review of well-inventory files of ADEM, the City, and GSA should be modified;



SECTION 3

INSTITUTIONAL CONTROL PROGRAM

ADMINISTRATIVE OUTREACH COMPONENTS

- Utilize Google Earth to evaluate aerial photography to look for evidence of new groundwater wells by:
 - Using software to compare the most recent available aerial photographs to the historic photographs from the previous year to identify changes in land use;
 - Visually comparing the most recent available aerial photographs with historic photographs to identify significant changes in land use;
 - Within five (5) business days after analysis of aerial photographs, indicate apparent modifications of land use that could result in access of groundwater and make on-site visual inspection of target parcels; and,
 - Within 5 business days after completion of on-site visual inspections, give verbal and written notice to the ICPM of confirmed threats of groundwater access at each specific site and a plan for detailed analysis of each threat and recommended resolution.
- Will annually remind/educate well-drilling contractors of the prohibitions against unauthorized access to groundwater within the ICB (see Form 9);
- Will communicate annually with representatives of the pertinent regulatory agencies to review the status, apparent deficiencies and appropriate modification of the ICP. Representatives of the stakeholder groups will meet to modify and document the process modifications if it is determined that the procedures need to be modified; and,
- Will prepare a written report that summarizes the results of the annual review of the ICP procedures and provides recommendations regarding proposed modifications with distribution to the following:
 - Director of ADEM;
 - Chief of the City of Montgomery Plumbing, Mechanical and
 - Gas Inspector Department;
 - State Geologist (GSA); and,



SECTION 3

INSTITUTIONAL CONTROL PROGRAM ADMINISTRATIVE OUTREACH COMPONENTS

- Director of ALDOT.

3.2.3.4. EXISTING AGENCY / PERSONNEL CONTACTS

The current contacts for the above agencies are provided in Appendix B.

3.2.4. CONTROL EXCAVATIONS THROUGH ALABAMA/ONE-CALL811

ALDOT subscribes to Alabama One-Call/Alabama811 Service to obtain timely notification of every ticket or notice to excavate (“dig”, “drill”, “trench”) at any location within the ICB. Through this procedure, an appropriate representative of ALDOT will be notified of requests to trench, work on utilities, install/repair Underground Storage Tanks (UST), and similar activities within the ICB. A flow chart of these actions is provided in Figure 6 of this report. To facilitate this feature of the ICP, ALDOT will:

- Maintain membership in Alabama One-Call/Alabama811. Current contacts for Alabama One Call/Alabama 811 are in Appendix B.
- Create and provide ArcView shape files of the ICB to the local One Call provider;
- Establish an e-mail account with One Call to establish prompt communications from One Call that a request has been received for excavation within the ICB, and the name and contact information for the party giving notice of a proposed excavation (the “Party”);
- Upon notice from One Call that an excavation notice within the ICB has been received, ALDOT will contact the Party giving notice of the proposed excavation and ascertain the nature, schedule, proposed depth and purpose of the excavation.

If ALDOT determines there is reasonable likelihood that the proposed excavation may result in contact with the groundwater, ALDOT will notify the party that the excavation may expose contaminants of concern and advise the party to consider appropriate action to protect the health and safety of their



SECTION 3

INSTITUTIONAL CONTROL PROGRAM

ADMINISTRATIVE OUTREACH COMPONENTS

employees and the public including, for example, an evaluation of available alternatives to the proposed excavation.

Post-review actions:

- Complete Form 6 for each Alabama One-Call/Alabama 811 ticket; and
- Annually summarize all requested tickets, actual digging activities, and ALDOT oversight and provide recommendations regarding modifications, if any, to the review process.

3.2.5. INSPECTIONS TO SUSTAIN INSTITUTIONAL CONTROL

The following inspections and other activities listed below (see also Figure 7) will be conducted to evaluate the effectiveness of the ICP:

- Quarterly ICB-wide Drive-by
 - Drive through the ICB area
 - At least once each quarter, perform a thorough drive-through inspection of entire ICB area to verify that conditions within the ICB are consistent with model assumptions and look for conditions that might affect the effectiveness of the ICP, including:
 - Changes in land cover;
 - Changes in land use;
 - Changes in storm water conveyances;
 - Construction;
 - Demolition;
 - Major modifications of land;
 - New subdivisions; and,
 - New commercial/industrial developments.
 - Examine wells identified during the well inventory that have not been abandoned to verify that the wells are not being used.



SECTION 3

INSTITUTIONAL CONTROL PROGRAM ADMINISTRATIVE OUTREACH COMPONENTS

Post-inspection actions:

- Document the quarterly inspection on Form 7 and provide to ALDOT ICPM;
- Within 5 business days, notify ALDOT if measures are needed to prevent trespass and/or exposure to water in Kilby Ditch and the Low-Lying Area; and,
- Summarize the results of the inspections and provide recommendations for modifications to the inspection procedures.

3.2.6. STAKEHOLDERS

A stakeholder is an individual or entity who has an ownership interest in the properties in the CBP or who may live or work in the CBP area. The interactions of the primary stakeholders are shown in Figure 8. A list of current stakeholders, which will be updated as needed, follows:

- State of Alabama
 - ADEM
 - ADPH
 - Emergency Management Agency
- Alabama One Call/Alabama 811
- Utility Companies
- Montgomery Water Works and Sanitary Sewer Board
- Railroads
- City of Montgomery (appropriate Departments)
- Montgomery County (appropriate Departments)
- Real Estate Support Entities involved in CBP transactions
 - Appraisers
 - Montgomery Area Association of Realtors
 - Title Companies
 - Alabama Banks, Lenders and Mortgage Companies
 - Alabama Housing Finance Authority
 - Closing Attorneys
 - Foreclosure Attorneys
 - Bankruptcy Attorneys



SECTION 3

INSTITUTIONAL CONTROL PROGRAM ADMINISTRATIVE OUTREACH COMPONENTS

3.2.7. STAKEHOLDER OUTREACH AND COMMUNICATIONS

Since the discovery of TCE in the groundwater in 1999, ALDOT continues to implement and sustain community outreach strategies regarding the CBP. ALDOT informs parcel owners/tenants, regulatory agencies, the general public, and stakeholders/interested parties about the progress of investigations, findings, and plans. Public meetings are advertised through printed and electronic media, neighborhood signage, and door hangers. ALDOT provides permanent video transcripts of public meetings to the CBP Public Repository (Coliseum Boulevard Branch of the Montgomery Public Library). A list of CBP outreach activities is provided in Appendix C. The list will be updated as additional outreach activities are completed to document actions and to provide continuity in subsequent years. These community outreach strategies will continue as part of the ICP.

The outreach and communications program is designed to be flexible to accommodate the dynamic nature of issues that can arise from transactions involving residential and commercial parcels. There will be continued Community Outreach Group (COG) involvement, and neighborhood, general public and stakeholder-specific meetings whenever necessary to inform the groups of ICP activities and developments. ALDOT will modify the various program components based on feedback from the stakeholders.

3.2.8. COMMUNICATIONS

3.2.8.1. MEETING WITH STAKEHOLDERS

ALDOT will meet with the stakeholders, as necessary. The agenda for the meeting will include an overview of the history of the CBP, the status of the project, plans for future investigations and remedial actions, and the specific elements of the ICP.

Communication of pertinent information about the CBP and the ICP is important to the long-term success of the ICP. The following procedures will be implemented to sustain the effectiveness of ICP communications:



SECTION 3

INSTITUTIONAL CONTROL PROGRAM

ADMINISTRATIVE OUTREACH COMPONENTS

- A project-specific Public Information Officer (PIO) will be designated to manage the communications between the project team and the ICPM. The PIO will include:
 - Updates to stakeholders and other interested parties;
 - Media contacts;
 - Media briefings and news releases to inform the participants and provide contacts for further information.
 - Governmental affairs;
 - Briefings of governmental leaders.
 - Planning and coordination of targeted outreach events;
 - Outreach activities with mortgage companies, closing attorneys, appraisers, and property managers;
 - Organize meetings and presentations to the Montgomery Area Association of Realtors to update current members and to inform new members; and,
 - Continued interactions with the Montgomery Area Association of Realtors to maintain an accurate posting of the ICB properties on the Association's website.

3.2.8.2. CBP COMMUNITY OUTREACH GROUP (COG)

The COG, volunteers nominated by the parcel owners within the CBP and selected by an independent panel, will continue as the cornerstone of community involvement. The COG will:

- Receive regular and issue-specific updates about the status of the project;
- Receive regular and issue-specific updates on the functioning of the ICP; and,
- Serve as a link between the community and ALDOT through
 - Neighborhood communications;
 - Feedback on project initiatives;
 - Availability at public meetings; and,



SECTION 3

INSTITUTIONAL CONTROL PROGRAM ADMINISTRATIVE OUTREACH COMPONENTS

- Availability for personal contact by providing business cards and contact information

3.2.8.3. PUBLIC MEETINGS

ALDOT will continue public meetings, as necessary, with owners and tenants of real property within the ICB to advise the owners of ICP activities and will:

- Hold COG meetings;
- Place pertinent video and printed information for public access at the Coliseum Boulevard Branch of the Montgomery Public Library; and,
- Maintain an up-to-date map and list of ICP properties.

3.2.8.4. CBP 24-HOUR INFORMATION LINE

The ALDOT 24-hour information telephone (334-353-6635) will provide information about the CBP. The telephone service will provide a summary of current CBP activities and a voicemail feature for questions. ALDOT will:

- Monitor telephone lines regularly; and,
- Log and return all calls.

3.2.8.5. CBP WEB PAGE

ALDOT will continue to maintain the existing project website (www.coliseumboulevardplume.com) to provide:

- Project updates;
- Pictures of the project; and,
- Names and contact information of the COG members.

3.2.9. ANNUAL COMPLIANCE REPORT

ALDOT will prepare a compliance report at the end of each calendar year to document the active implementation of the ICP. Specific items that will be included within the annual report are provided below.



SECTION 3
INSTITUTIONAL CONTROL PROGRAM
ADMINISTRATIVE OUTREACH COMPONENTS

- Correspondence with stakeholders (See Forms 8A and 8B);
- Forms and letters completed during the previous year;
- Photographs during CBP inspections;
- Notification and related correspondence;
- List of addressees of recipients of notification and related correspondence;
- Notifications/trainings to real estate and related professionals;
- Annual notification to drillers and pool installers (See Forms 9 & 10);
- Summary of inspection and enforcement activities;
- Conclusions; and,
- Recommendations, if any, for modifications to the ICP.

Institutional Control Program

**COLISEUM BOULEVARD PLUME SITE
MONTGOMERY, ALABAMA**

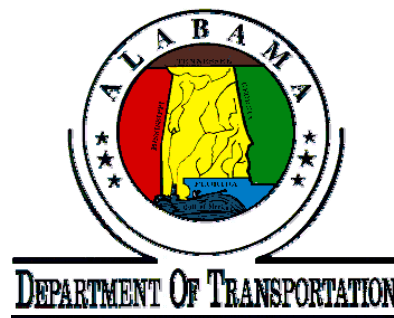
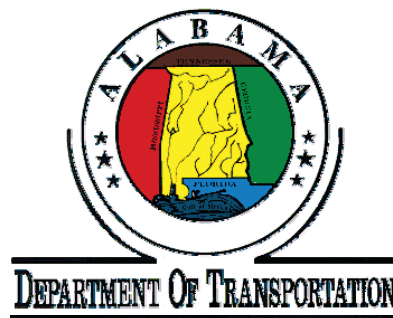


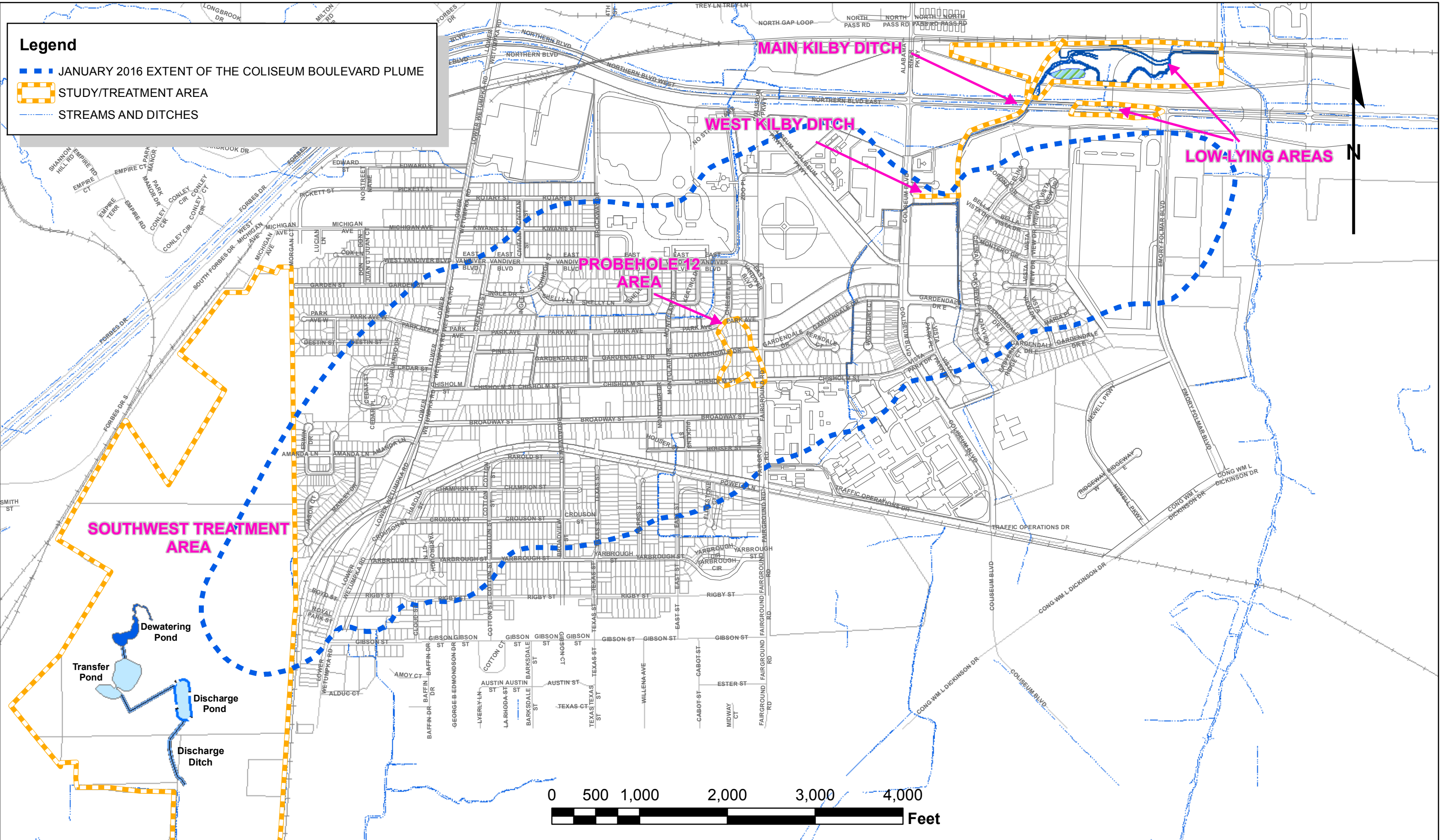
Table 1
Coliseum Boulevard Plume - Properties Without Executed Deed Restrictions
As of 9/30/2017

Count	Parcel Number	Full Property Address	Current Property Owner Name
1	04 08 27 03 000 007.000	(S of) 0 North Blvd	Thomas Gardner Green IV
2	04 08 33 02 000 001.011	1709 Oakview Ct N	Zachary Lewis
3	04 09 29 03 007 009.000	324 Edward St	Timberline Tree Service, LLC
4	04 09 29 03 007 010.001	230 Edward St	State of Alabama 2004 Tax Sale
5	04 09 29 03 009 002.000	5 Edward St and 213 Edward St	Diane Parrish Griffin
6	04 09 29 03 009 008.000	0 Pickett St	CJ Investments, LLC
7	04 09 29 03 013 009.000	4 Kiwanis St	John Rudolph
8	04 09 29 03 014 007.000	0 Michigan Ave	Global Properties, LLC
9	04 09 29 04 003 001.000	111 Brockway Dr	John Traver
10	04 09 29 04 004 029.000	231 Vandiver E Blvd	Charles Norman & Julia Norman
11	04 09 32 01 002 004.000	4046 Keating Dr	Steven A Kagan
12	04 09 32 01 002 014.001	4012 Montclair Dr	City of Montgomery
13	04 09 32 01 015 001.000	0 Texas St	State of Alabama 1982 Tax Sale
14	04 09 32 01 015 011.000	0 Champion St	John Paul Traver
15	04 09 32 01 019 008.000	0 Houser St	City of Montgomery
16	04 09 32 02 006 019.000	41 Garden St	Jacqueline Sue Butler
17	04 09 32 02 006 097.000	219 Destin St	Steven A. Kagan
18	04 09 32 02 006 130.000	2915 Lower Wetumpka Rd	FRIS CHKN LLC
19	04 09 32 02 006 132.000	2925 Lower Wetumpka Rd	John Farrior
20	04 09 32 02 010 011.000	109 E Park Ave Chisholm	Javier Aviles Barrera
21	04 09 32 02 012 012.000	0 Chisholm St	Anne R. Adair
22	04 09 32 02 013 019.000	15 Broadway St	John Farrior
23	04 09 32 03 004 040.000	2369 Lower Wetumpka Rd	Snora Lee Jeter & Sam Jeter
24	04 09 32 03 005 002.004	3513 Jason Ct	Roberta Bell
25	04 09 32 03 009 013.000	1648 S Yarbrough Ct	Annabelle Engram & Abe Engram
26	04 09 32 03 009 015.000	1640 Yarbrough Ct	Tamedris M. Perdue
27	04 09 32 03 012 007.000	3132 Cotton St	James G. & Sandra J. Karp
28	04 09 32 03 018 008.000	1532 Gibson St	John Howard Wilson & Louise R. Wilson
29	04 09 32 03 018 011.001	2414 Lower Wetumpka Rd	Montgomery Inner City Ministry, Inc.
30	04 09 32 04 019 001.000	1982 Yarbrough St	Elba Diaz Demedina

Institutional Control Program

**COLISEUM BOULEVARD PLUME SITE
MONTGOMERY, ALABAMA**



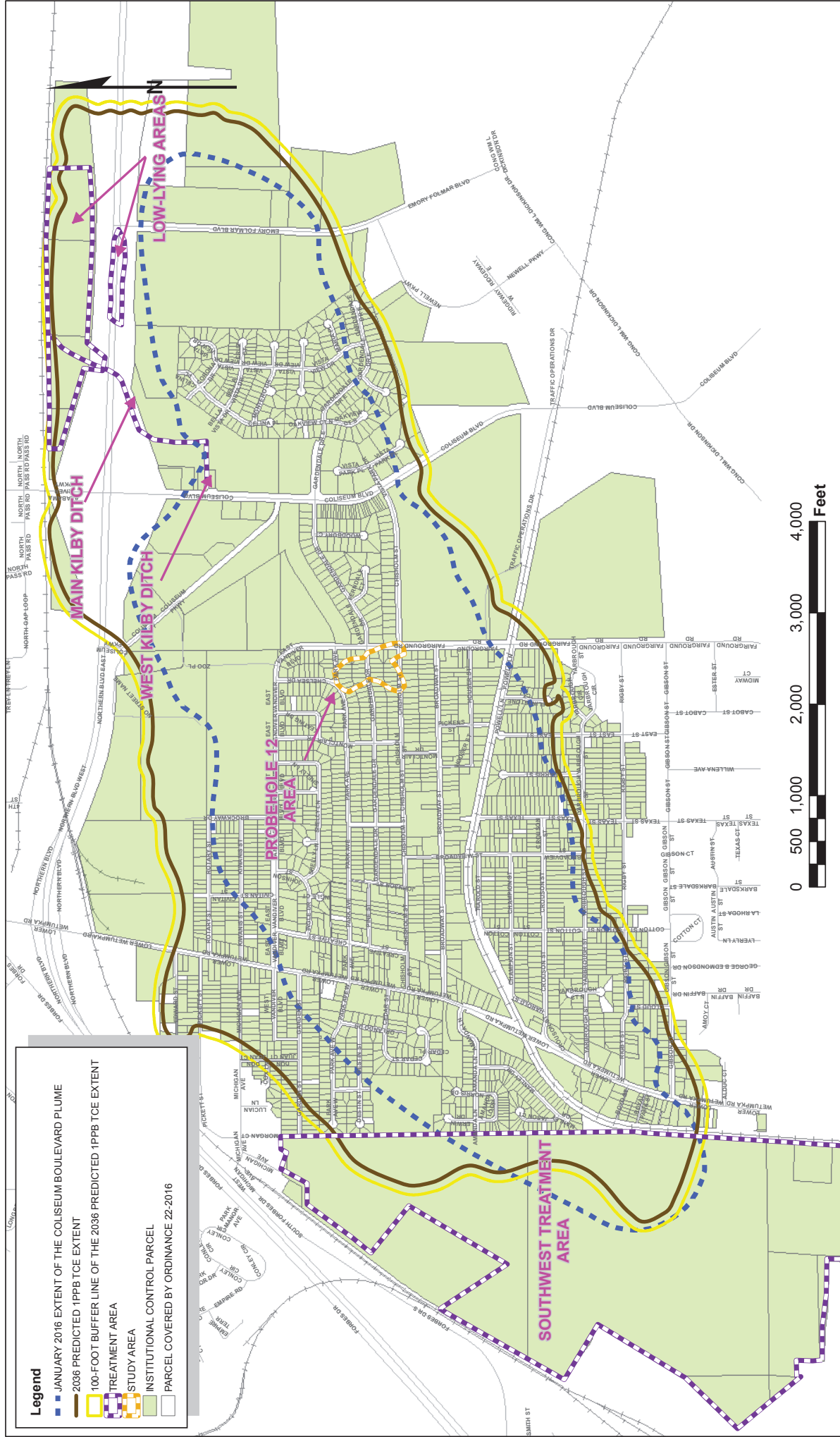


ALABAMA DEPARTMENT OF TRANSPORTATION
COLISEUM BOULEVARD PLUME ANNUAL REPORT

EXTENT OF THE COLISEUM BOULEVARD PLUME AND THE ASSOCIATED TREATMENT AND STUDY AREAS

SEPTEMBER 2016
r(11-1-17)

FIGURE 1



Legend

- JANUARY 2016 EXTENT OF THE COLISEUM BOULEVARD PLUME
- 2036 PREDICTED 1PPB TOE EXTENT
- 100-FOOT BUFFER LINE OF THE 2036 PREDICTED 1PPB TOE EXTENT
- TREATMENT AREA
- STUDY AREA
- INSTITUTIONAL CONTROL PARCEL
- PARCEL COVERED BY ORDINANCE 22-2016



ALABAMA DEPARTMENT OF TRANSPORTATION
COLISEUM BOULEVARD PLUME ANNUAL REPORT

INSTITUTIONAL CONTROL PARCELS AND INSTITUTIONAL CONTROL BOUNDARY



MONITORING

Year 1:

- Review 100% of parcels to verify Restrictive Covenant properly indexed to ownership instruments.

Year 2-30:

- Identify deeds, foreclosures, bond-for-title (BFT)¹, tax sales¹ and bankruptcies within the ICB via *Montgomery Independent*, *Montgomery Advertiser*, Montgomery County Probate Records, Montgomery County Online Property Tax Information and/or PACER
- Send written notice to new owners, foreclosing parties, attorneys, BFT purchasers, tax sale purchaser and trustees making them aware of the existence and terms for the Restrictive Covenants
- Review documents filed in Probate to ensure proper cross-indexing to the Restrictive Covenant.

CROSS-INDEX

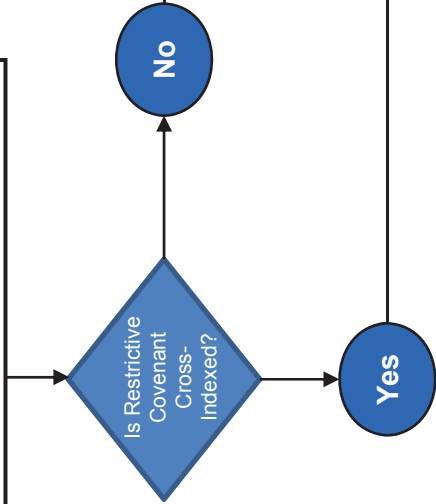
- Provide a list to the Montgomery County Probate Office of documents and Restrictive Covenants that need to be cross-indexed

FOLLOW-UP

- Verify that Restrictive Covenants have been executed, recorded and cross-indexed properly in Montgomery County Probate records

POST-REVIEW and CONTINUING ACTIONS

- Annually document the transaction review on Form 1A and 1B
- Annually issue a report that summarizes the results of the review and provides recommendations regarding modifications, if any, to the review process
- Maintain communication and outreach efforts with all parcel owners within the ICB about the existence, terms and conditions of the Restrictive Covenants
- Annually meet with, or notify, title companies, real estate agents, appraisers, bankers, and attorneys to disseminate information about the terms and conditions of the Restrictive Covenant
- Maintain telephone line for inquiries regarding the Coliseum Boulevard Plume and Institutional Controls Program
- Maintain public access to the ALDOT website



1 – BFT and tax sales reviews will be discontinued in 2018

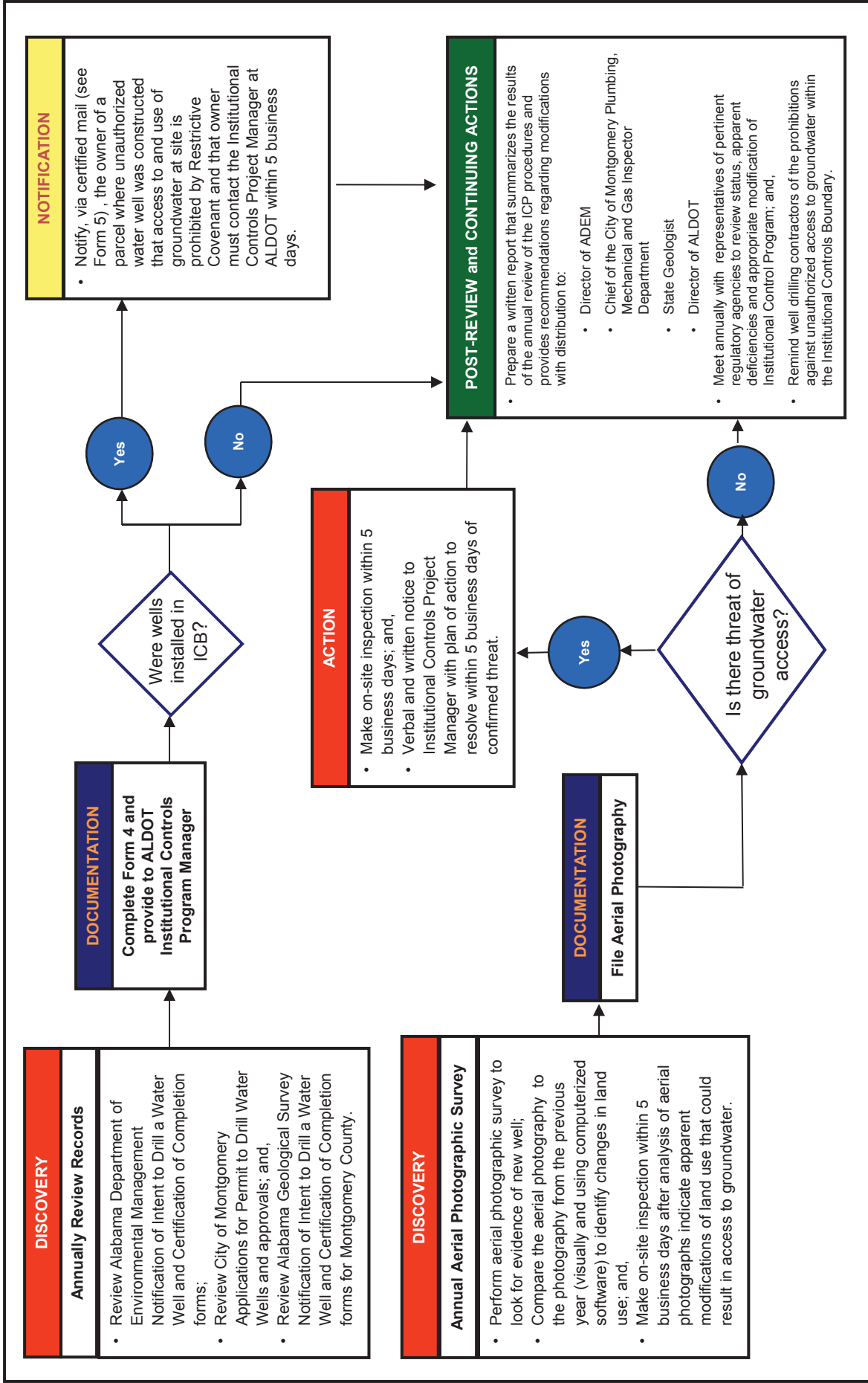


ALABAMA DEPARTMENT OF TRANSPORTATION
COLISEUM BOULEVARD PLUME

SEPTEMBER 2016

FLOWCHART OF ACTIONS TO IMPLEMENT AND SUSTAIN RESTRICTIVE COVENANTS

FIGURE 3

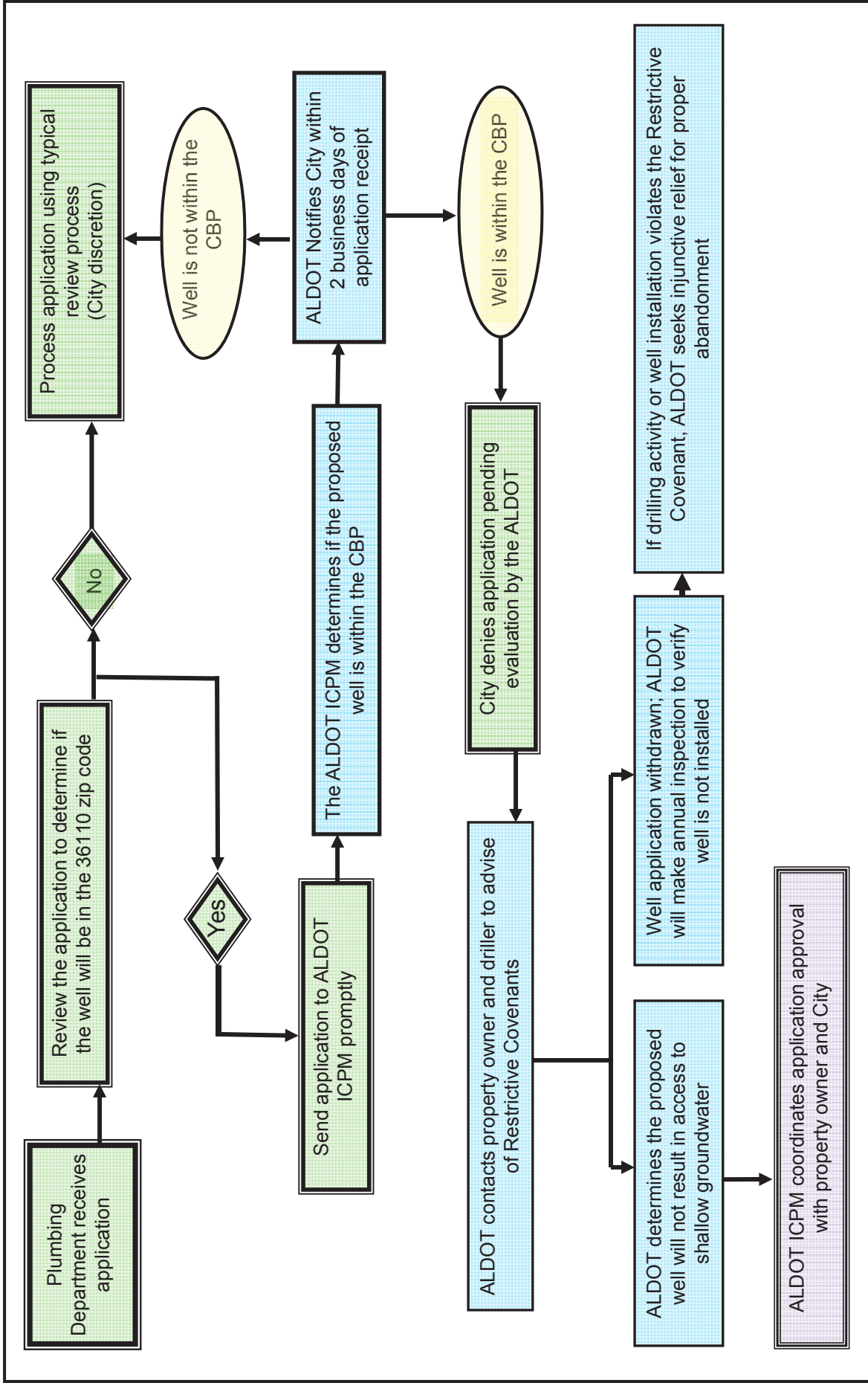


ALABAMA DEPARTMENT OF TRANSPORTATION
COLISEUM BOULEVARD PLUME

FEBRUARY 2008

FLOWCHART OF PROCEDURES TO PREVENT ACCESS TO AND USE OF GROUNDWATER

FIGURE 4



ALABAMA DEPARTMENT OF TRANSPORTATION
COLISEUM BOULEVARD PLUME

City of Montgomery Well Application Process

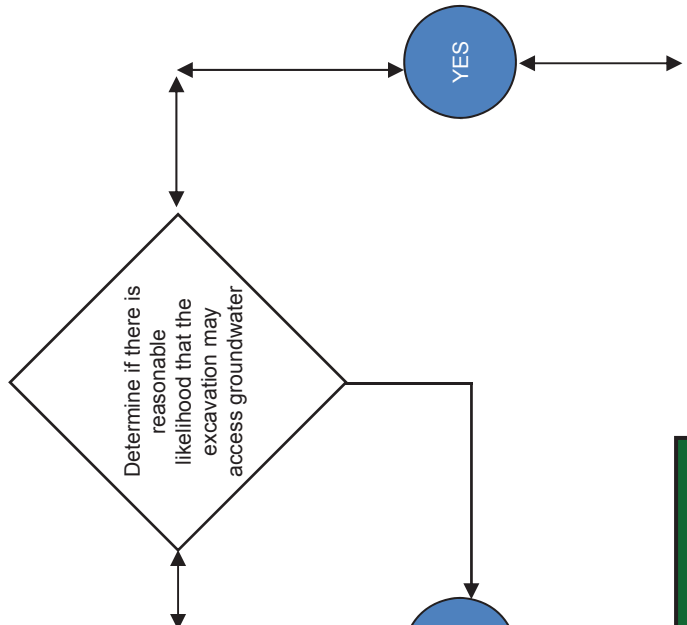
FEBRUARY 2008

FIGURE 5

DISCOVERY
On-going Ticket Review

- Maintain membership in Alabama One Call to assure coverage of all areas within the Institutional Controls Boundary;
- Create and provide ArcView shape files of the Institutional Controls Boundary to Alabama One Call to overlay the One Call Coverage area;
- Establish an e-mail account with Alabama One Call to establish prompt communications of a request for excavation within the Boundary and the name and contact information for the party; and,
- Upon notice from Alabama One Call, ALDOT will contact the party giving notice, ascertain the identity of the party, and the nature, schedule, proposed depth and purpose of the excavation.

DOCUMENTATION
Complete Form 6 for each Alabama One Call ticket and provide to Alabama Department of Transportation Project Manager and Database Manager



POST-REVIEW ACTIONS
Annually prepare a report that summarizes all requested tickets, actual digging activities, and ALDOT oversight and provides recommendations regarding modifications, if any, to the review process.

NOTIFICATION
ALDOT will:

- Notify the requesting party that the excavation may expose contaminants of concern; and,
- Evaluate other alternatives



ALABAMA DEPARTMENT OF TRANSPORTATION
COLISEUM BOULEVARD PLUME

FEBRUARY 2008

FLOWCHART OF ACTIONS TO CONTROL EXCAVATIONS THROUGH ALABAMA ONE CALL

FIGURE 6

DISCOVERY

Quarterly Drive-by

- Drive-by inspection of Institutional Controls Boundary area to verify that conditions within the area are consistent with model assumptions and look for conditions that might affect the effectiveness of the Institutional Controls Program, including:
 - Changes in land cover;
 - Changes in land use;
 - Changes in storm water conveyances;
 - Construction;
 - Demolition;
 - Major modifications of land;
 - New Subdivisions; and,
 - New commercial/industrial developments
- Examine wells identified during the well inventory that have not been abandoned to assure that the wells are not being used.

POST-INSPECTION ACTIONS

- Document the quarterly inspection on Form 7 and submit letter report to the ALDOT ICPM within 5 business days;
- Summarize the results of the inspections and provide recommendations for modification to the inspection procedures.

ACTION

Within 5 business days, notify ALDOT ICPM if measures are needed to prevent trespass and/or exposure to water in Kilby Ditch and the Low-Lying Area.

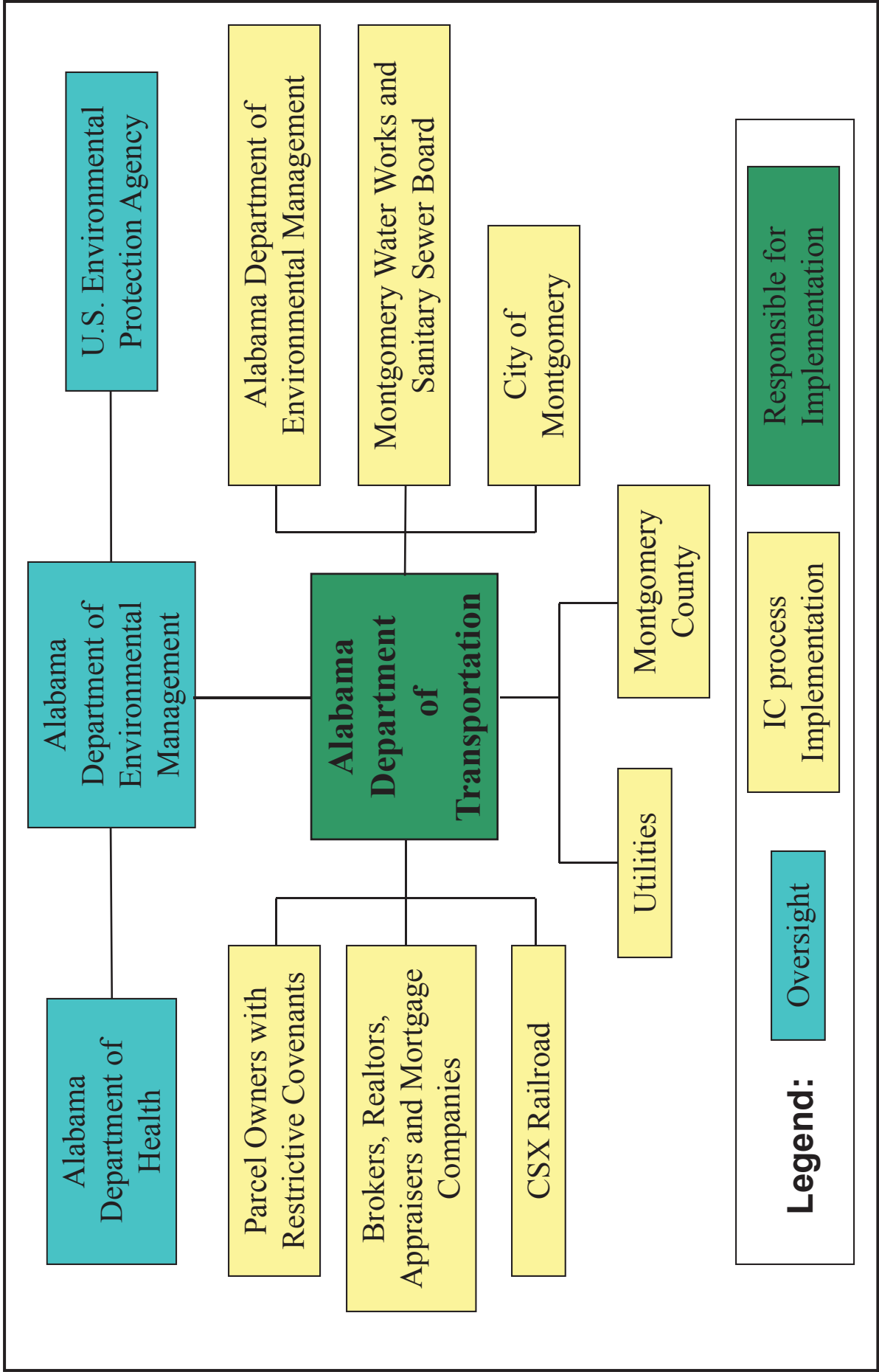


ALABAMA DEPARTMENT OF TRANSPORTATION
COLISEUM BOULEVARD PLUME

FLOWCHART OF QUARTERLY INSPECTIONS

FEBRUARY 2008

FIGURE 7

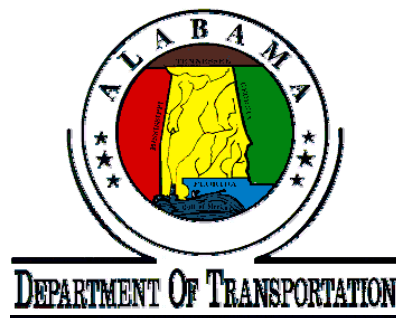


STAKEHOLDER INTERACTIONS

FIGURE 8

Institutional Control Program

**COLISEUM BOULEVARD PLUME SITE
MONTGOMERY, ALABAMA**



Form 1A - Transactions Review

Date of Review: (MM/DD/YYYY)	XX/XX/XX
Period Reviewed:	XX/XX/XX - XX/XX/XX
Reviewer Name:	

Total Transactions	Residential	Non-Residential	Total	Attachment
Transactions Filed in Probate (Found During [Year])	0	0	0	
Deeds	0	0	0	1
Dated Between XX/XX/XX - XX/XX/XX			0	
Dated Prior to XX/XX/XX			0	
Foreclosures	0	0	0	2
Dated Between XX/XX/XX - XX/XX/XX			0	
Dated Prior to XX/XX/XX			0	
Bond for Titles (BFT)	0	0	0	3
Dated Between XX/XX/XX - XX/XX/XX			0	
Dated Prior to XX/XX/XX			0	

Transactions Not Filed in Probate	0	0	0	
Tax Sales			0	4
Bankruptcies			0	5

Total Transactions	0	0	0	
---------------------------	----------	----------	----------	--

Total CBP Parcels	Residential	Non-Residential	Total
Parcels with Executed Covenants	0	0	0
A - With Deeds, Foreclosures and/or BFTs Only			0
B - With Tax Sales and/or Bankruptcies Only			0
C - With Both A and B Transactions			0
D - Without Transactions			0

Parcels without Executed Covenants	0	0	0
A - With Deeds, Foreclosures and/or BFTs Only			0
B - With Tax Sales and/or Bankruptcies Only			0
C - With Both A and B Transactions			0
D - Without Transactions			0

Total CBP Parcels	0	0	0
--------------------------	----------	----------	----------

Note: A map of parcels with and without executed covenants has been included as Attachment 6.

Form 1B - Cross Indexing Review

Date of Review: (MM/DD/YYYY)	XX/XX/XX
Period Reviewed:	XX/XX/XX - XX/XX/XX
Reviewer Name:	

Total CBP Parcels	Total
Executed Parcels	0
With Transactions Filed in Probate	0
A - With Deeds, Foreclosures and/or BFTs Only	
C - With Both A and B Transactions	
Without Transactions Filed in Probate	0
B - With Tax Sales and/or Bankruptcies Only	
D - Without Transactions	

Not Executed Parcels	0
A - With Deeds, Foreclosures and/or BFTs Only	
B - With Tax Sales and/or Bankruptcies Only	
C - With Both A and B Transactions	
D - Without Transactions	
Total CBP Parcels	0

Total Transactions Filed in Probate	Cross-Indexed	To Be Cross-Indexed (Attachment 7)	Covenant Not Yet Filed	Prior to Covenant	Total
Number of Deed Transactions	0	0	0	0	0
Parcels with Executed Covenants					0
Parcels without Executed Covenants					0
Number of Foreclosures	0	0	0	0	0
Parcels with Executed Covenants					0
Parcels without Executed Covenants					0
Number of Bond for Titles	0	0	0	0	0
Parcels with Executed Covenants					0
Parcels without Executed Covenants					0
Total Transactions Filed in Probate	0	0	0	0	0

Form 2A - Letter to New Owners and Foreclosing Parties (Executed)

COLISEUM BOULEVARD PLUME
PROGRAM ADMINISTRATOR
POST OFFICE BOX 2052
BIRMINGHAM, ALABAMA 35201
(866) 488-1126
(334) 202-3355

[Date]

[Name of Property Owner]
[Street Address of Owner]
[City, State and Zip Code of Owner]

Re: Notice of Covenant on [Property Address], Montgomery, AL 36110

You are receiving this letter because records at the Montgomery County Probate Office and the Montgomery County Tax Assessor's office indicate that you have become an owner of the property at [Address of Property]. This property is located in an area known as the Coliseum Boulevard Plume (CBP), an area where the groundwater contains trichloroethylene (TCE), a common solvent that leaked from the sewer system into the groundwater near the Alabama Department of Transportation (ALDOT) asphalt test facility. To prevent exposure to the groundwater (the water 10-50 feet or more below land surface), ALDOT obtained a Covenant on this property that restricts access and use of the groundwater beneath the property without the express approval of ALDOT, and provides an easement for ALDOT to come onto the property for its work incident to investigation and remediation of the CBP. The Covenant is recorded and cross-indexed to the deed to this property at the Montgomery County Probate Office.

If, at any time, you wish to make an excavation on your property that may cause contact with the groundwater beneath the property, please contact the CBP Program Administrator to discuss your plans. If you sell your ownership interest in the property, please ensure that the new owner is given appropriate notice of the Covenant, and make sure that any deed to the property includes an appropriate reference to the Covenant.

The CBP website at www.coliseumboulevardplume.com provides detailed information about the CBP. If you have questions about the CBP or the Covenant, you may call the CBP 24-hour information line at (334) 353-6635, email us at cbpinfo@dot.state.al.us or contact the CBP Program Administrator at (866) 488-1126 or Brandi Little with the Alabama Department of Environmental Management at (334) 274-4226.

Very truly yours,

Program Administrator
Coliseum Boulevard Plume

ID
Updated: August 2015

Form 2B - Letter to New Owners and Foreclosing Parties (Not Executed)

COLISEUM BOULEVARD PLUME

PROGRAM ADMINISTRATOR
POST OFFICE BOX 2052
BIRMINGHAM, ALABAMA 35201
(866) 488-1126
(334) 202-3355

[Date]

[Name of Property Owner]
[Street Address of Owner]
[City, State and Zip Code of Owner]

Re: Notice for [Property Address], Montgomery, AL 36110

You are receiving this letter because records at the Montgomery County Probate Office and the Montgomery County Tax Assessor's office indicate that you have become an owner of the property at [Address of Property]. This property is located in an area known as the Coliseum Boulevard Plume (CBP), an area where the groundwater contains trichloroethylene (TCE), a common solvent that leaked from the sewer system into the groundwater near the Alabama Department of Transportation (ALDOT) asphalt test facility. To prevent exposure to the groundwater (the water 10-50 feet or more below land surface), ALDOT is obtaining environmental covenants (Covenant) on properties in the CBP that restricts access and use of the groundwater beneath the property without the express approval of ALDOT, and provides an easement for ALDOT to come onto the property for its work incident to investigation and remediation of the CBP.

ALDOT will pay the owner of each property a fee in exchange for the Covenant. We would like to discuss the CBP and the Covenant with you. Please call the Program Administrator at (866) 488-1126 or (334) 202-3355 to schedule a time we can visit with you in person or by telephone.

The CBP website at www.coliseumboulevardplume.com provides detailed information about the CBP. If you have questions about the CBP or the Covenant, you may call the CBP 24-hour information line at (334) 353-6635, email us at cbpinfo@dot.state.al.us or contact the CBP Program Administrator at (866) 488-1126 or Brandi Little with the Alabama Department of Environmental Management at (334) 274-4226.

Very truly yours,

Program Administrator
Coliseum Boulevard Plume

Form 2C - Letter to Foreclosure Attorney (Executed)

COLISEUM BOULEVARD PLUME

PROGRAM ADMINISTRATOR
POST OFFICE BOX 2052
BIRMINGHAM, ALABAMA 35201
(866) 488-1126
(334) 202-3355

[Date]

[Name of Foreclosure Attorney]
[Street Address of Foreclosure Attorney]
[City, State and Zip Code of Foreclosure Attorney]

Re: Notice of Covenant on [Property Address], Montgomery, AL 36110

You are receiving this letter because records at the Montgomery County Probate Office and the Montgomery County Tax Assessor's Office indicate that you represented a secured party in a transfer of ownership interest in the real property at [Address of Property]. This property is located in an area known as the Coliseum Boulevard Plume (CBP), an area where the groundwater contains trichloroethylene (TCE), a common solvent that leaked from the sewer system into the groundwater near the Alabama Department of Transportation (ALDOT) asphalt test facility. To prevent exposure to the groundwater (the water 10-50 feet or more below land surface), ALDOT obtained a Covenant on this property that restricts access and use of the groundwater beneath the property without the express approval of ALDOT, and provides an easement for ALDOT to come onto the property for its work incident to investigation and remediation of the CBP. The Covenant is recorded and cross-indexed to the deed to this property at the Montgomery County Probate Office.

If you represent a party in any future ownership transfers for this or other real properties in the CBP, please ensure that the new owner is given appropriate notice of the Covenant and the permanent deed restrictions, and make sure that any deed to the property includes an appropriate reference to the Covenant.

The CBP website at www.coliseumboulevardplume.com provides detailed information about the CBP. If you have questions about the CBP or the Covenant, you may call the CBP 24-hour information line at (334) 353-6635, email us at cbpinfo@dot.state.al.us or contact the CBP Program Administrator at (866) 488-1126 or Brandi Little with the Alabama Department of Environmental Management at (334) 274-4226.

Very truly yours,

Program Administrator
Coliseum Boulevard Plume

Form 2D - Letter to Foreclosure Attorney (Not Executed)

COLISEUM BOULEVARD PLUME
PROGRAM ADMINISTRATOR
POST OFFICE BOX 2052
BIRMINGHAM, ALABAMA 35201
(866) 488-1126
(334) 202-3355

[Date]

[Name of Foreclosure Attorney]
[Street Address of Foreclosure Attorney]
[City, State and Zip Code of Foreclosure Attorney]

Re: Notice for [Property Address], Montgomery, AL 36110

You are receiving this letter because records at the County Tax Assessor's Office indicate that you represented a secured party in a transfer of ownership interest in the real property at [Address of Property]. This property is located in an area known as the Coliseum Boulevard Plume (CBP), an area where the groundwater contains trichloroethylene (TCE), a common solvent that leaked from the sewer system into the groundwater near the Alabama Department of Transportation (ALDOT) asphalt test facility. To prevent exposure to the groundwater (the water 10-50 feet or more below land surface), ALDOT is obtaining environmental covenants (Covenant) from property owners in the CBP that restricts access and use of the groundwater beneath their property without the express approval of ALDOT, and provides an easement for ALDOT to come onto the property for its work incident to investigation and remediation of the CBP.

ALDOT will pay the owner of each property or other authorized party a fee in exchange for the Covenant. If you represent an owner of property in the CBP for which a Covenant has not been executed, we would like to discuss the CBP and the Covenant terms with you and your client. Also, if you represent a party in a future transfer of ownership of a property in the CBP for which a Covenant has been executed, please ensure that the new owner is given appropriate notice of the Covenant and the permanent deed restrictions, and make sure that any deed to the property includes an appropriate reference to the Covenant.

The CBP website at www.coliseumboulevardplume.com provides detailed information about the CBP. If you have questions about the CBP or the Covenant, you may call the CBP 24-hour information line at (334) 353-6635, email us at cbpinfo@dot.state.al.us or contact the CBP Program Administrator at (866) 488-1126 or Brandi Little with the Alabama Department of Environmental Management at (334) 274-4226.

Very truly yours,

Program Administrator
Coliseum Boulevard Plume

Form 2E - Letter to BFT (Executed)

COLISEUM BOULEVARD PLUME
PROGRAM ADMINISTRATOR
POST OFFICE BOX 2052
BIRMINGHAM, ALABAMA 35201
(866) 488-1126
(334) 202-3355

[Date]

[Name of BFT Party in the Second]
[Street Address of BFT Party in the Second]
[City, State and Zip Code of BFT Party in the Second]

Re: Notice of Covenant on [Property Address], Montgomery, AL 36110

You are receiving this letter because records at the Montgomery County Tax Assessor's Office and the Montgomery County Probate Office indicate that you may claim an interest in the real property located at [Address of Property] through a bond for title agreement executed with [seller name] on [date]. This property is located in an area known as the Coliseum Boulevard Plume (CBP), an area where the groundwater contains trichloroethylene (TCE), a common solvent that leaked from the sewer system into the groundwater near the Alabama Department of Transportation (ALDOT) asphalt test facility. To prevent exposure to the groundwater (the water 10-50 feet or more below land surface), ALDOT obtained a Covenant on this property that restricts access and use of the groundwater beneath the property without the express approval of ALDOT, and provides an easement for ALDOT to come onto the property for its work incident to investigation and remediation of the CBP. The Covenant is recorded and cross-indexed to the deed to this property at the Montgomery County Probate Office.

If, at any time, you wish to make an excavation on this property that may cause contact with the groundwater beneath the property, please contact the CBP Program Administrator to discuss your plans.

The CBP website at www.coliseumboulevardplume.com provides detailed information about the CBP. If you have questions about the CBP or the Covenant, you may call the CBP 24-hour information line at (334) 353-6635, email us at cbpinfo@dot.state.al.us or contact the CBP Program Administrator at (866) 488-1126 or Brandi Little with the Alabama Department of Environmental Management at (334) 274-4226.

Very truly yours,

Program Administrator
Coliseum Boulevard Plume

COLISEUM BOULEVARD PLUME

PROGRAM ADMINISTRATOR
POST OFFICE BOX 2052
BIRMINGHAM, ALABAMA 35201
(866) 488-1126
(334) 202-3355

[Date]

[Name of BFT Party in the Second]
[Street Address of BFT Party in the Second]
[City, State and Zip Code of BFT Party in the Second]

Re: Notice for [Property Address], Montgomery, AL 36110

You are receiving this letter because records at the Montgomery County Tax Assessor's Office and the Montgomery County Probate Office indicate that you may claim an interest in the real property located at [Address of Property] through a bond for title agreement executed with [seller name] on [date]. This property is located in an area known as the Coliseum Boulevard Plume (CBP), an area where the groundwater contains trichloroethylene (TCE), a common solvent that leaked from the sewer system into the groundwater near the Alabama Department of Transportation (ALDOT) asphalt test facility. To prevent exposure to the groundwater (the water 10-50 feet or more below land surface), ALDOT is obtaining environmental covenants (Covenant) on properties in the CBP that restricts access and use of the groundwater beneath the property without the express approval of ALDOT, and provides an easement for ALDOT to come onto the property for its work incident to investigation and remediation of the CBP.

ALDOT will pay the owner of each property a fee in exchange for the Covenant. We would like to discuss the CBP and the Covenant for the referenced property with the owner of the property and you. Please call the Program Administrator at (866) 488-1126 or (334) 202-3355 to schedule a time we can visit with you in person or by telephone.

The CBP website at www.coliseumboulevardplume.com provides detailed information about the CBP. If you have questions about the CBP or the Covenant, you may call the CBP 24-hour information line at (334) 353-6635, email us at cbpinfo@dot.state.al.us or contact the CBP Program Administrator at (866) 488-1126 or Brandi Little with the Alabama Department of Environmental Management at (334) 274-4226.

Very truly yours,

Program Administrator
Coliseum Boulevard Plume

Form 3A - Letter to Tax Sale Purchaser (Executed)

COLISEUM BOULEVARD PLUME

PROGRAM ADMINISTRATOR
POST OFFICE BOX 2052
BIRMINGHAM, ALABAMA 35201
(866) 488-1126
(334) 202-3355

[Date]

[Name of Tax Sale Purchaser]
[Street Address of Tax Sale Purchaser]
[City, State and Zip Code of Tax Sale Purchaser]

Re: Notice of Covenant on [Property Address], Montgomery, AL 36110

You are receiving this letter because records at the Montgomery County Tax Assessor's Office indicate that, as the result of a tax lien, you may have assumed ownership of the property at [Address of Property]. This property is located in an area known as the Coliseum Boulevard Plume (CBP), an area where the groundwater contains trichloroethylene (TCE), a common solvent that leaked from the sewer system into the groundwater near the Alabama Department of Transportation (ALDOT) asphalt test facility. To prevent exposure to the groundwater (the water 10-50 feet or more below land surface), ALDOT obtained a Covenant on this property that restricts access and use of the groundwater beneath the property without the express approval of ALDOT, and provides an easement for ALDOT to come onto the property for its work incident to investigation and remediation of the CBP. The Covenant is recorded and cross-indexed to the deed to this property at the Montgomery County Probate Office.

If, at any time, you wish to make an excavation on this property that may cause contact with the groundwater beneath the property, please contact the CBP Program Administrator to discuss your plans. If you sell your ownership interest in the property, please ensure that the new owner is given appropriate notice of the Covenant, and make sure that any deed to the property includes an appropriate reference to the Covenant.

The CBP website at www.coliseumboulevardplume.com provides detailed information about the CBP. If you have questions about the CBP or the Covenant, you may call the CBP 24-hour information line at (334) 353-6635, email us at cbpinfo@dot.state.al.us or contact the CBP Program Administrator at (866) 488-1126 or Brandi Little with the Alabama Department of Environmental Management at (334) 274-4226.

Very truly yours,

Program Administrator
Coliseum Boulevard Plume

Form 3B - Letter to Tax Sale Purchaser (Not Executed)

COLISEUM BOULEVARD PLUME

PROGRAM ADMINISTRATOR
POST OFFICE BOX 2052
BIRMINGHAM, ALABAMA 35201
(866) 488-1126
(334) 202-3355

[Date]

[Name of Tax Sale Purchaser]
[Street Address of Tax Sale Purchaser]
[City, State and Zip Code of Tax Sale Purchaser]

Re: Notice for [Property Address], Montgomery, AL 36110

You are receiving this letter because records at the Montgomery County Tax Assessor's Office indicate that, as the result of a tax lien, you may have assumed ownership of the property at [Address of Property]. This property is located in an area known as the Coliseum Boulevard Plume (CBP), an area where the groundwater contains trichloroethylene (TCE), a common solvent that leaked from the sewer system into the groundwater near the Alabama Department of Transportation (ALDOT) asphalt test facility. To prevent exposure to the groundwater (the water 10-50 feet or more below land surface), ALDOT is obtaining environmental covenants (Covenant) on properties in the CBP that restricts access and use of the groundwater beneath the property without the express approval of ALDOT, and provides an easement for ALDOT to come onto the property for its work incident to investigation and remediation of the CBP.

ALDOT will pay the owner of each property a fee in exchange for the Covenant. We would like to discuss the CBP and the Covenant with you. Please call the Program Administrator at (866) 488-1126 or (334) 202-3355 to schedule a time we can visit with you in person or by telephone.

The CBP website at www.coliseumboulevardplume.com provides detailed information about the CBP. If you have questions about the CBP or the Covenant, you may call the CBP 24-hour information line at (334) 353-6635, email us at cbpinfo@dot.state.al.us or contact the CBP Program Administrator at (866) 488-1126 or Brandi Little with the Alabama Department of Environmental Management at (334) 274-4226.

Very truly yours,

Program Administrator
Coliseum Boulevard Plume

Form 3C - Letter to Bankruptcy Trustee (Executed)

COLISEUM BOULEVARD PLUME
PROGRAM ADMINISTRATOR
POST OFFICE BOX 2052
BIRMINGHAM, ALABAMA 35201
(866) 488-1126
(334) 202-3355

[Date]

[Name of Bankruptcy Trustee]
[Street Address of Bankruptcy Trustee]
[City, State and Zip Code of Bankruptcy Trustee]

Re: Notice of Covenant on [Property Address], Montgomery, AL 36110

It is my understanding that you have been appointed as Trustee in Bankruptcy Case No. [Case Number], presently pending in the U.S. Bankruptcy Court for the Middle District of Alabama. It is also my understanding that a parcel of real property located at [Address of Property] may be part of the bankruptcy estate. This property is located in an area known as the Coliseum Boulevard Plume (CBP), an area where the groundwater contains trichloroethylene (TCE), a common solvent that leaked from the sewer system into the groundwater near the Alabama Department of Transportation (ALDOT) asphalt test facility. To prevent exposure to the groundwater (the water 10-50 feet or more below land surface), ALDOT obtained a Covenant on this property that restricts access and use of the groundwater beneath the property without the express approval of ALDOT, and provides an easement for ALDOT to come onto the property for its work incident to investigation and remediation of the CBP. The Covenant is recorded and cross-indexed to the deed to this property at the Montgomery County Probate Office.

If the bankruptcy estate's ownership interest in the above-referenced real property is transferred to a new owner, please ensure that the new owner is given appropriate notice of the Covenant and the permanent deed restrictions, and make sure that any deed to the property includes an appropriate reference to the Covenant.

The CBP website at www.coliseumboulevardplume.com provides detailed information about the CBP. If you have questions about the CBP or the Covenant, you may call the CBP 24-hour information line at (334) 353-6635, email us at cbpinfo@dot.state.al.us or contact the CBP Program Administrator at (866) 488-1126 or Brandi Little with the Alabama Department of Environmental Management at (334) 274-4226.

Very truly yours,

Program Administrator
Coliseum Boulevard Plume

Form 3D - Letter to Bankruptcy Trustee (Not Executed)

COLISEUM BOULEVARD PLUME

PROGRAM ADMINISTRATOR
POST OFFICE BOX 2052
BIRMINGHAM, ALABAMA 35201
(866) 488-1126
(334) 202-3355

[Date]

[Name of Bankruptcy Trustee]
[Street Address of Bankruptcy Trustee]
[City, State and Zip Code of Bankruptcy Trustee]

Re: Notice for [Property Address], Montgomery, AL 36110

It is my understanding that you have been appointed as Trustee in Bankruptcy Case No. [Case Number], presently pending in the U.S. Bankruptcy Court for the Middle District of Alabama. It is also my understanding that a parcel of real property located at [Address of Property] may be part of the bankruptcy estate. This property is located in an area known as the Coliseum Boulevard Plume (CBP), an area where the groundwater contains trichloroethylene (TCE), a common solvent that leaked from the sewer system into the groundwater near the Alabama Department of Transportation (ALDOT) asphalt test facility. To prevent exposure to the groundwater (the water 10-50 feet or more below land surface), ALDOT is obtaining environmental covenants (Covenant) on properties in the CBP that restricts access and use of the groundwater beneath the property without the express approval of ALDOT, and provides an easement for ALDOT to come onto the property for its work incident to investigation and remediation of the CBP.

ALDOT will pay the owner of each property or other authorized person a fee in exchange for the Covenant. If you would like to discuss the CBP and the Covenant, please call the Program Administrator at (866) 488-1126 or (334) 202-3355 to schedule a time to discuss these matters.

The CBP website at www.coliseumboulevardplume.com provides detailed information about the CBP. If you have questions about the CBP or the Covenant, you may call the CBP 24-hour information line at (334) 353-6635, email us at cbpinfo@dot.state.al.us or contact the CBP Program Administrator at (866) 488-1126 or Brandi Little with the Alabama Department of Environmental Management at (334) 274-4226.

Very truly yours,

Program Administrator
Coliseum Boulevard Plume

Form 3E - Letter to Bankruptcy Attorney (Executed)

COLISEUM BOULEVARD PLUME

PROGRAM ADMINISTRATOR
POST OFFICE BOX 2052
BIRMINGHAM, ALABAMA 35201
(866) 488-1126
(334) 202-3355

[Date]

[Name of Bankruptcy Attorney]
[Street Address of Bankruptcy Attorney]
[City, State and Zip Code of Bankruptcy Attorney]

Re: Notice of Covenant on [Property Address], Montgomery, AL 36110

It is my understanding that you represent the Debtor in Bankruptcy Case No. [Case Number], presently pending in the U.S. Bankruptcy Court for the Middle District of Alabama. It is also my understanding that a parcel of real property located at [Address of Property] may be part of the bankruptcy estate. This property is located in an area known as the Coliseum Boulevard Plume (CBP), an area where the groundwater contains trichloroethylene (TCE), a common solvent that leaked from the sewer system into the groundwater near the Alabama Department of Transportation (ALDOT) asphalt test facility. To prevent exposure to the groundwater (the water 10-50 feet or more below land surface), ALDOT obtained a Covenant on this property that restricts access and use of the groundwater beneath the property without the express approval of ALDOT, and provides an easement for ALDOT to come onto the property for its work incident to investigation and remediation of the CBP. The Covenant is recorded and cross-indexed to the deed to this property at the Montgomery County Probate Office.

If the bankruptcy estate's ownership interest in the above-referenced real property is transferred to a new owner, please ensure that the new owner is given appropriate notice of the Covenant and the permanent deed restrictions, and make sure that any deed to the property includes an appropriate reference to the Covenant.

The CBP website at www.coliseumboulevardplume.com provides detailed information about the CBP. If you have questions about the CBP or the Covenant, you may call the CBP 24-hour information line at (334) 353-6635, email us at cbpinfo@dot.state.al.us or contact the CBP Program Administrator at (866) 488-1126 or Brandi Little with the Alabama Department of Environmental Management at (334) 274-4226.

Very truly yours,

Program Administrator
Coliseum Boulevard Plume

Form 3F - Letter to Bankruptcy Attorney (Not Executed)

COLISEUM BOULEVARD PLUME
PROGRAM ADMINISTRATOR
POST OFFICE BOX 2052
BIRMINGHAM, ALABAMA 35201
(866) 488-1126
(334) 202-3355

[Date]

[Name of Bankruptcy Attorney]
[Street Address of Bankruptcy Attorney]
[City, State and Zip Code of Bankruptcy Attorney]

Re: Notice for [Property Address], Montgomery, AL 36110

It is my understanding that you represent the Debtor in Bankruptcy Case No. [Case Number], presently pending in the U.S. Bankruptcy Court for the Middle District of Alabama. It is also my understanding that a parcel of real property located at [Address of Property] may be part of the bankruptcy estate. This property is located in an area known as the Coliseum Boulevard Plume (CBP), an area where the groundwater contains trichloroethylene (TCE), a common solvent that leaked from the sewer system into the groundwater near the Alabama Department of Transportation (ALDOT) asphalt test facility. To prevent exposure to the groundwater (the water 10-50 feet or more below land surface), ALDOT is obtaining environmental covenants (Covenant) on properties in the CBP that restricts access and use of the groundwater beneath the property without the express approval of ALDOT, and provides an easement for ALDOT to come onto the property for its work incident to investigation and remediation of the CBP.

ALDOT will pay the owner of each property or other authorized person a fee in exchange for the Covenant. If your client is authorized to execute a Covenant, we would like to discuss the CBP and the Covenant terms with you and your client. Please call the Program Administrator at (866) 488-1126 or (334) 202-3355. Also, if you represent a party in a future transfer of ownership of a property in the CBP for which a Covenant has been executed, please ensure that the new owner is given appropriate notice of the Covenant and the permanent deed restrictions, and make sure that any deed to the property includes an appropriate reference to the Covenant.

The CBP website at www.coliseumboulevardplume.com provides detailed information about the CBP. If you have questions about the CBP or the Covenant, you may call the CBP 24-hour information line at (334) 353-6635, email us at cbpinfo@dot.state.al.us or contact the CBP Program Administrator at (866) 488-1126 or Brandi Little with the Alabama Department of Environmental Management at (334) 274-4226.

Very truly yours,

Program Administrator
Coliseum Boulevard Plume

FORM 4- WELL INSTALLATION / COMPLETION FILE REVIEW

PURPOSE: Review groundwater files at Alabama Department of Environmental Management, Geological Survey of Alabama, and City of Montgomery

Action upon completion of form: Transmit to ALDOT project manager and database manager within 30 days.

Department Visited (Circle One):	City of Montgomery Plumbing, Gas, and Mechanical Department	ADEM Groundwater Team	GSA Water Information
Date Visited (MM/DD/YYYY):			
Reviewer Name (Signature / Print):			
Department Contact:			
Files Viewed (Circle One Or More):	Physical; Database	Physical; Database	Physical; Database
Findings (Circle One):	Well found; No well found	Well found; No well found	Well found; No well found

Well Address:			
Owner Name:			
Owner Address:			
State Plane Coordinate; Easting/X			
State Plane Coordinate; Northing/Y			
Driller Name:			
Date Installed:			
Well Depth:			
Screen Interval:			

Form 5- LETTER TO PROPERTY OWNER TO DISCONTINUE ACCESS OR USE OF WELL

[Date]

[Name of Property Owner/Tenant]

[Street Address of Property/Well Owner]

[City, State, and Zip Code of Owner or Tenant]

Re: Water Well

Dear [Name of Well Owner/Tenant]:

The well at [Address of Well] is within the Alabama Department of Transportation Coliseum Boulevard Plume, which is an area where the access and use of groundwater is restricted. The well is on property with a Restrictive Covenant that prohibits access to groundwater.

The Alabama Department of Transportation (“ALDOT”) has oversight authority regarding wells within the Coliseum Boulevard Plume. Groundwater within the Coliseum Boulevard Plume cannot be accessed without the express approval of ALDOT. **Use of your well must be discontinued immediately.**

An ALDOT representative needs to discuss the characteristics of the well with you. Please contact ALDOT by telephoning the Project Manager for the Coliseum Boulevard Plume at --- -- ----.

Very truly yours,

XXXXXXXXXX

Project Manager,

Coliseum Boulevard Plume

Alabama Department of Transportation

FORM 6- ALABAMA ONE CALL TICKET REVIEW

PURPOSE: Alabama 1 CALL Ticket Review Ticket Date: _____

Action upon completion: Notify ALDOT project manager immediately and transmit completed checklist to ALDOT project manager and database manager within 24 hours

TICKET INFORMATION	
Alabama 1 Call Ticket Number:	
Date Ticket Received (MM/DD/YYYY):	
Reviewer Name (Signature / Print):	
LOCATION INFORMATION	
Location (Address):	
Location (Driving Directions):	
CONTACT INFORMATION	
Company Name:	
Contact Name:	
Contact Email:	
Contact Phone Number:	
Contact Address:	
Contact Alternate Phone:	
DIGGING/EXCAVATION INFORMATION (FROM TICKET OR ABOVE CONTACT)	
Person Or Company Requesting?	
Type Of Excavating (e.g., trenching, hand augering, drilling)?	
Purpose Of Excavation?	
Maximum Depth Of Excavation?	
Notes	
TICKET REVIEW (TO BE DETERMINED BY ALDOT)	
Distance From The Bottom Of The Activity (e.g., trench) To Water Table?	
Is Excavation On Right-Of-Way?	
Excavation Reviewed By ALDOT (Y/N)?	
ALDOT Reviewer (Signature / Print)	
Excavator Advised Of Potential Exposure?	
Name Of Person Advised Of Potential Exposure	
DATE AND TYPE OF CORRESPONDENCE/ACTIONS BY ALDOT	
Excavator Advised Of Potential Exposure/Alternatives?	
Notes	
OVERSIGHT OF DIGGING BY ALDOT	
Date Of Oversight/Site Visit:	
Activities Observed During Site Visit:	
Do Activities Comply With ALDOT Recommendations?	
Is Follow-Up Needed?	

FORM 7 Quarterly Institutional Controls Inspection

PURPOSE: Quarterly institutional-control inspection

Action upon completion of checklist: Transmit completed form to ALDOT project manager and database manager within 5 days

DATE OF INSPECTION (MM/DD/YYYY):

PERSON(S) PERFORMING INSPECTION:
(signature / print)

INSPECTION ITEM	AREA / LOCATION	OBSERVATIONS
Changes in land cover		
Changes in land use		
Changes in storm water conveyances		
Construction		
Demolation		
Major modification of land		
New Subdivisions		
New commercial/industrial developments		

FORM 7 Quarterly Institutional Controls Inspection (Page 2 of 2)

PURPOSE: Quarterly institutional-control inspection

Action upon completion of checklist: Transmit completed form to ALDOT project manager and database manager within 5 days

DATE OF INSPECTION (MM/DD/YYYY):	
PERSON(S) PERFORMING INSPECTION: (signature / print)	

Examine Suspect Wells listed in the Well Inventory

Location (street address)	
Notes:	



ALABAMA DEPARTMENT OF TRANSPORTATION



Bureau of Materials & Tests – Geotechnical Section

3700 Fairground Road, Montgomery, Alabama 36110

Phone: 334-206-2271 FAX: 334-264-6263

Robert Bentley
Governor

John Cooper
Transportation Director

Form 8A – LETTER TO STAKEHOLDERS

Date:

Address To:

Reference: Alabama Department of Transportation
Coliseum Boulevard Plume Institutional Control Program

The shallow groundwater (the water 10-50 feet or more below land surface) in an area in north Montgomery, Alabama (see attached map) contains concentrations of trichloroethylene (“TCE”). The area is commonly referred to as the Coliseum Boulevard Plume (“CBP”).

TCE is a common solvent often used in testing laboratories. Investigations of the CBP showed that waste TCE from an asphalt test facility of the Alabama Department of Transportation (“ALDOT”) leaked into the groundwater after it was discarded in the sewer system and/or the ground near the facility in accordance with manufacturer’s recommendations. To prevent exposure to the groundwater, ALDOT obtained from CBP property owners environmental covenants (“Covenants”) that contain a permanent deed restriction that prohibits access and use of the groundwater (for example, drilling a well or installing a swimming pool) without approval of ALDOT. The Covenants are recorded at the office of the Montgomery County Judge of Probate. Pursuant to the Alabama Uniform Environmental Covenant Act (Alabama Code §35-19-1, *et seq.*), the Alabama Department of Environmental Management (“ADEM”), is also authorized to enforce the deed restrictions on groundwater access and use. (*See ADEM Admin. Code 335-5-1, et seq.*).

If you have a project that will require you to drill or excavate in the CBP area at depths that may result in contact with groundwater, please contact ALDOT prior to the start of the project. We will promptly respond to discuss your project. If you confirm that your project may result in contact with the groundwater, we can provide information that may help you protect your workers and others from TCE exposure and prevent TCE contamination from entering the deeper aquifers. Also, we will send you periodic updates about the CBP as part of our on-going effort to involve and inform the community.

For more information about the CBP, you may visit our website at www.coliseumboulevardplume.com. If you have any questions or comments about the CBP, call the CBP 24-Hour Information Line (334-353-6635), email us at cbpinfo@dot.state.al.us or contact Adam Anderson with ALDOT at 334-206-2278 or Brandi Little with ADEM at (334) 274-4226.

Sincerely,

Scott W. George, P.E.
Materials and Tests Engineer

Cc: Brandi Little, ADEM

**COLISEUM BOULEVARD PLUME
PROGRAM ADMINISTRATOR**
POST OFFICE BOX 2052
BIRMINGHAM, ALABAMA 35201

Form 8B – STAKEHOLDER ACKNOWLEDGEMENT

Acknowledgement of Receipt

[Addressee]:

Please distribute the enclosed letter within your organization to all persons who may have work responsibilities related to matters of interest to the management and remediation of the Coliseum Boulevard Plume (CBP) area.

Sign below to acknowledge receipt of the enclosed letter and return only this page to the Program Administrator at the address listed above.

If you would like future notices to be directed to a specific person, to a different person or to be sent to additional parties, please provide the information below. Monthly updates will be sent to the email addresses provided.

Call the CBP Program Administrator at (866) 488-1126 with any further questions.

Thank you,
Program Administrator
Coliseum Boulevard Plume

I have received, read and understand the enclosed letter explaining groundwater restrictions within the CBP. Prior to performing any work that might result in contact with groundwater, I understand that I should contact the Alabama Department of Transportation to discuss the project.

Name: _____ Title: _____ Date: _____

Please provide contact information below:

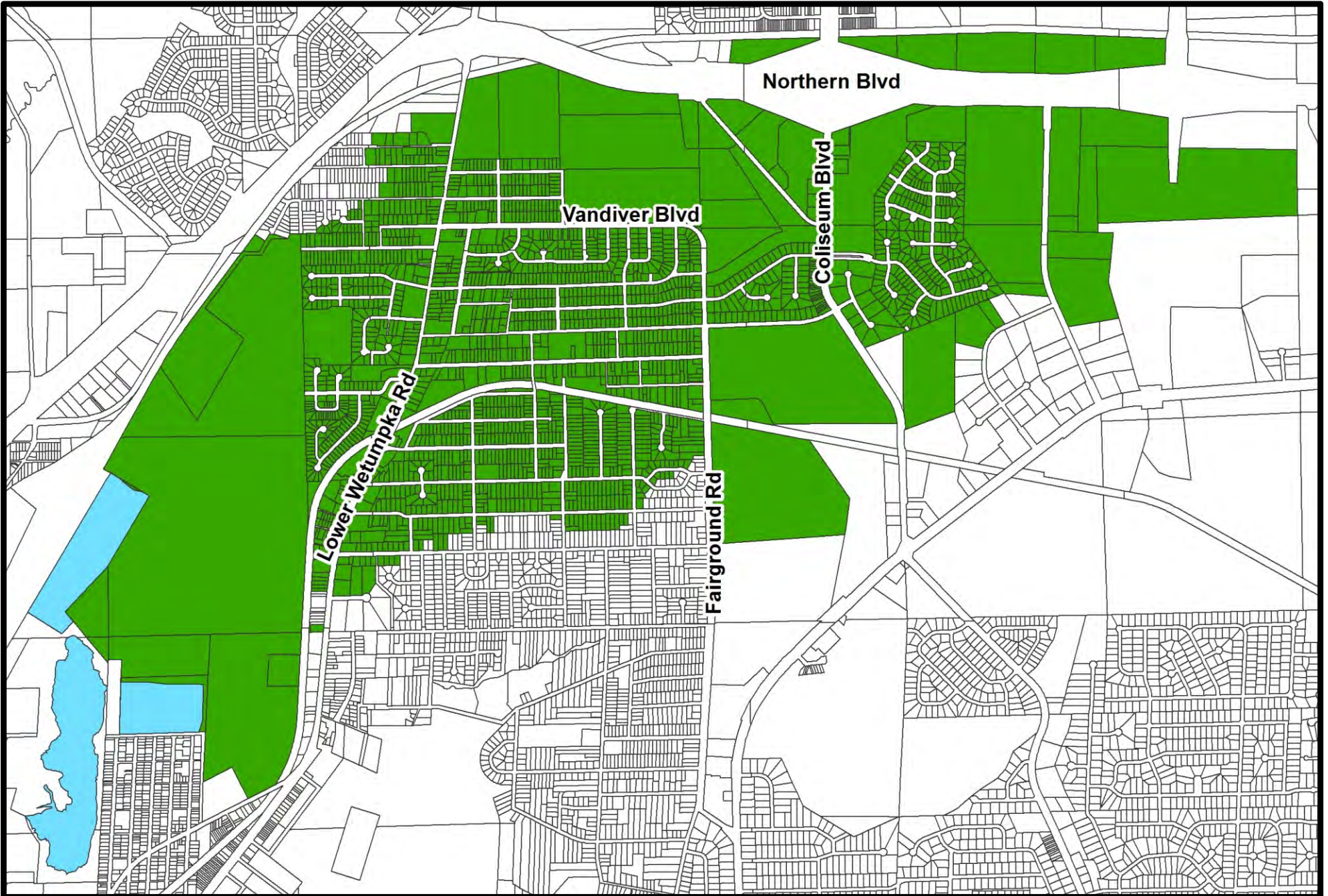
Primary Contact:

Name: _____ Address: _____
Telephone: _____ Email address: _____

Additional Contacts:

Name: _____ Address: _____
Telephone: _____ Email address: _____

Name: _____ Address: _____
Telephone: _____ Email address: _____



**ALABAMA DEPARTMENT OF TRANSPORTATION
COLISEUM BOULEVARD PLUME**

-  Coliseum Boulevard Plume Parcels
-  Surface Water Elevation Restrictions

**November
2015**



ALABAMA DEPARTMENT OF TRANSPORTATION



Bureau of Materials & Tests – Geotechnical Section

3700 Fairground Road, Montgomery, Alabama 36110

Phone: 334-206-2271 FAX: 334-264-6263

Robert Bentley
Governor

John Cooper
Transportation Director

Form 9 – LETTER TO WELL DRILLERS

[Date]

[Name of Well Driller]

[Street Address of Driller]

[City, State, and Zip Code of Well Driller]

Re: Restrictions on Drilling Water Wells within the Coliseum Boulevard Plume

Shallow groundwater in an area in north Montgomery, Alabama (see attached map) contains concentrations of trichloroethylene (“TCE”). The area, commonly referred to as the Coliseum Boulevard Plume (“CBP”), lies within the SW ¼ of Section 27, South ½ of Section 28, South ½ of Section 29, East ½ of Section 31, most of Section 32, and the North ½ of Section 33 of Township 17 North, Range 18East. (See USGS Survey 7½ Minute topographic map.)

The Alabama Department of Transportation (“ALDOT”), incident to its responsibilities for investigation and remediation of the CBP, has implemented an Institutional Control Program (“ICP”) to minimize exposure to the groundwater containing TCE and to prevent TCE contamination of deeper groundwater aquifers. As part of the ICP, ALDOT has obtained from property owners legally enforceable environmental covenants that include deed restrictions that prohibit access and use of groundwater beneath their property without prior approval of ALDOT. The environmental covenants are recorded at the office of the Montgomery County Judge of Probate. Pursuant to the Alabama Uniform Environmental Covenant Act (Alabama Code §35-19-1, *et seq.*), the Alabama Department of Environmental Management (“ADEM”), is also authorized to enforce the deed restrictions on groundwater access and use. (See ADEM Admin. Code 335-5-1, *et seq.*)

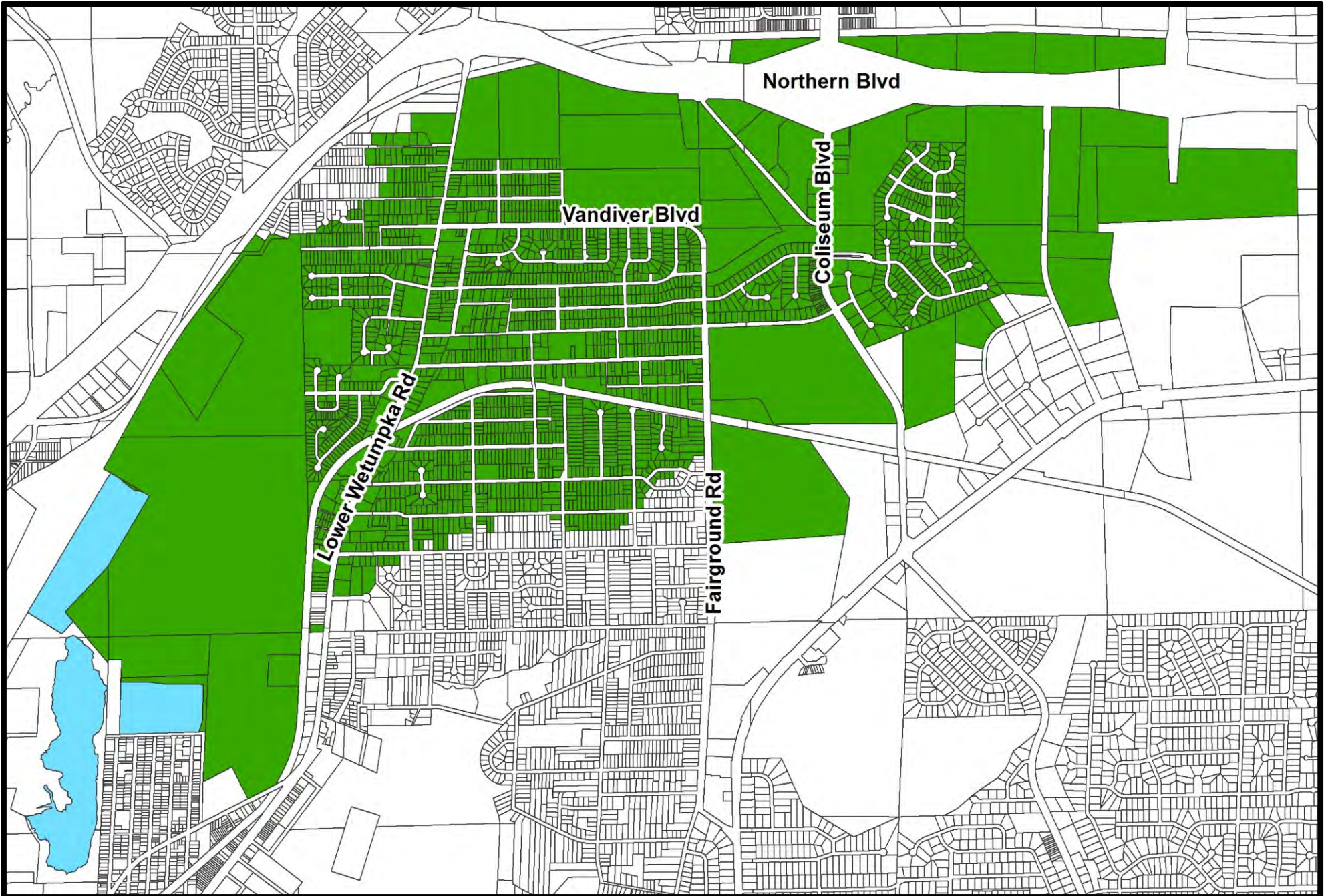
If you have a drilling project in the CBP area, you must contact ALDOT prior to drilling. We will promptly respond to discuss your project and provide you with information so that you can develop a plan to protect you and/or others from TCE exposure and/or to prevent contamination of the deeper aquifers.

For more information, you may see our website at www.coliseumboulevardplume.com, call the CBP 24-Hour Information Line (334-353-6635), email us at cbpinfo@dot.state.us or contact Adam Anderson of ALDOT at 334-206-2278 or Shane Brown of ADEM at 334-274-4221.

Very truly yours,

Scott W. George, P.E.
Materials and Tests Engineer

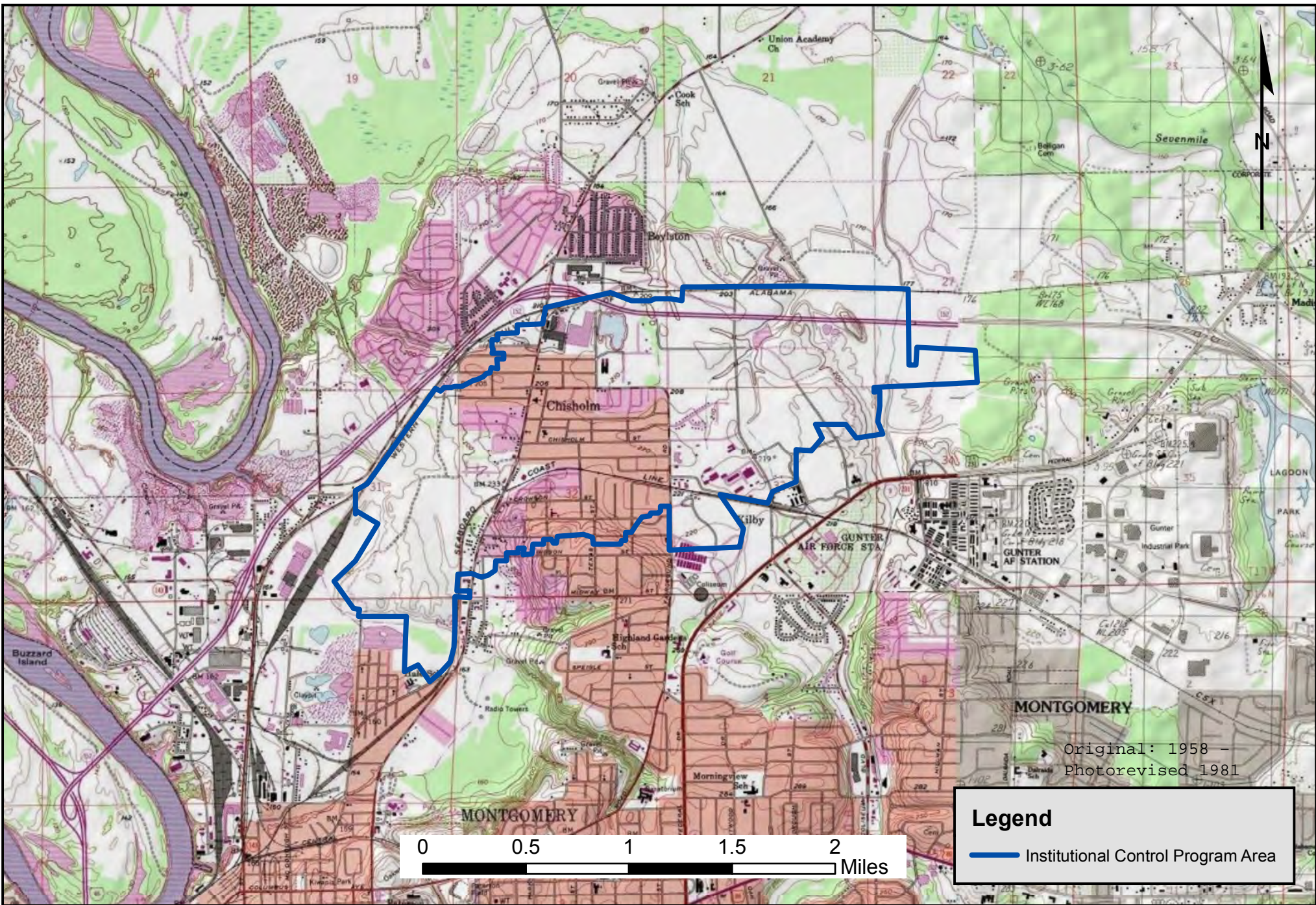
cc: Shane Brown, ADEM



**ALABAMA DEPARTMENT OF TRANSPORTATION
COLISEUM BOULEVARD PLUME**

-  Coliseum Boulevard Plume Parcels
-  Surface Water Elevation Restrictions

**November
2015**



ALABAMA DEPARTMENT OF TRANSPORTATION
COLISEUM BOULEVARD PLUME

AREA OF WATER WELL DRILLING RESTRICTIONS

FIGURE

NOVEMBER 2015



ALABAMA DEPARTMENT OF TRANSPORTATION



Bureau of Materials & Tests – Geotechnical Section

3700 Fairground Road, Montgomery, Alabama 36110

Phone: 334-206-2271 FAX: 334-264-6263

Robert Bentley
Governor

John Cooper
Transportation Director

Form 10 – LETTER TO POOL INSTALLERS

[Date]

[Name of Pool Installer]
[Street Address of Pool Installer]
[City, State, and Zip Code of Pool Installer]

Re: Notice of Groundwater Restriction within the Coliseum Boulevard Plume

The shallow groundwater (the water 10-50 feet or more below land surface) in an area in north Montgomery, Alabama (see attached map) contains concentrations of trichloroethylene (“TCE”). The area is commonly referred to as the Coliseum Boulevard Plume (“CBP”).

TCE is a common solvent often used in testing laboratories. Investigations of the CBP showed that waste TCE from an asphalt test facility of the Alabama Department of Transportation (“ALDOT”) leaked into the groundwater after it was discarded in the sewer system and/or the ground near the facility in accordance with manufacturer’s recommendations. To prevent exposure to the groundwater, ALDOT obtained environmental covenants (“Covenants”) from CBP property owners that contain a permanent deed restriction that prohibits access and use of the groundwater (such as, for example, drilling a well or installing an in-ground swimming pool) without approval of ALDOT. The Covenants are recorded at the office of the Montgomery County Judge of Probate. Pursuant to the Alabama Uniform Environmental Covenant Act (Alabama Code §35-19-1, *et seq.*), the Alabama Department of Environmental Management (“ADEM”), is also authorized to enforce the deed restrictions on groundwater access and use. (*See ADEM Admin. Code 335-5-1, et seq.*)

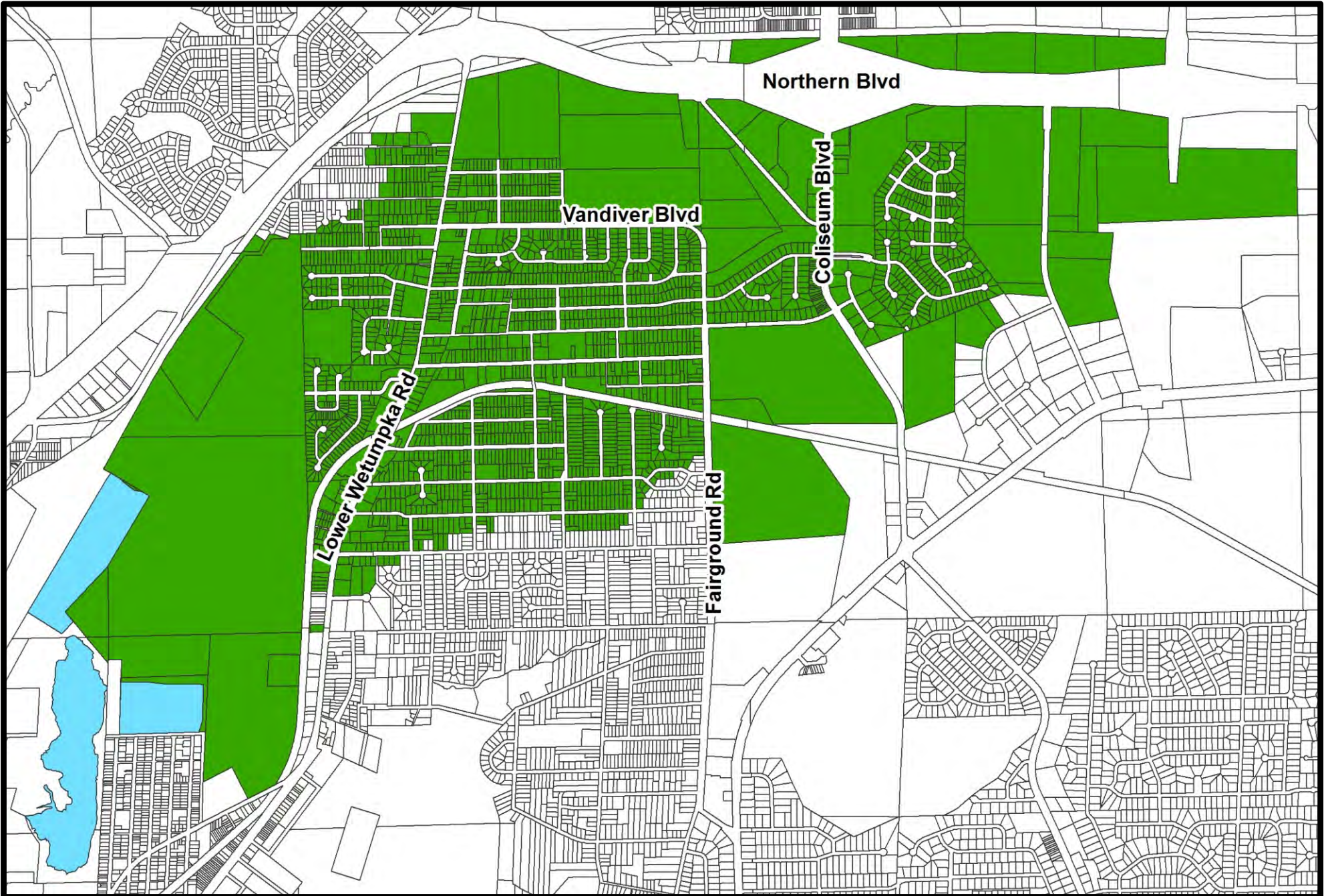
If you install a swimming pool in the CBP area that requires an excavation that may result in contact with the groundwater, please contact ALDOT prior to excavation. We will promptly respond to discuss your project. If you confirm that your project may result in contact with the groundwater, we can provide information that may help you protect your workers and others from TCE exposure and prevent TCE contamination from entering the deeper aquifers. Also, we will send you periodic updates about the CBP as part of our on-going effort to involve and inform the community.

For more information, you may see our website at www.coliseumboulevardplume.com, call the CBP 24-Hour Information Line (334-353-6635), email us at cbpinfo@dot.state.us or contact Adam Anderson of ALDOT at 334-206-2278 or Brandi Little of ADEM at (334) 274-4226.

Very truly yours,

Scott W. George, P.E.
Materials and Tests Engineer

cc: Brandi Little, ADEM



**ALABAMA DEPARTMENT OF TRANSPORTATION
COLISEUM BOULEVARD PLUME**

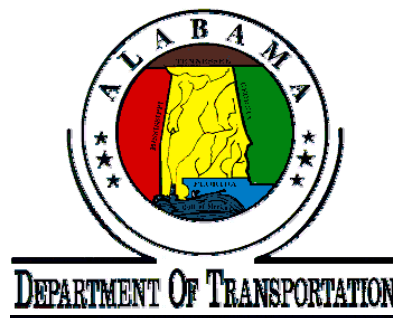
-  Coliseum Boulevard Plume Parcels
-  Surface Water Elevation Restrictions

**November
2015**

Agency Regulations, Statutes and Forms; City of Montgomery Ordinances And Forms

Institutional Control Program

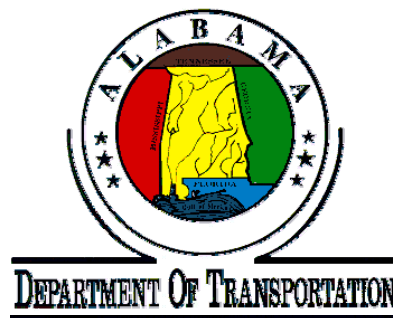
**COLISEUM BOULEVARD PLUME SITE
MONTGOMERY, ALABAMA**



Alabama Department of Environmental Management Land Division – Brownfield Redevelopment and Voluntary Cleanup Program

Institutional Control Program

COLISEUM BOULEVARD PLUME SITE
MONTGOMERY, ALABAMA



**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION - BROWNFIELD REDEVELOPMENT AND VOLUNTARY
CLEANUP PROGRAM**

**CHAPTER 335-15-1
GENERAL**

TABLE OF CONTENTS

335-15-1-.01 Purpose
335-15-1-.02 Definitions

335-15-1-.01 Purpose. These regulations are promulgated pursuant to the Alabama Land Recycling and Redevelopment Act, Code of Alabama 1975, § 22-30E-4. The Brownfield Redevelopment and Voluntary Cleanup Program provides a mechanism for the implementation of a cleanup program that encourages applicants to voluntarily assess, remediate, and reuse rural and urban areas of actual or perceived contamination. The program is designed to expedite the voluntary cleanup process and has been designed for entry at any stage of the cleanup process as long as all applicable criteria have been achieved up to the point of entry.

Authors: Fred A. Barnes; Keith N. West; Lawrence A. Norris; Stephen A. Cobb.

Statutory Authority: Code of Alabama 1975, §§ 22-30E-1, 22-30E-2, and 22-30E-4.

History: May 16, 2002.

Amended: November 25, 2004.

335-15-1-.02 Definitions. Unless otherwise defined in ADEM Admin. Code R. 335-15-1 through 335-15-6, the following words and terms shall have the meanings given below:

(a) "Alabama Land Recycling and Economic Redevelopment Commission" is the commission as established in the Code of Alabama 1975 § 22-30E-12.

(b) "ADEM" is the Alabama Department of Environmental Management.

(c) "Applicant" the owner, operator or prospective purchaser seeking to participate in the voluntary cleanup program by submission of an application, assessment, and/or cleanup plan under 335-15-2-.02.

(d) "Application fee" means the nonrefundable review fee submitted with the Voluntary Cleanup Program application.

(e) "Aquifer" means a geologic formation, group of formations or a part of a formation capable of yielding a significant amount of groundwater to wells or springs.

(f) "Brownfield" means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant.

(g) "Carcinogen" means a chemical classification for the purpose of risk assessment as an agent that is known or suspected to cause cancer in humans, including but not limited to a known or likely human carcinogen or a probable or possible human carcinogen under an EPA weight-of-evidence classification system.

(h) "Certification of compliance" means a statement prepared by a professional engineer or geologist licensed to practice in the State of Alabama which certifies compliance with a voluntary cleanup plan required by 335-15-4-.06.

(i) "Cleanup" means, for purposes of 335-15, the remediation, mitigation, control, or removal of contaminants from the environment in accordance with an approved "Voluntary Cleanup Plan".

(j) "Cleanup Properties Inventory" means the Cleanup Properties Inventory compiled and updated as necessary by the Department pursuant to 335-15-6-.03(1) for all qualifying properties for which a property assessment plan or cleanup plan has been approved.

(k) "Commission" means the Alabama Environmental Management Commission as defined in Code of Alabama 1975 § 22-22A-3(4).

(l) "Completion" means fulfillment of the commitment agreed to by the participant as part of this program.

(m) "Contaminant" means any man-made or man-induced alteration of the chemical, physical or biological integrity of soils, sediments, air and surface water or groundwater including:

1. Solid waste (as defined in ADEM Admin. Code 335-13); or
2. Petroleum product.

(n) "Department" means the Alabama Department of Environmental Management or its successor agency.

(o) "Director" means the Director of the Alabama Department of Environmental Management or such other person to whom the director has delegated authority.

(p) "EPA" means the United States Environmental Protection Agency.

(q) "Engineer" means a person registered as a professional engineer with the State of Alabama Board of Registration for Professional Engineers and Land Surveyors and practicing under the Rules of Professional Conduct, specifically Canon II.

(r) "Environment" is defined by the federal Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C., Section 9601, et seq.

(s) "Facility" is a term synonymous with "property".

(t) "Fiduciary" means a person who acts for the benefit of another party as a bona fide trustee, executor, and administrator.

(u) "Geologist" means a person registered as a professional geologist with the State of Alabama pursuant to the Alabama Professional Geologist Licensing Act.

(v) "Hazardous constituent" as defined in ADEM Admin. Code 335-14-2-Appendix VIII and/or ADEM Admin. Code 335-14-5-Appendix IX.

(w) "Hazardous substance" means any substance included on the List of Hazardous Substances and Reportable Quantities, codified as 40 CFR Part 302, Table 302.4, in force and effect on the effective date of 335-15-1 and subsequent revisions thereof, or any substance listed on the List of Extremely Hazardous Substances and Their Threshold Planning Quantities, codified as 40 CFR Part 355, Appendix A, in force and effect on the effective date of 335-15 and subsequent revisions thereof.

(x) "Hazardous waste" means any solid waste as defined in ADEM Admin. Code 335-14.

(y) "Hazardous Waste Treatment, Storage or Disposal Facility" means any property or facility which is intended or used for the treatment, storage or disposal of hazardous waste subject to the permit requirements of ADEM Admin. Code 335-14-8.

(z) "Land Use Controls" means any restriction or control, which serves to protect human health and/or the environment, by limiting the use of and/or exposure to, any portion of a property, including water resources. These controls include but are not limited to:

1. Engineering controls remedial actions directed toward containing or controlling the migration of contaminants through the environment. These include, but are not limited to, stormwater conveyance systems, slurry walls, liner systems, caps, leachate collection systems, pump and treat systems, and groundwater recovery systems.

2. Institutional controls which are legal or contractual restrictions on property use that remain effective after remediation is completed and are used

to meet remediation levels. The term may include, but is not limited to, deed notations, deed restrictions and/or, water use restrictions, restrictive covenants, conservation easements, and limited development rights.

3. Water use restrictions which can be placed on the use of a particular water supply source that has been identified as being contaminated with hazardous substances or other contaminants in order to protect human health and the environment.

(aa) "Major Modification" means any modification that is not a minor modification.

(bb) "Minor Modification" means any administrative and or general information changes, correction of typographical errors, changes in ownership and or operational control, and changes in the frequency of, or procedures for, monitoring, reporting or sampling by the applicant to provide for more frequent monitoring, reporting or sampling.

(cc) "Mitigation" means reducing to the extent possible, or rectifying the adverse impact by repairing, rehabilitating, restoring, or limiting exposure to the affected environment.

(dd) "Noncarcinogen" is a chemical classification for the purposes of risk assessment as an agent for which there is either inadequate toxicological data or is not likely to be a carcinogen based on an EPA weight-of-evidence classification system.

(ee) "Owner or Operator"

1. The definition includes the following:

(i) In the case of a facility, any person owning or operating such facility.

(ii) Any person who owned, operated, or otherwise controlled activities at a facility immediately prior to conveyance of title to a unit of state or local government or control of the facility due to bankruptcy, foreclosure, tax delinquency, abandonment.

2. The definition does not include the following:

(i) A person who can show evidence of ownership and acting solely in a fiduciary capacity and who did not actively participate in the management, disposal, or release of hazardous wastes, hazardous constituents, or hazardous substances from the facility.

(ii) A unit of a state or local government which acquired ownership or control involuntarily through bankruptcy, tax delinquency, abandonment, or other circumstances in which the government involuntarily acquire title by virtue of its function as sovereign. This exclusion shall not apply to any state or

local government which has caused or contributed to the release of hazardous wastes, hazardous constituents, or hazardous substances from the facility.

(ff) "Parent" has the same meaning as in 17 CFR 240.12b-2 (1 April 1996 Edition).

(gg) "Participant" means a person who has received confirmation of eligibility and has remitted payment of application fee.

(hh) "Person" means an individual, corporation, partnership, association, a governmental body, a municipal corporation or any other legal entity.

(ii) "Petroleum" means oil or petroleum of any kind and in any form, including, without limitation, crude oil or any fraction thereof, petroleum, gasoline, kerosene, fuel oil, oil sludge, used oil, substances or additives utilized in the refining or blending of crude petroleum or petroleum stock, natural gas, natural gas liquids, liquefied natural gas, synthetic gas usable for fuel, and mixtures of natural gas and synthetic gas.

(jj) "Pollutant" includes but is not limited to dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste. [Note: Some materials that meet the definition of "pollutant" may not meet the criteria to be considered a solid waste, hazardous or nonhazardous.]

(kk) "Preexisting release" means a release, as that term is defined in 335-15-1-.02, which occurred prior to an applicant's application for a limitation of liability pursuant to 335-15-4-.02.

(ll) "Property" is synonymous with "facility" and includes any or all of the following:

1. Any land, building, structure, installation, equipment, pipe or pipeline, sewer or publicly owned treatment works, pipe into a sewer or publicly owned treatment works, well, pit, pond, lagoon, impoundment, ditch, landfill, or storage container.

2. Any site or area where a hazardous waste, hazardous constituent, hazardous substance or petroleum product has been deposited, discharged, stored, disposed of, placed, or has otherwise come to be located.

3. A parcel of land defined by the boundaries in the applicable deed.

(mm) "Prospective developer" means any person who desires to buy or sell a brownfield property for the purpose of developing or redeveloping that brownfield property and who did not cause or contribute to the contamination at the brownfield property.

(nn) "Prospective purchaser" means a person who intends to purchase a qualifying property.

(oo) "Qualifying property" means a property which meets the criteria of 335-15-2-.01(1).

(pp) "Relatives" means persons who are, or formerly were, related by marriage or by consanguinity.

(qq) "Release" means any intentional or unintentional act or omission resulting in the spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including without limitation, the abandonment or discarding of barrels, containers, and other closed receptacles, of any solid waste, hazardous waste, hazardous constituent, petroleum products, or hazardous substance.

(rr) "Remediation waste" means all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediment) and debris that contain hazardous substances which are managed for implementation of the cleanup.

(ss) "Remediation level" means the concentration of a contaminant, and applicable control, that is protective of human health and the environment.

(tt) "Residential" means single family residences of one or more dwelling units, including accessory land, buildings or improvements incidental to such dwellings.

(uu) "Response Action" means those actions taken in the event of a release or threatened release of a hazardous waste, hazardous constituent, petroleum product, or hazardous substance into the environment to remove, or to prevent or minimize the release of hazardous waste, hazardous constituents, petroleum products, or hazardous substances so that they do not pose a threat to public health or the environment.

(vv) "Responsible person" means any person who has contributed or is contributing to a release of any hazardous waste, hazardous constituent, or hazardous substance at a property. This term specifically includes those persons described in §§107(a)(1) through 107(a)(4) of the federal Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C., Section 9601, et seq. This term specifically excludes those persons described in § 107(b) of the federal Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C., Section 9601, et seq.

(ww) "Restricted use" means any use other than unrestricted residential use.

(xx) "Risk assessment" means the process used to determine the risk posed by contaminants that have been released into the environment at a site. The process includes a written site specific evaluation, encompassing, but not

limited to, the identification of the contaminants present in the environmental media, the assessment of exposure and exposure pathways, the assessment of the toxicity of the contaminants present, the characterization of risks to humans, and the characterization of the impacts or risks to the environment.

(yy) "Site" means any property or portion thereof, as agreed to and defined by the participant and the Department, which contains or may contain contaminants being addressed under this program.

(zz) "Source" means the point of origin of a suspected contaminant.

(aaa) "Subsidiary" has the same meaning as in the 17 CFR 240.12b-2 (1 April 1996 Edition).

(bbb) "Third party" means one not a party to an agreement or to a transaction but who may have rights therein.

(ccc) "Unrestricted residential use" means the designation of acceptable future use at a site for any and all activities associated with residential use at which the remediation levels, based on either background or standard residential exposure factors, shall have been attained throughout the site in all media.

(ddd) "Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use, is contaminated by physical or chemical impurities.

(eee) "Upper-bound lifetime cancer risk level" means a conservative estimate of the probability of one excess cancer occurrence in a given number of exposed individuals. For example, a risk level of 1×10^{-6} equates to the possibility of one additional cancer occurrence beyond the number of occurrences that would otherwise occur in one million exposed individuals, beyond the number of occurrences that would otherwise occur. Upper-bound lifetime cancer risk level is based on an assumption of continuous, lifetime exposure and is likely to overestimate true risk.

(fff) "Voluntary cleanup plan" means any plan approved under 335-15-4-.04 that describes in sufficient detail those actions planned to satisfy the cleanup requirements for the qualifying property.

(ggg) "Voluntary Property Assessment Plan" means a plan that has been approved by the Department under 335-15-4-.03 and describes in sufficient detail those actions planned to perform a risk assessment or identify applicable cleanup requirements for the property.

(hhh) "Well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

335-15-1-.02

Authors: Fred A. Barnes; Keith N. West; Lawrence A. Norris; Stephen A. Cobb.

Statutory Authority: Code of Alabama 1975, § 22-30E-3.

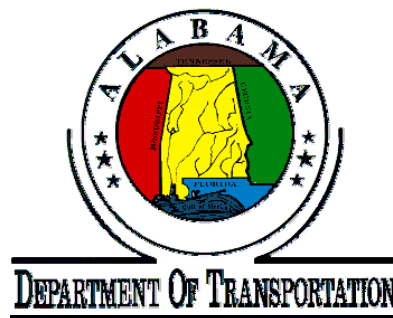
History: May 16, 2002.

Amended: November 25, 2004.

Alabama Department of Environmental Management Water Division – Water Well Standards Program

Institutional Control Program

COLISEUM BOULEVARD PLUME SITE
MONTGOMERY, ALABAMA



ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

WATER DIVISION – WATER WELL STANDARDS PROGRAM

DIVISION 335-9

**1400 Coliseum Boulevard
Montgomery, Alabama 36110
(334) 271-7700**

CITE AS

ADEM Admin. Code R. 335-9-x-xx

REVISED EFFECTIVE: MAY 1988

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION – WATER WELL STANDARDS PROGRAM**

DIVISION 335-9

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**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION – WATER WELL STANDARDS PROGRAM**

**LICENSING AND CERTIFICATION OF WATER AND WATER WELL
CONSTRUCTION STANDARDS**

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335-9-1-.02	Definitions
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335-9-1-.04	Location Standards
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335-9-1-.06	Construction Standards

335-9-1-.01 Purpose. In order to protect the public health and general welfare of the people of the State of Alabama, the Alabama Department of Environmental Management hereby promulgates the following rules and regulations in order to ensure that a pure, sanitary and healthful water supply is provided to the people of the State of Alabama.

Statutory Authority: Code of Alabama 1975, §§ 22-22A-5, (1984) 22-22A-8, (1984) 22-24-3(d) (1984).

Effective: September 20, 1971.

335-9-1-.02 Definitions.

(a) "Board" means the Director of the Alabama Department of Environmental Management.

(b) "Director" means the Director of the Alabama Department of Environmental Management.

(c) "Drill" means to drill or redrill, bore, auger, dig or otherwise construct a water well.

(d) "Log" means a record of the type of materials or rock penetrated in the drilling of a water well.

(e) "Person" means any individual, organization, group, association, partnership, corporation, or any combination of them operating a business to drill water wells.

(f) "Sample" means cutting or other fragments or rock or soil materials removed from the well.

(g) "Well" means a hole drilled for the production of water.

(h) "Shall" means a mandatory requirement.

(i) "Capping a completed well" means the installing of a secure temporary cover sufficient to prevent contamination.

Statutory Authority: Code of Alabama 1975, §§ 22-22A-5 (1984), 22-22A-8 (1984), 22-24-3(d) (1984).

Effective: September 20, 1971.

335-9-1-.03 Rules.

(a) Application For A License To Drill A Water Well.

(1) Every person who proposes to drill a water well in the State of Alabama shall file, on or before September 30 of each year, an application for a water well driller's license, along with a payment of the annual fee of \$200.00.

(b) Filing Of Pertinent Data Relating To A Water Well.

(1) Every person desiring to drill a water well shall file with the Board, on a form furnished by the Board, a Notification of Intent to drill a well. This form shall be filed prior to the commencement of work.

(2) Every person who drills a well shall file a Certification of Completion on the form furnished by the Board within 30 days after completion of work. The board shall notify the local Health authorities within 7 days of the receipt thereof.

(3) When requested by the Geological Survey of Alabama, the driller shall collect samples in compliance with Code of Alabama 1975, §§ 22-24-8 (5) (84).

(c) Examinations.

(1) Any driller applying for a license shall furnish the Board acceptable proof that he has at least two years of water well construction experience and shall make a minimum score of 70 percent on a Board authorized examination prior to being licensed.

(2) Reciprocity to drillers from out of state will be considered on an individual basis.

Statutory Authority: Code of Alabama 1975, §§ 22-22A-5 (1984), 22-22A-8 (1984), 22-24-3(d) (1984).

Effective: September 20, 1971.

335-9-1-.04 Location Standards. Every well shall be located so that it is easily accessible, free from flooding from any known source of pollution. The location of the well shall comply with local regulations. The following table is recommended:

Projections or roofs of adjacent building	2 Feet
Secondary electrical services	10 Feet
Primary electrical services	75 Feet
Cess pool or sewage lagoon	150 Feet
Septic tank or field lines	100 Feet
Barnyard	150 Feet

Statutory Authority: Code of Alabama 1975, §§ 22-22A-5 (1984), 22-22A-8 (1984), 22-24-3(d) (1984).

Effective: September 20, 1971.

335-9-1-.05 Materials. All materials used in the construction of a water well shall have the structural strength to accomplish the purpose for which they are installed.

(a) Casing and liners shall be new steel of a minimum wall thickness of Schedule 30 or thermoplastic water well casing produced in accordance with ASTM Standard F 480-76, and approved for potable water by the Nation Sanitation Foundation (NSF). Nonporous concrete pipe shall be acceptable when grouted to a depth of 20 feet below land surface, and the grout shall be introduced at the bottom until it overflows at the top or by gravity flow. The grout shall consist of 50% cement and 50% aggregate. The upper 20 feet of the hole diameter shall be at least 4-inch larger than the O.D. of the concrete casing. All steel casing is to be welded, or threaded and coupled; thermoplastic casing shall be joined in accordance with ASTM Standard F 480-76.

(b) Screen, where required, shall provide adequate open area to transmit the desired amount of water from the formation and shall be sized to retain the sand or other extraneous material that would make the completed well undesirable. It shall be constructed of a material that will not be subjected to serious attack by the chemical action of the water in the formation in which it is placed. Thermoplastic screens shall be approved by NSF for potable water uses.

(c) When required, grout shall consist of a ratio of one sack of Portland cement to a maximum of six gallons of clean water.

(d) Capping of the well shall be such that no contamination can enter the well.

(e) Disinfection of every well shall be accomplished by adding a strong chlorine solution such as HTH, Prechlorine, or Chlorox, so as to subject the entire well to a 50 ppm solution for at least 12 hours. It is strongly recommended that all drilling fluids be chlorinated with at least 50 ppm chlorine.

Gallons <u>Water</u>	5.25 % <u>Chlorox</u>	10% Sodium <u>Hypochlorite</u>	30% Chlorine <u>Lime</u>	<u>70% HTH</u>
50	6.5 oz	3.5 oz	1 oz	0.5 oz
100	13 oz	7 oz	2 oz	1 oz
500	63.5 oz	33 oz	11 oz	5 oz
1,000	127 oz	67 oz	22 oz	10 oz

REMEMBER - There are 16 oz/lb and 32 fl oz/qt.

(f) No materials may be used in the construction of a well that will result in the delivery of water that is toxic or has an objectionable odor or taste.

(g) Any person desiring to use materials that are not approved herein shall submit the specifications for the materials to the Board for approval before they are used in any well.

Statutory Authority: Code of Alabama 1975, §§ 22-22A-5 (1984), 22-22A-8 (1984), 22-24-3 (d) (1984).

Effective Date: September 20, 1971.

335-9-1-.06 Construction Standards.

(a) Casing.

(1) In every well, the casing shall extend from 1 foot above ground level to a suitable impervious layer where it shall be properly sealed to prevent the entrance of seep water and other extraneous material. In no case shall the length of casing be less than 20 feet. Where an impervious layer is not encountered above the water-bearing zone, the seal shall be affected by sealing 50 feet of the annulus, the upper 20 feet of which must be grouted. All well with casing greater than 8 inches in I.D. (inside diameter) shall be grouted to a depth of 20 feet or more. Wells that are to be constructed with less than 20 feet of casing must be approved by the County Environmentalist.

(2) The minimum casing size in mud rotary wells shall be 4 1/2 inches O.D. If a person desires to drill a well with casing of a size smaller than herein specified, permission shall be obtained from the County Environmentalist prior to commencement of work, and when approved the County Environmentalist service a single-string completion well with cemented casing and chlorination. This type well shall not be pulled or re-screened except in Choctaw County, Act 81-185, and Sumter County, Act 81-186; it shall be sealed or plugged according to Rule .06 (g).

(3) Air rotary drilling equipment used in the developing of ground water shall be equipped with a pump for the injection of a minimum of 3 gallons per minute of water. This injection equipment shall be used during the course of drilling for water.

(4) Casing may be driven, lowered, or installed in any manner which will affect a continuous watertight installation. In those wells where there is an annulus, it shall be filled with puddled clay and/or cement grout in the manner prescribed in Rule .06 (a) (1).

(b) Screens. An adequate screen shall be provided where necessary and installed in such a manner that removal and replacement can be accomplished without affecting the watertight seal around the casing.

(c) Development. The well shall be developed to its maximum practical yield of the best quality of water at the site.

(d) Testing. The contractor shall make an adequate test for yield and report the results on the Well Completion Certificate.

(e) Capping. Every well shall be left with a secure cap which will not permit the well to become contaminated during construction.

(f) Special Cases. Any person desiring to construct a well in a manner not covered above, shall submit this information to the Board for approval before the work is started on the well.

(g) Abandonment. Any well to be abandoned shall be permanently sealed in the following manner: The well will be filled with a puddled clay material containing 50 ppm of chlorine to within 20 feet of the top of the well. The top 20 feet shall be filled with cement grout or concrete.

(h) Holes. Any holes remaining after construction or testing attempts shall be properly backfilled.

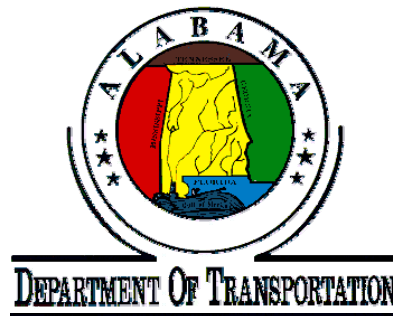
Statutory Authority: Code of Alabama 1975, §§ 22-22A-5 (1984), 22-22A-8 (1984), 22-24-3 (d) (1984).

Effective Date: September 20, 1971.

City of Montgomery Application For Permit to Drill Water Wells and Ordance

Institutional Control Program

COLISEUM BOULEVARD PLUME SITE
MONTGOMERY, ALABAMA



CITY OF MONTGOMERY
APPLICATION FOR PERMIT TO DRILL WATER WELLS
(An Original and Copy of this Application shall be submitted.)

City

Police Jurisdiction

House number _____ Street _____

Lot _____ Block _____ Plat _____

Property Owner _____ Address _____

Well Driller _____ Address _____

New Well _____ Repair old well _____

Size of Well _____ Depth _____

Estimate of well capacity _____ G.P.H.

Provide exact G.P.S. coordinates for well location on lot _____

Purpose for which well is to be used _____

Surplus of overflow is to be discharged _____

It is hereby agreed if this request is approved, that the well will be constructed in accordance with the Montgomery City Ordinance number 71-67 and 72-67

Construction shall begin within _____ days after this application is submitted and completed within reasonable time

This application hereby becomes legal and binding between the well driller and the well owner, with reference to regulations and requirements of Montgomery City Ordinances 71-67 and 72-67.

Driller _____ Signature _____ Owner _____ Signature _____ Date _____

This application is hereby Approved Disapproved By the Chief Plumbing Inspector, City of Montgomery

Signature _____ Date _____

This application is hereby Approved Disapproved By the Montgomery County Health Officer

Signature _____ Date _____

(It shall be unlawful for any person to make any false or misleading statement in this application)

DIVISION 2. PERMIT

Sec. 5-501. Required.

It shall be unlawful for any person to dig, construct or repair any well for the withdrawal of water in the city until a permit therefor has been obtained as provided in this article.

(Ord. No. 71-67, § 2; Code 1980, § 48-2)

Sec. 5-502. Application.

Any person desiring to dig, construct or repair any well for the withdrawal of water in the city shall, before commencing such work, make application for the permit required by section 5-501 to the chief plumbing inspector. The application shall be made in writing and subscribed and sworn to by the person owning the premises on which the well is located, or proposed to be located, and by the person having charge of the actual work of digging, constructing or repairing any such well. It shall be made on such form as may be prescribed and furnished by the chief plumbing inspector and shall contain complete and accurate information with respect to the size, depth, location, approximate capacity, ownership and use of such well and any other pertinent information, including a statement of the purpose for which the supply from such well is to be used and where the surplus or overflow water is to be discharged. It shall be unlawful for any person to make any false or misleading statement in any such application. Such permits shall be approved by the chief plumbing inspector and the county health officer.

(Ord. No. 71-67, § 3; Code 1980, § 48-3)

Sec. 5-503. To specify work to be done; failure to comply with terms.

Each permit issued under this article shall specify clearly the work which is authorized to be done, and it shall be unlawful for any person to dig, construct or repair any well for the withdrawal of water contrary to or not authorized by the terms of the permit issued for the work.

(Ord. No. 71-67, § 1; Code 1980, § 48-4)

Sec. 5-504. Fee; expiration.

A fee of \$50.00 shall be collected by the chief plumbing inspector for issuing each permit under the provisions of this article. All permits issued under this article will automatically expire unless work is completed within 90 days from the date of the permit.

(Ord. No. 71-67, § 5; Code 1980, § 48-5)

Sec. 5-505. Maximum depth allowable.

No permit shall be issued to dig, construct, enlarge or extend any well for the withdrawal of water other than under the following criteria:

- (1) Wells with 100 gallons per minute or less capacity are acceptable in all areas with depth unlimited.

(2) Wells with 100 gallons per minute or greater capacity must be individually approved as to size and location.

In computing the depth of any well, such depth shall be measured from the ground line adjoining such well.

(Ord. No. 71-67, § 6; Code 1980, § 48-6)

Secs. 5-506--5-540. Reserved.

ARTICLE VII. BACKFLOW PREVENTION

Sec. 5-441. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agency means the department of the municipal government invested with the authority and responsibility for the enactment and enforcement of this article.

Air gap means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle.

Approved means accepted by the agency as meeting an applicable specification stated or cited in this article, or as suitable for the proposed use.

Auxiliary supply means any water source or system other than the city water supply which may be available in the building or premises.

Backflow means the flow of water or other liquids, mixtures or substances into the distributing pipes of a potable supply of water from any source other than its intended source. Backsiphonage is one type of backflow.

Backflow preventer means a device or means to prevent backflow.

Backsiphonage means the flowing back of used, contaminated or polluted water from a plumbing fixture or vessel or other sources into a water supply pipe due to a negative pressure in such pipe.

Barometric loop means a loop of pipe rising approximately 35 feet, at its topmost point, above the highest fixture it supplies.

Check valve means an automatically operated device which is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.

Contamination. See *Pollution.*

Cross connection means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other water of unknown or questionable safety, steam, gases or chemicals whereby there may be a flow from one system to the other. See *Backflow* and *Backsiphonage.*

Drain means any pipe which carries wastewater or waterborne wastes in a building drainage system.

Fixture, plumbing, means installed receptacles, devices or appliances supplied with water or which receive or discharge liquids or liquid borne wastes.

Flood level rim means the edge of the receptacle from which water overflows.

Hazard, health, means any conditions, devices or practices in the water supply system and its operation which create or, in the judgment of the chief plumbing inspector, may create a danger to the health and well-being of the water consumer. An example of a health hazard is a structural defect in the water supply system, whether of location, design or construction, which may regularly or occasionally prevent satisfactory purification of the water supply or cause it to be polluted from extraneous sources.

Hazard, plumbing, means any arrangement of plumbing including piping and fixtures whereby a cross connection is created.

Hydropneumatic tank means a pressure vessel in which air pressure acts upon the surface of the water contained within the vessel, pressurizing the water distribution piping connected to the vessel.

Inlet means the open end of the water supply pipe through which the water is discharged into the plumbing fixture.

Plumbing system means the water supply and distribution pipes, plumbing fixtures and traps; soil, waste and vent pipes; building drains and building sewers, including their respective connections, devices and appurtenances within the property lines of the premises, and water treating or water using equipment.

Pollution means the presence of any foreign substance (organic, inorganic, radiological or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

Reduced pressure principle backflow preventer means an assembly of differential valves and check valves, including an automatically opened spillage port to the atmosphere designed to prevent backflow.

Surge tank means the receiving, nonpressure vessel forming part of the air gap separation between a potable and an auxiliary supply.

Vacuum means any pressure less than that exerted by the atmosphere.

Vacuum breaker, nonpressure type, means a vacuum breaker which is designed so as not to be subjected to static line pressure.

Vacuum breaker, pressure type, means a vacuum breaker designed to operate under conditions of static line pressure.

Water, nonpotable, means water which is not safe for human consumption or which is of questionable potability.

Water, potable, means any water which, according to recognized standards, is safe for human consumption.

(Ord. No. 72-67, § 2; Code 1980, § 46-2)

Cross references: Definitions generally, § 1-2.

Sec. 5-442. Authority to inspect and right of entry of plumbing inspector.

(a) The chief plumbing inspector or designated agent shall inspect the plumbing in every building or premises in the city as frequently as in his judgment may be necessary to ensure that such plumbing has been installed in such a manner as to prevent the possibility of pollution of the water supply of the city by the plumbing. The chief plumbing inspector shall notify or cause to be notified in writing the owner or authorized agent of the owner of any such building or premises, to correct, within a reasonable time set by the chief plumbing inspector, any plumbing installed or existing contrary to or in violation of this article, and which in his judgment may therefore permit the pollution of the city water supply or otherwise adversely affect the public health.

(b) The chief plumbing inspector or designated agent shall have the right of entry into any building, during reasonable hours, for the purpose of making inspection of the plumbing systems installed in such building or premises; provided, however, that with respect to the inspection of any single-family dwelling, consent to such inspection shall first be obtained from a person of suitable age and discretion therein or in control thereof.

(Ord. No. 72-67, § 1; Code 1980, § 46-1)

Sec. 5-443. Technical requirements generally.

A potable water supply system shall be designed, installed and maintained in such manner as to prevent contamination from nonpotable liquids, solids or gases, from being introduced into the potable water supply through cross connections or any other piping connections to the system.

(Ord. No. 72-67, § 3; Code 1980, § 46-3)

Sec. 5-444. Cross connections.

Cross connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable safety are prohibited except when and where, as approved by the authority having jurisdiction, suitable protective devices such as the reduced pressure zone backflow preventer or equal are installed, tested and maintained to ensure proper operation of a continuing basis.

(Ord. No. 72-67, § 3; Code 1980, § 46-4)

Sec. 5-445. Interconnections.

Interconnection between two or more public water supplies shall be permitted only with the approval of the health authority having jurisdiction.

(Ord. No. 72-67, § 3; Code 1980, § 46-5)

Sec. 5-446. Individual water supplies.

Cross connections between an individual water supply and a potable public supply shall not be made unless specifically approved by the health authority having jurisdiction.

(Ord. No. 72-67, § 3; Code 1980, § 46-6)

Sec. 5-447. Connections to boilers.

Potable water connections to boiler feed water systems in which boiler water conditioning chemicals are introduced shall be made through an air gap or provided with an approved backflow preventer (reduced pressure principle or double-check double-gate valves) located in the potable waterline before the point where such chemicals are introduced.

(Ord. No. 72-67, § 3; Code 1980, § 46-7)

Sec. 5-448. Prohibited connections to fixtures and equipment.

Connection to the potable water supply system for the following is prohibited, unless protected against backflow in accordance with section 5-450 et seq., or as set out in this section:

- (1) Bidets.
- (2) Operating, dissection, embalming and mortuary tables or similar equipment; in such installation the hose used for water supply shall terminate at least 12 inches away from

every point of the table or attachments.

- (3) Pumps for nonpotable water, chemicals or other substances; priming connections may be made only through an air gap.
- (4) Building drainage, sewer or vent systems.
- (5) Any other fixture of similar hazard.

(Ord. No. 72-67, § 3; Code 1980, § 46-8)

Sec. 5-449. Refrigerating unit condensers and cooling jackets.

Except where potable water provided for a refrigerator condenser or cooling jacket is entirely outside the piping or tank containing a toxic refrigerant, with two separate thicknesses of metal separating the refrigerant from the potable water supply, inlet connection shall be provided with an approved check valve. Also, adjacent to and at the outlet side of the check valve, an approved pressure relief valve set to relieve at five psi above the maximum water pressure at the point of installation shall be provided if the refrigeration units contain more than 20 pounds of refrigerants.

(Ord. No. 72-67, § 3; Code 1980, § 46-9)

Sec. 5-450. Protection against backflow and backsiphonage.

(a) *Water outlets.* A potable water system shall be protected against backflow and backsiphonage by providing and maintaining at each outlet:

- (1) *Air gap.* An air gap as specified in subsection (b) of this section between the potable water outlet and the flood level rim of the fixture it supplies or between the outlet and any other source of contamination; or
- (2) *Backflow preventer.* An approved backflow preventer device or vacuum breaker to prevent the drawing of contamination into the potable water system.

(b) *Minimum required air gap.*

- (1) *How measured.* The minimum required air gap shall be measured vertically from the lowest end of a potable water outlet to the flood rim or line of the fixture or receptacle into which it discharges.
- (2) *Size.* The minimum required air gap shall be twice the effective opening of a potable water outlet unless the outlet is a distance less than three times the effective opening away from a wall or similar vertical surface, in which cases the minimum required air gap shall be three times the effective opening of the outlet. In no case shall the minimum required air gap be less than shown in the table which follows, "Minimum Air Gaps for Generally Used Plumbing Fixtures":

Minimum Air Gaps for Generally Used Plumbing Fixtures

TABLE INSET:

Fixture	Minimum Air Gap	
	When not affected by near wall 1 (inches)	When affected by near wall 2 (inches)

Lavatories and other fixtures with effective openings not greater than one-half-inch diameter	1.0	1.5
Sink, laundry trays, goose-neck bath faucets and other fixtures with effective openings not greater than three-fourths-inch diameter	1.5	2.25
Over rim bath fillers and other fixtures with effective openings not greater than one-inch diameter	2.0	3.0
Drinking water fountains--single orifice 7/16 (0.437) - inch diameter or multiple orifices having a total area of 0.15 square inch (area of circle 7/16-inch diameter)	1.0	1.5
Effective openings greater than 1 inch	2 times diameter of effective opening	3 times diameter effective opening

1 Side walls, ribs, or similar obstructions do not affect air gaps when spaced from inside edge of spout opening a distance greater than three times the diameter of the effective opening for a single wall, or a distance greater than four times the diameter of the effective opening for two intersecting walls.

2 Vertical walls, ribs, or similar obstructions extending from the water surface to or above the horizontal plane of the spout opening require a greater air gap when spaced closer to the nearest inside edge of spout opening than specified in note 1 above. The effect of three or more such vertical walls or ribs has not been determined. In such cases, the air gap shall be measured from the top of the wall.

(c) *Approval of devices.* Before any device for the prevention of backflow or backsiphonage is installed, it shall have first been certified by a recognized testing laboratory acceptable to the chief plumbing inspector. Devices installed in a building potable water supply distribution system for protection against backflow shall be maintained in good working condition by the person responsible for the maintenance of the system. The chief plumbing inspector or his designee shall inspect routinely such devices and, if found to be defective or inoperative, shall require the replacement thereof.

(d) *Installation of devices.*

(1) *Vacuum breakers.* Vacuum breakers shall be installed with the critical level at least six inches above the flood level rim of the fixture they serve and on the discharge side of the last control valve to the fixture. No shutoff valve or faucet shall be installed beyond the vacuum breaker. For closed equipment or vessels such as pressure sterilizers the top of the vessel shall be treated as the flood level rim, but a check valve shall be installed on the discharge side of the vacuum breaker.

(2) *Reduced pressure principle backflow preventer.* A reduced pressure principle type backflow preventer may be installed subject to full static pressure.

(3) *Devices of all types.* Backflow and backsiphonage preventing devices shall be accessibly located preferably in the same room with the fixture they serve. Installation in utility or service spaces, provided they are readily accessible, is also permitted.

(e) *Tanks and vats below rim supply.*

(1) Where a potable water outlet terminated below the rim of a tank or vat and the tank or vat has an overflow of diameter not less than given in the following table entitled, "Sizes of Overflow Pipes for Water Supply Tanks," the overflow pipe shall be provided with an air gap as close to the tank as possible.

Sizes of Overflow Pipes for Water Supply Tanks

TABLE INSET:

Maximum capacity of water supply line to tank	Diameter of overflow pipe (inches ID)
0--50 gpm	2
50--150 gpm	2 1/2
100--200 gpm	3
200--400 gpm	4
400--700 gpm	5
700--1,000 gpm	6
Over 1,000 gpm	8

(2) The potable water outlet to the tank or vat shall terminate at a distance not less than 1.5 times the height to which water can rise in the tank above the top of the overflow. This level shall be established at the maximum flow rate of the supply to the tank or vat and with all outlets except the air gap, overflow outlet closed.

(3) The distance from the outlet to the high water level shall be measured from the critical point of the potable water supply outlet.

(f) *Protective devices required.* Approved devices to protect against backflow and backsiphonage shall be installed at all fixtures and equipment where backflow or backsiphonage may occur and where a minimum air gap cannot be provided between the water outlet to the fixture or equipment and its flood level rim.

(1) *Connections not subject to back pressure.* Where a water connection is not subject to back pressure, a nonpressure type vacuum breaker shall be installed on the discharge side of the last valve on the line serving the fixture or equipment. A list of some conditions requiring protective devices of this kind is given in the following table entitled, "Cross Connections Where Protective Devices Are Required and Critical Level (C-L) Settings for Backflow Preventers":

Cross Connections Where Protective Devices Are Required and Critical Level (C-L) Settings for Backflow Preventers

TABLE INSET:

Fixture or Equipment	Method of Installation
Aspirators and ejectors	C-L at least 6 inches above flood level or receptacle served.
Dental units	On models without built-in vacuum breakers--C-L at least 6 inches above flood level rim of bowl.
Dishwashing machines	C-L at least 6 inches above flood level of machine. Install on both hot and cold water supply lines.
Flushometers (closet and urinal)	C-L at least 6 inches above top of fixture supplies.
Garbage can cleaning machine	C-L at least 6 inches above flood level of machine. Install on both hot and cold water supply lines.

Hose outlets	C-L at least 6 inches above highest point on hose line.
Laundry machines	C-L at least 6 inches above flood level of machine. Install on both hot and cold water supply lines.
Lawn sprinklers	C-L at least 12 inches above highest sprinkler or discharge outlet.
Steam tables	C-L at least 6 inches above flood level.
Tank and vats	C-L at least 6 inches above flood level in rim or line.
Trough urinals	C-L at least 30 inches above perforated flush pipe.
Flush tanks	Equip with approved ball cock. Where ball cocks touch tank water equip with vacuum breaker at least 1 inch above overflow outlets. Where ball cock does not touch tank water install ball cock outlet at least 1 inch above overflow outlet or provide vacuum breaker as specified above.
Hose bibbs (where aspirators or ejectors could be connected)	C-L at least 6 inches above flood level of receptacle served.

(2) *Connections subject to back pressure.* Where a potable water connection is made to a line, fixture, tank, vat, pump or other equipment with a hazard of backflow or backsiphonage where the water connection is subject to back pressure, and an air gap cannot be installed, the chief plumbing inspector may require the use of an approved reduced pressure principle backflow preventer. A partial list of such connection is shown in the following table entitled, "Partial List of Cross Connections Which May be Subject to Back Pressure":

Partial List of Cross Connections Which
May Be Subject to Back Pressure

Chemical lines
 Dock water outlets
 Individual water supplies
 Industrial process water lines
 Pressure tanks
 Pumps
 Steam lines
 Swimming pools
 Tanks and vats--Bottom inlets
 Hose bibbs

Critical level (C-L) is defined as the level to which the backflow preventer (vacuum breaker) may be submerged before backflow will occur. Where the C-L is not shown on the preventer, the bottom of the device shall be taken as the C-L.

(g) *Barometric loops.* Water connections where an actual or potential backsiphonage hazard exists in lieu of devices specified in subsection (f) of this section be provided with a barometric loop. Barometric loops shall precede the point of connection.

(h) *Double check-double gate valves.* The chief plumbing inspector may authorize installation of approved, double check-double gate valve assemblies with test cocks as protective devices

against backflow in connections between a potable water system and other fluid systems which present no significant health hazard in the judgment of the chief plumbing inspector.

(i) *Low pressure cutoff required on booster pumps.* When a booster pump is used on a water pressure booster system and the possibility exists that a positive pressure of ten psi or less may occur on the suction side of the pump, there shall be installed a low pressure cutoff on the booster pump to prevent the creation of a vacuum or negative pressure on the suction side of the pump, thus cutting off water to other outlets.

(Ord. No. 72-67, § 3; Code 1980, §§ 46-10--46-18)

Sec. 5-451. Maintenance requirements.

(a) *Generally.* It shall be the responsibility of building and premises owners to maintain all backflow preventers and vacuum breakers within the building or on the premises in good working order and to make no piping or other arrangements for the purpose of bypassing backflow devices.

(b) *Reduced pressure preventers.* Periodic testing and inspection schedules shall be established by the chief plumbing inspector for all reduced pressure type preventers, and the interval between such testing and inspections and overhauls of each device shall be established in accordance with the age and condition of the device. Inspection intervals should not exceed one year, and overhaul intervals should not exceed five years. These devices should be inspected frequently after the initial installation to ensure that they have been installed properly and that debris resulting from the installation has not interfered with the functioning of the device. The testing procedures shall be in accordance with the manufacturer's instructions when approved by the chief plumbing inspector.

(Ord. No. 72-67, § 4; Code 1980, §§ 46-19, 46-20)

Sec. 5-452. Violations of article.

(a) *Notice; correction; termination of water service.* The chief plumbing inspector shall notify the owner, or authorized agent of the owner, of the building or premises in which there is found a violation of this article of such violation. The chief plumbing inspector shall set a reasonable time for the owner to have the violation removed or corrected. Upon failure of the owner to have the defect corrected by the end of the specified time interval, the chief plumbing inspector may, if in his judgment an imminent health hazard exists, cause the water service to the building or premises to be terminated, or recommend such additional fines or penalties to be invoked as hereby may be provided.

(b) *Penalty.* The owner or authorized agent of the owner responsible for the maintenance of the plumbing systems in the building who knowingly permits a violation to remain uncorrected after the expiration of time set by the chief plumbing inspector shall, upon conviction by the court, be punished as provided for in section 1-6 of this Code. Each day of failure to comply with the requirements of this article after the specified time provided under subsection (a) of this section shall constitute a separate violation.

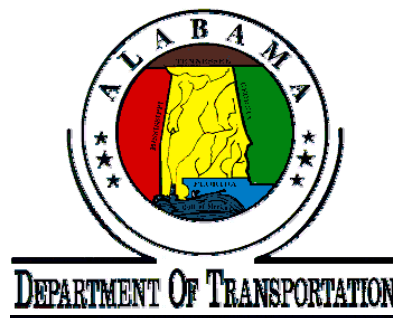
(Ord. No. 72-67, § 5; Ord. No. 135-77, § 1; Code 1980, §§ 46-21, 46-22)

Secs. 5-453--5-480 Reserved.

Code of Alabama 1975 Drilling Requirements and Notification of Intent to Drill A Water Well and Certification of Completion

Institutional Control Program

COLISEUM BOULEVARD PLUME SITE
MONTGOMERY, ALABAMA



Code of Alabama 1975

Section 22-24-8

Drilling requirements.

It shall be unlawful and a violation of this chapter to drill a water well within the State of Alabama unless the following provisions are complied with:

- (1) The driller of the water well shall be licensed as provided in Section 22-24-5.
- (2) The driller shall, at all times during the drilling of a water well, keep posted in a conspicuous location, at or near the well being drilled or on his person, the appropriate license certificate as furnished by the board.
- (3) Before the commencement of the drilling operation, the driller shall file an application of intent to drill a water well, as directed by the board.
- (4) The driller of the well, within 30 days after completion of the drilling of each water well, shall deliver to the board, upon forms to be supplied by the board, a "report of well drilled." The board shall notify the local health authorities within seven days of the receipt thereof.
- (5) The driller shall furnish a log and a set of samples to the State Geological Survey from wells specifically designated by the board or state geologist. The samples shall be collected during the drilling at intervals of not more than 10 feet.

(Acts 1971, No. 1516, p. 2630, §5; Acts 1980, No. 80-138, p. 206, §4.)

NOTIFICATION OF INTENT TO DRILL A WATER WELL AND CERTIFICATION OF COMPLETION

DRILLING CONTRACTOR _____ License Number _____ Address _____ Zip Code _____ Date _____

PROPERTY OWNER _____ Address (mailing) _____ Zip Code _____

WELL LOCATION _____ County _____ Township _____ Range _____ Section _____ 1/4 Section _____

Distance and direction from nearest town, community, road junction or other reference point

WELL TO BE USED FOR: Private supply Public supply Industrial supply Test well Monitoring well
 Irrigation Other: _____

LOCATION OF WELL: Latitude _____ Longitude _____ Diameter of well _____ Estimated depth _____

Estimated starting date _____ Drilling Method: Cable tool Rotary Jetted Bored Other: _____

SIGNATURE of Drilling Contractor _____

Total Depth _____

Completion Date _____

Interval	Description of cuttings		Completion date: report depths below ground level				
		Pump	Type: <input type="checkbox"/> Turb. <input type="checkbox"/> Subm. <input type="checkbox"/> Jet <input type="checkbox"/> Cyl <input type="checkbox"/> Other _____				
			Intake depth	water	H.P.	Yield	gpm
		Capacity	Tested by: <input type="checkbox"/> pumping <input type="checkbox"/> air lift <input type="checkbox"/> bailer <input type="checkbox"/> none				
			Measured Static Water Level _____ ft.				
			Measured pumping level _____ ft. after _____ hrs. pumping _____ gpm				
			Development time prior to testing _____ hrs.				
		Finish	<input type="checkbox"/> Open hole <input type="checkbox"/> Screened <input type="checkbox"/> Slotted pipe <input type="checkbox"/> Gravel pk.				
			Interval(s) screened: _____ to _____ ft.				
			_____ to _____ ; _____ to _____ ft.				
			Packer(s) set at _____ and _____ ft.				
			Screen: diam. _____ ; Size openings _____				
		Casing	Interval cased	Diam. (Inches)	*Type pipe	*Type couplings	Interval grouted
			*Couplings: Threaded & Coupled (T&C) Welded (W) Threaded & coupled & welded (TC&W)				
			Other: _____				
			*Pipe: Black; PCV; Galv.; Other: _____				
		Quality	Water analysis obtained? (check) <input type="checkbox"/> No <input type="checkbox"/> Bacteriological <input type="checkbox"/> Chemical				
			Analysis by: <input type="checkbox"/> Ala Geol. Surv. <input type="checkbox"/> U.S. Geol. Surv. <input type="checkbox"/> Ala Health Dept. <input type="checkbox"/> Private lab.				
			Signed Certification: _____				

*For deeper well please attach continuation sheet.
 Send WHITE copy to:
 ALABAMA GEOLOGICAL SURVEY
 P.O. BOX 869999
 TUSCALOOSA, AL 35486

Send YELLOW and PINK copies to:
 ADEM DRINKING WATER BRANCH
 P.O. BOX 301463
 MONTGOMERY, AL 36130-1463

Retain GOLD copy for your Records

NOTIFICATION OF INTENT TO DRILL A WATER WELL

DRILLING CONTRACTOR	License Number	Address	Zip Code	Date	
PROPERTY OWNER	Address (mailing)			Zip Code	
WELL LOCATION	County	Township	Range	Section	1/4 Section
Distance and direction from nearest town, community, road junction or other reference point					
WELL TO BE USED FOR:	<input type="checkbox"/> Private supply	<input type="checkbox"/> Public supply	<input type="checkbox"/> Industrial supply	<input type="checkbox"/> Test well	<input type="checkbox"/> Monitoring well
	<input type="checkbox"/> Irrigation	Other: _____			
LOCATION OF WELL:	Latitude _____	Longitude _____	Diameter of well _____	Estimated depth _____	
Estimated starting date _____	Drilling Method: <input type="checkbox"/> Cable tool <input type="checkbox"/> Rotary <input type="checkbox"/> Jetted <input type="checkbox"/> Bored <input type="checkbox"/> Other: _____		SIGNATURE of Drilling Contractor _____		

Prior to drilling, mail this page to:

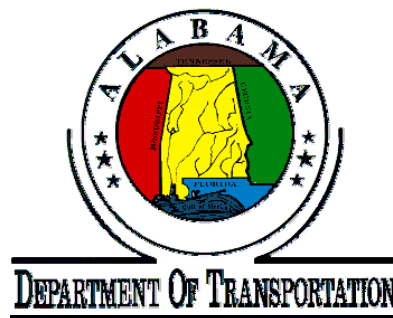
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
 DRINKING WATER BRANCH
 PO BOX 301463
 MONTGOMERY AL 36130-1463

APPENDIX A.5

Alabama Department of Environmental Management
Land Division - Uniform Environmental Covenants Program
Division 335-5

Institutional Control Program

COLISEUM BOULEVARD PLUME SITE
MONTGOMERY, ALABAMA



**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION - UNIFORM ENVIRONMENTAL COVENANTS PROGRAM
DIVISION 335-5**

**1400 Coliseum Blvd.
Montgomery, Alabama 36110**

CITE AS

ADEM Admin. Code r. 335-5-x-xx

REVISED EFFECTIVE: MARCH 26, 2013

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION - UNIFORM ENVIRONMENTAL COVENANTS PROGRAM**

DIVISION 335-5

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**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
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**CHAPTER 335-5-1
GENERAL**

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335-5-1-.07	Process for Entering a Covenant

335-5-1-.01 Purpose. These regulations are promulgated to establish minimum requirements governing environmental covenants pursuant to the Alabama Uniform Environmental Covenants Act, Code of Alabama 1975, §§35-19-1 to 35-19-14.

Authors: James L. Bryant; Lawrence A. Norris.

Statutory Authority: Code of Alabama 1975, §§35-19-1; 35-19-13.

History: May 26, 2009.

335-5-1-.02 Applicability.

(1) These regulations apply to a property or site undergoing a response action that does not return the property to unrestricted use.

(a) An environmental covenant is required for a site if the approved environmental response project plan places a land use control on the site because it is not being remediated to unrestricted use, unless exempt in 335-5-1-.02(3).

(b) The Department, when considering the environmental response project plan for a site, may require the owner or operator or other responsible person to enter into an environmental covenant with the owner of the off-site parcels or properties to ensure that the remedy approved in the plan is protective of human health and the environment.

(c) An owner or operator or other responsible person whose environmental response project plan includes other off-site parcels or properties may voluntarily include the off-site parcels or properties in an environmental covenant.

(d) Failure to enter into an environmental covenant with an off-site property owner, for any reason, does not release or absolve the site owner or operator or other responsible person from any obligation to perform required remediation activities addressing on-site or off-site contamination, including land use controls. Lack of an environmental covenant may require the owner or operator or other responsible person to perform additional activities in the approved environmental response project plan to ensure effectiveness of the response action and the protection of human health and the environment for current and future uses of the on-site and/or off-site property.

(2) These regulations apply to environmental covenants arising from environmental response projects conducted under any of the following ADEM programs:

- (a) Scrap tire remediation sites subject to 335-4.
- (b) Soil and groundwater remediation sites subject to 335-6-8, 335-6-15 and 335-6-16.
- (c) Solid waste disposal sites subject to 335-13.
- (d) Hazardous waste disposal sites subject to 335-14.
- (e) Voluntary cleanup program sites subject to 335-15.
- (f) Dry cleaner remediation sites subject to 335-16.
- (g) Sites subject to the Alabama Hazardous Substance Cleanup Fund Act, Code of Alabama 1975, §§22-30A-1 to 22-30A-11, and
- (h) Sites being remediated by potentially responsible parties or the United States Environmental Protection Agency which are subject to the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §9601 et seq).

(3) For properties or sites owned by the federal government which are legally unable to execute an environmental covenant during the period of federal ownership, the following requirements shall apply:

- (a) During the period of federal ownership.
 - (1) In lieu of an environmental covenant, a Notice of Environmental Use Restriction for properties or sites owned by the federal government shall be prepared and submitted to ADEM for approval that gives notice of the current and future use of the federal property. The Notice shall:
 - (i) Contain a provision that an environmental covenant shall be executed with ADEM and appropriately filed at such time the property is transferred to a non-federal owner.

(ii) Contain a provision that the Notice does not convey a property interest.

(iii) Contain a provision that, if the property is transferred to another federal agency, the environmental use restrictions shall remain in effect and be binding upon the recipient federal agency.

(iv) Be incorporated into the installation master plan or facility property management plan and shall be recorded into the land records of the property in compliance with 335-5-3-.02.

(v) Contain a provision that all cleanup plans, decision documents, permits and other instruments relying upon or referencing the Notice shall include appropriate conditions requiring that the Notice remain in place for the duration of federal ownership, and that a covenant shall be executed and filed at such time as the property is transferred to an owner that is not the federal government, and conditioning the continued approval of any selected remedies relying upon or referencing the Notice or covenant upon the timely execution and filing of a covenant at the time the property is transferred to an owner that is not the federal government.

(vi) Contain a provision that all other regulations applying to an environmental covenant shall apply to the Notice.

(b) At the time of transfer of property subject to 335-5-1-.02(3)(a) to non-federal ownership, an environmental covenant pursuant to this Division shall be executed.

(4) These regulations apply to interests in real property which are in existence at the time an environmental covenant is created or amended.

(a) An interest that has priority under other law is not affected by an environmental covenant unless the person owning the interest subordinates that interest to the covenant.

(b) A person owning a prior interest is not required to subordinate that interest to an environmental covenant or to agree to be bound by the covenant.

(c) A subordination agreement may be contained in an environmental covenant covering real property or in a separate record. If the environmental covenant covers commonly owned property in a common interest community, the subordination agreement may be signed by any person authorized by the governing board of the owners' association.

(d) An agreement by a person to subordinate a prior interest to an environmental covenant affects the priority of that person's interest but does not automatically impose any affirmative obligation on the person with respect to the environmental covenant.

Authors: James L. Bryant; Lawrence A. Norris.

Statutory Authority: Code of Alabama 1975, §35-19-13.

History: May 26, 2009; March 26, 2013.

335-5-1-.03 Definitions. For the purpose of this Division, the following words and phrases, unless the context of 335-5 plainly indicates otherwise, shall have the following meanings:

(a) Activity and Use Limitations - Restrictions or obligations created under this Act with respect to real property.

(b) ADEM or Department - The Alabama Department of Environmental Management.

(c) Alabama Uniform Environmental Covenants Act or "Act" - Code of Alabama 1975, §§ 35-19-1 to 35-19-14.

(d) Common Interest Community - A condominium, cooperative, or other real property with respect to which a person, by virtue of the person's ownership of a parcel of real property, is obligated to pay property taxes or insurance premiums, or for maintenance, or improvement of other real property described in a recorded covenant that creates the common interest community.

(e) Director - The Director of the Alabama Department of Environmental Management or his or her designated representative.

(f) Environmental Covenant - A servitude arising under an environmental response project that imposes activity and use limitations.

(g) Environmental Response Project - A plan or work performed for environmental remediation of real property and conducted under a federal or state program governing environmental remediation of real property.

(h) Holder - The grantee of an environmental covenant that meets the requirements of 335-5-2-.01.

(i) Land Use Controls - Any restriction or control that serves to protect human health and the environment by limiting the use of or exposure to any portion of a property or site, including water resources. These controls include, but are not limited to:

1. Engineering controls for remedial actions directed toward containing or controlling the migration of contaminants through the environment. These include, but are not limited to, stormwater conveyance systems, slurry walls, liner systems, caps, leachate collection systems, pump-and-treat systems, and groundwater recovery systems. Engineering controls are classified as:

(i) Class 1, which include multi-layer caps or liner systems, soil vapor extraction systems, groundwater pump-and-treat systems, leachate and groundwater recovery systems, stormwater conveyance systems, slurry walls and active ventilation of closed spaces.

(ii) Class 2, which include clay or soil caps or liner systems, sub-structural vapor barriers, and passive ventilation of closed spaces.

(iii) Class 3, which include asphalt caps and fencing systems.

(iv) For other engineering controls not listed, ADEM shall determine the classification of the engineering control upon the request of an owner or operator or other responsible person.

2. Institutional controls that are legal or contractual restrictions on property use which remain effective after remediation is completed and are used to meet an approved environmental response project plan or proposal. These include, but are not limited to, deed notations, deed restrictions, groundwater use restrictions, restrictive covenants, conservation easements, and limited development rights. Institutional controls are classified as:

(i) Class 1, which includes any water use restriction.

(ii) Class 2, which include restrictive covenants for industrial or commercial use only or no schools or daycares, and imposition of conservation easements or limited developmental rights.

(iii) Class 3, which include restrictive covenants for no excavations, for use as greenspace only, and no hunting or fishing.

(iv) For other institutional controls not listed, ADEM shall determine the classification of the institutional control upon the request of an owner or operator or other responsible person.

(j) Owner or Operator - Includes the following:

1. In the case of a property or site, any person owning or operating that property or site.

2. Any person who owned, operated, or otherwise controlled activities at a property or site immediately prior to conveyance of title of that property or site to a unit of state or local government or loss of control of that property or site due to bankruptcy, foreclosure, tax delinquency, or abandonment.

3. The definition does not include the following:

(i) A person acting solely in a fiduciary capacity who can show evidence of ownership and who did not actively participate in the management, disposal, or release of hazardous wastes, hazardous constituents, hazardous substances or petroleum product from the property or site.

(ii) A unit of a state or local government which acquired ownership or control involuntarily through bankruptcy, tax delinquency, abandonment, or any other circumstance where the government involuntarily acquires title by virtue of its function as sovereign. This exclusion shall not apply to any state or local government that has caused or contributed to the release of hazardous wastes, hazardous constituents, or hazardous substances from the property or site.

(k) Person - An individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(l) Property or Site - A parcel of land defined by boundaries of a legal description where a hazardous waste, hazardous constituent, hazardous substance or petroleum product has been or is suspected to have been deposited, discharged, stored, disposed of, placed, or otherwise come to be located.

(m) Record - Information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(n) Response Action - Action taken in the event of a release or threatened release of a hazardous waste, hazardous substance, petroleum product, or other pollutant into the environment to remove or to prevent or minimize the threat to public health or the environment.

(o) Responsible Person - Any person who has contributed or is contributing to a release of any hazardous waste, hazardous constituent or hazardous substance at a property. This term includes any person who has contributed or is contributing to a release of petroleum and petroleum-based substances comprised of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading, and finishing, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils. This term includes persons described in §§107(a)(1) through 107(a)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 USC Section 9601, et seq. (CERCLA). This term excludes persons described in §107(b) of CERCLA.

(p) Restricted Use - Any use of a property or site other than unrestricted use.

(q) State - The State of Alabama.

(r) Unrestricted Use - The designation of acceptable future use at a property or site where the remediation levels, based on either background or standard exposure factors, shall have been attained in all media to allow the property or site to be used for any purpose.

Authors: James L. Bryant; Lawrence A. Norris.

Statutory Authority: Code of Alabama, 1975, §§35-19-2; 35-19-13.

History: May 26, 2009; March 26, 2013.

335-5-1-.04 Holder.

(1) Any person may be a holder. An environmental covenant may identify more than one holder. The holder's interest is an interest in real property.

(2) A right of the Department under the Act or under an environmental covenant, other than a right as a holder, is not an interest in real property.

(3) The Department is bound by any obligation it assumes in an environmental covenant, but does not assume obligations merely by signing an environmental covenant.

(4) Any other person who signs an environmental covenant is bound by the obligations the person assumes in the covenant; however, signing the covenant does not change the person's obligations, rights, or protections granted to or imposed upon that person under other law, except as provided in the covenant.

Authors: James L. Bryant; Lawrence A. Norris.

Statutory Authority: Code of Alabama 1975, §§35-19-3; 35-19-13.

History: May 26, 2009.

335-5-1-.05 Registry of Environmental Covenants.

(1) The Department shall establish and maintain a registry that contains all environmental covenants and any amendment or termination of those covenants executed pursuant to 335-5.

(2) In addition to the requirements of 335-5-1-.05(1), the registry may contain any other information concerning environmental covenants and the real property subject to them which the Department considers appropriate.

(3) The full text of the covenant, amendment, or termination and any other information required by ADEM shall be submitted to ADEM within thirty (30) days of its recording in the land records of the county where the property is located for inclusion in the ADEM Registry of Environmental Covenants. The person submitting the covenant may be the owner, operator, other responsible person, grantor or any holder of the covenant.

Authors: James L. Bryant; Lawrence A. Norris.

Statutory Authority: Code of Alabama 1975, §§35-19-12; 35-19-13.

History: May 26, 2009; March 26, 2013.

335-5-1-.06 Fees. The Department may assess fees to implement the provisions of the Act.

(a) A Processing and Review Fee shall be required to cover the cost of processing the covenant application and for reviewing the draft and final covenants. For sites utilizing both institutional controls and engineering controls, the processing and review fees shall be the greater of the applicable fees.

(b) A Registry Recording Fee shall be required to cover cost of establishing and maintaining the ADEM Registry of Environmental Covenants, for entering the site in this Registry, and for performing routine inspections at the site for a period of thirty (30) years to determine compliance with the covenant restrictions. For sites with more than one classification of institutional or engineering control, the Registry Recording Fee shall be the greater of the applicable fees.

(c) An owner or operator or other responsible person desiring to enter an environmental covenant shall submit a draft environmental covenant and all required fees.

(d) Fees required pursuant to this section are included in 335-1-6-.04, Schedule J.

(e) Exemptions. The following sites are exempt from paying fees in 335-1-6-.04, Fee Schedule J and in 335-5-1-.06, as specified below. These sites will be entered in the ADEM Registry of Environmental Covenants.

(1.) A site that is enrolled in the ADEM Voluntary Cleanup Program pursuant to 335-15 is exempt from paying processing and review fees in Fee Schedule J.

(2.) A site regulated under the programs listed in 335-5-1-.02(2) that has a provision for a post-closure permit which is renewable by payment of a permit fee and a provision for routine inspection by the Department or other environmental regulatory agency is exempt from paying all fees in Fee Schedule J.

(3.) A site regulated under the programs listed in 335-5-1-.02(2) that has a provision for cost reimbursement to the Department as contained in a cooperative agreement, a memorandum of agreement or an administrative order is exempt from paying the Processing and Review Fees in Fee Schedule J, to the extent such costs are reimbursable under these agreements.

(f) An owner or operator or other responsible person desiring to enter an environmental covenant for an environmental response project containing multiple individually deeded parcels off-site of the property or site which are subject to the environmental response project plan may submit an alternative fee schedule to the Department as part of its formal submittal of the environmental covenant in lieu of fees required in 335-1-6-.04, Fee Schedule J.

(1.) If submitting an alternative fee schedule, the owner or operator or other responsible person shall be required to pay the applicable processing and review fees found in 335-1-6-.04, Fee Schedule J for each individually worded covenant for off-site property that is different from land use controls or restrictions found in other covenants utilized for other individually deeded parcels off-site of the property or site subject to the environmental response project plan.

(2.) If submitting an alternative fee schedule, the owner or operator or other responsible person shall propose how to reimburse the Department for the registry recording fee which covers its cost to inspect each individually deeded off-site parcel to determine compliance with the covenant. The method to reimburse the Department shall be included in an order or agreement executed between the owner or operator or other responsible person and the Department. The length of time in years over which inspections will be conducted by the Department shall be negotiable and included in the covenant.

Authors: James L. Bryant; Lawrence A. Norris.

Statutory Authority: Code of Alabama 1975, §35-19-13.

History: May 26, 2009; March 26, 2013.

335-5-1-.07 Process for Entering a Covenant.

(1) The owner or operator, the other responsible person or the person conducting an environmental response project may use land use control in lieu of remediating the property to a level supporting unrestricted use. The ADEM organizational unit under which the response action is being conducted shall approve the environmental response project plan which proposes a land use control.

(2) For properties not remediated to a level supporting unrestricted use, an environmental covenant is required in accordance with 335-5-1-.02. To enter an environmental covenant, the owner or operator, the other responsible person or the person conducting an environmental response project shall submit the following to the ADEM organizational unit under which the response action is being conducted:

- (a) A draft of the proposed environmental covenant.
- (b) The applicable fees in Fee Schedule J of 335-1-6 and 335-5-1-.06.
- (c) All pertinent information required in 335-5-2-.01(1).

(3) ADEM shall review and approve the draft covenant or request modifications. If requesting modifications to the draft covenant, ADEM shall provide the applicant with its reasons for requesting change. Upon submittal by the applicant of acceptable modifications, ADEM shall approve the draft covenant.

(4) Following ADEM review and approval of the draft covenant, the applicant shall submit two copies of the final covenant which complies with 335-5-2 for signature by the Director. Upon execution by the Director, both copies shall be returned to the applicant.

(5) Upon receiving the executed copies of the covenant from ADEM, the applicant shall have the covenant recorded in the land records of the county where the site is located, in compliance with 335-5-3-.02.

(6) One copy of the recorded covenant shall be submitted to ADEM in compliance with 335-5-1-.05(3) for entry into the ADEM Registry of Environmental Covenants.

Authors: James L. Bryant; Lawrence A. Norris.

Statutory Authority: Code of Alabama 1975, §§35-19-3; 35-19-13.

History: May 26, 2009; March 26, 2013.

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION - UNIFORM ENVIRONMENTAL COVENANTS PROGRAM**

**CHAPTER 335-5-2
ENVIRONMENTAL COVENANTS**

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335-5-2-.01 Covenant Contents.

(1) An environmental covenant is not effective unless it includes all of the following information:

(a) A statement that the instrument is an environmental covenant executed pursuant to the Act.

(b) A legally sufficient description of the real property subject to the covenant.

(c) A description of the activity and use limitations on the real property.

(d) Identification of every holder.

(e) The signatures of the Director, every holder, and unless waived by the Department in writing, every owner of the fee simple of the real property subject to the covenant.

(f) The name and location of any administrative record for the environmental response project reflected in the environmental covenant.

(2) The covenant may also contain any other information, restrictions, and requirements, including but not limited to any of the following:

(a) Requirements for notice following transfer of a specified interest in the property subject to the covenant.

(b) Requirements for notice concerning proposed changes in use of, applications for building permits for, or proposals for any site work affecting the contamination on, the property subject to the covenant.

(c) Requirements for periodic reports of compliance with the covenant.

(d) Rights of access to the property which are granted in connection with implementation or enforcement of the covenant.

(e) A brief narrative description of the contamination and remedy, including the contaminants of concern, the pathways of exposure, limits on exposure, and the location and extent of the contamination.

(f) Limitations on amendment or termination of the covenant in addition to those provided in 335-5-4-.02.

(g) Rights of the holder in addition to the holder's right to enforce the covenant pursuant to 335-5-5-.01.

(h) The name of the person who shall submit the environmental covenant to ADEM for listing in the registry required in 335-5-1-.05.

Authors: James L. Bryant; Lawrence A. Norris.

Statutory Authority: Code of Alabama 1975, §§35-19-4; 35-19-13.

History: May 26, 2009.

335-5-2-.02 Covenant Rules.

(1) An environmental covenant that complies with the Act and 335-5 runs with the land.

(2) An environmental covenant that is otherwise effective is valid and enforceable even if one or more of the following conditions apply:

(a) It is not appurtenant to an interest in real property.

(b) It can be or has been assigned to a person other than the original holder.

(c) It is not of a character that has been recognized traditionally at common law.

(d) It imposes a negative burden.

(e) It imposes an affirmative obligation on a person having an interest in the real property or on the holder.

(f) The benefit or burden does not touch or concern real property.

(g) There is no privity of estate or contract.

(h) The holder dies, ceases to exist, resigns, or is replaced.

(i) The owner of an interest subject to the environmental covenant and the holder are the same person.

(3) An environmental covenant or an instrument that created restrictions or obligations with respect to real property and which was recorded before the effective date of 335-5 is not invalidated because it may not comply with all provisions of the Act or 335-5, or because it was identified as an easement, servitude, deed restriction, or other interest. 335-5 does not apply in any other respect to such an instrument.

(4) Neither the Act nor 335-5 invalidates or renders unenforceable any interest, whether designated as an environmental covenant or other interest, which is otherwise enforceable under the laws of this State.

Authors: James L. Bryant; Lawrence A. Norris.

Statutory Authority: Code of Alabama 1975, §§35-19-5; 35-19-13.

History: May 26, 2009.

335-5-2-.03 Relationship to Other Land Use Law. Neither the Act nor 335-5 authorizes use of real property which is otherwise prohibited by zoning, by other law which regulates the use of real property, or by a recorded instrument that has priority over the environmental covenant. An environmental covenant may prohibit or restrict a use of real property which is authorized by zoning or by law other than the Act.

Authors: James L. Bryant; Lawrence A. Norris.

Statutory Authority: Code of Alabama 1975, §§35-19-6; 35-19-13.

History: May 26, 2009.

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
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**CHAPTER 335-5-3
NOTICE AND RECORDATION**

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335-5-3-.01	Notices of Covenants
335-5-3-.02	Recording Covenants

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).

Authors: James L. Bryant; Lawrence A. Norris.

Statutory Authority: Code of Alabama 1975, §§35-19-7; 35-19-13.

History: May 26, 2009.

335-5-3-.02 Recording of 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, a 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] [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.

(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.

Authors: James L. Bryant; Lawrence A. Norris.

Statutory Authority: Code of Alabama 1975, §§ 35-19-8; 35-19-12; 35-19-13.

History: May 26, 2009; March 26, 2013

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION - UNIFORM ENVIRONMENTAL COVENANTS PROGRAM**

**CHAPTER 335-5-4
DURATION AND AMENDMENT**

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335-5-4-.01 Duration of Covenants.

(1) An environmental covenant is perpetual unless any of the following conditions apply:

(a) Its term is limited to a specific duration or terminated by the occurrence of a specific event.

(b) It is terminated or modified pursuant to 335-5-4-.01(2).

(c) It is terminated or modified by consent pursuant to 335-5-4-.02.

(d) It is terminated by foreclosure of an interest that has priority over the environmental covenant.

(e) It is terminated or modified in an eminent domain proceeding, but only if all of the following requirements are satisfied:

1. The Department is a party to the proceeding.

2. All persons identified in 335-5-4-.02(1) and (2) are given notice of the pendency of the proceeding.

3. The court determines, after hearing, that the termination or modification will not adversely affect human health, public welfare, or the environment.

(2) If the Department determines that the intended benefits of the covenant can no longer be realized, or are no longer protective of human health and the environment, it shall give notice of at least thirty (30) days to all persons identified in 335-5-4-.02(1) and (2), of its intention to petition a court, under the doctrine of changed circumstances, for termination of the covenant or reduction of its burden on the real property subject to the covenant. The Department's determination or its failure to make a determination upon request is subject to review pursuant to the Alabama Administrative Procedures Act, Code of Alabama 1975, §§41-22-1 to 41-22-27 (AAPA). After the applicable

provisions of AAPA have been satisfied, the Department may petition a court to terminate or reduce the covenant.

(3) Except as otherwise provided in 335-5-4-.01(1) and (2), an environmental covenant may not be extinguished, limited, or impaired through issuance of a tax deed, foreclosure of a tax lien, or by application of the doctrine of adverse possession, prescription, abandonment, waiver, lack of enforcement, or acquiescence, or a similar doctrine.

(4) An environmental covenant may not be extinguished, limited, or impaired by the application of any law relating to marketable title or dormant mineral interests.

Authors: James L. Bryant; Lawrence A. Norris.

Statutory Authority: Code of Alabama 1975, §§35-19-9; 35-19-13.

History: May 26, 2009.

335-5-4-.02 Amendment of Covenants.

(1) Unless otherwise specified in the environmental covenant, no environmental covenant may be amended or terminated by consent unless the amendment or termination is signed by all of the following:

(a) The Department. Where the Department waives this requirement, the current owner of the fee simple of the real property subject to the covenant shall sign.

(b) Each person who originally signed the covenant, unless a person, in a signed record, waives the right to consent or a court finds that a person no longer exists or cannot be located or identified with the exercise of reasonable diligence.

(c) Except as otherwise provided in 335-5-4-.02(4)(b), the holder.

(2) If an interest in real property is subject to an environmental covenant, the interest is not affected by an amendment of the covenant unless the current owner of the interest consents to the amendment or waives, in a signed record, the right to consent to amendments.

(3) Except for an assignment undertaken pursuant to a governmental reorganization, an assignment of an environmental covenant to a new holder is an amendment.

(4) Except as otherwise provided in an environmental covenant:

(a) A holder may not assign its interest without consent of the other parties.

(b) A holder may be removed and replaced by agreement of the parties specified in 335-5-4-.02(1)(a) and (b).

(c) A court of competent jurisdiction may fill a vacancy in the position of holder.

Authors: James L. Bryant; Lawrence A. Norris.

Statutory Authority: Code of Alabama 1975, §§35-19-10; 35-19-13.

History: May 26, 2009.

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION - UNIFORM ENVIRONMENTAL COVENANTS PROGRAM**

**CHAPTER 335-5-5
ENFORCEMENT**

TABLE OF CONTENTS

335-5-5-.01	Enforcement of Covenants
335-5-5-.02	Duties of the Department

335-5-5-.01 Enforcement of Covenants.

(1) Pursuant to Code of Alabama 1975, §22-22A-5, ADEM may pursue enforcement action for violation of an environmental covenant established under 335-5.

(2) A civil action for injunctive or other equitable relief for violation of an environmental covenant may be maintained by any of the following parties or entities:

- (a) A party to the covenant.
- (b) The Department.
- (c) Any person to whom the covenant expressly grants power to enforce.
- (d) A person whose collateral, liability, or interest in the real property may be affected by the alleged violation of the covenant.
- (e) A municipality or other unit of local government in which the real property subject to the covenant is located.

(3) A person is not responsible for or subject to liability for environmental remediation solely because that person has the right to enforce an environmental covenant.

Authors: James L. Bryant; Lawrence A. Norris.

Statutory Authority: Code of Alabama 1975, §§35-19-11; 35-19-13.

History: May 26, 2009.

335-5-5-.02 Duties of the Department.

(1) The Department is designated as the administrating agency for the Act and 335-5 and is authorized to administer and enforce the Act and these regulations through the authorities granted to it by the Environmental Management Act, Code of Alabama 1975, §§22-22A-1, et seq.

(2) The designation provided in subsection (1) does not imply that the Department shall assume any administration or enforcement functions other than those directly related to the environmental covenant.

(3) With respect to an environmental response project, the Act does not limit the regulatory authority of the Department under other law.

Authors: James L. Bryant; Lawrence A. Norris.

Statutory Authority: Code of Alabama 1975, §§35-19-11; 35-19-13.

History: May 26, 2009.

APPENDIX A.6

City of Montgomery Ordinance 22-2016

Drilling Of Wells In The Area Of
The Coliseum Boulevard Plume

Institutional Control Program

Coliseum Boulevard Plume Site
Montgomery, Alabama



ORDINANCE NO. 22-2016

ORDINANCE PROHIBITING DRILLING OF WELLS IN THE AREA
OF THE COLISEUM BOULEVARD PLUME

WHEREAS, the City of Montgomery is provided clean, uncontaminated drinking water for all residential and commercial users in the city; and

WHEREAS, the groundwater, i.e., water below the ground surface, in various areas of the City of Montgomery was previously contaminated with one or more chemical pollutants; more specifically, in one area commonly known as the Coliseum Boulevard Plume, as shown in Figure 1; and

WHEREAS, the Coliseum Boulevard Plume is an area where groundwater use and access should be avoided; and

WHEREAS, the City has cooperated with the Alabama Department of Environmental Management and the Alabama Department of Transportation regarding the investigation, remediation and management of the groundwater contamination in the Coliseum Boulevard Plume; and

WHEREAS, the City Council for the City of Montgomery desires to further cooperate with the Alabama Department of Environmental Management and the Alabama Department of Transportation regarding institutional controls for the groundwater contamination in the Coliseum Boulevard Plume; and

WHEREAS, the City Council for the City of Montgomery is empowered to enact ordinances to protect and to promote the general public health and welfare; and

THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, the following ordinance is hereby adopted:

SECTION 1: It shall be unlawful for any person or entity to dig or drill any well or otherwise access the groundwater within the institutional control boundaries of the Coliseum Boulevard Plume as shown in Figure 1 without the express, written approval of the City.

SECTION 2: This ordinance shall become effective upon passage, approval and publication, or as otherwise provided by law.

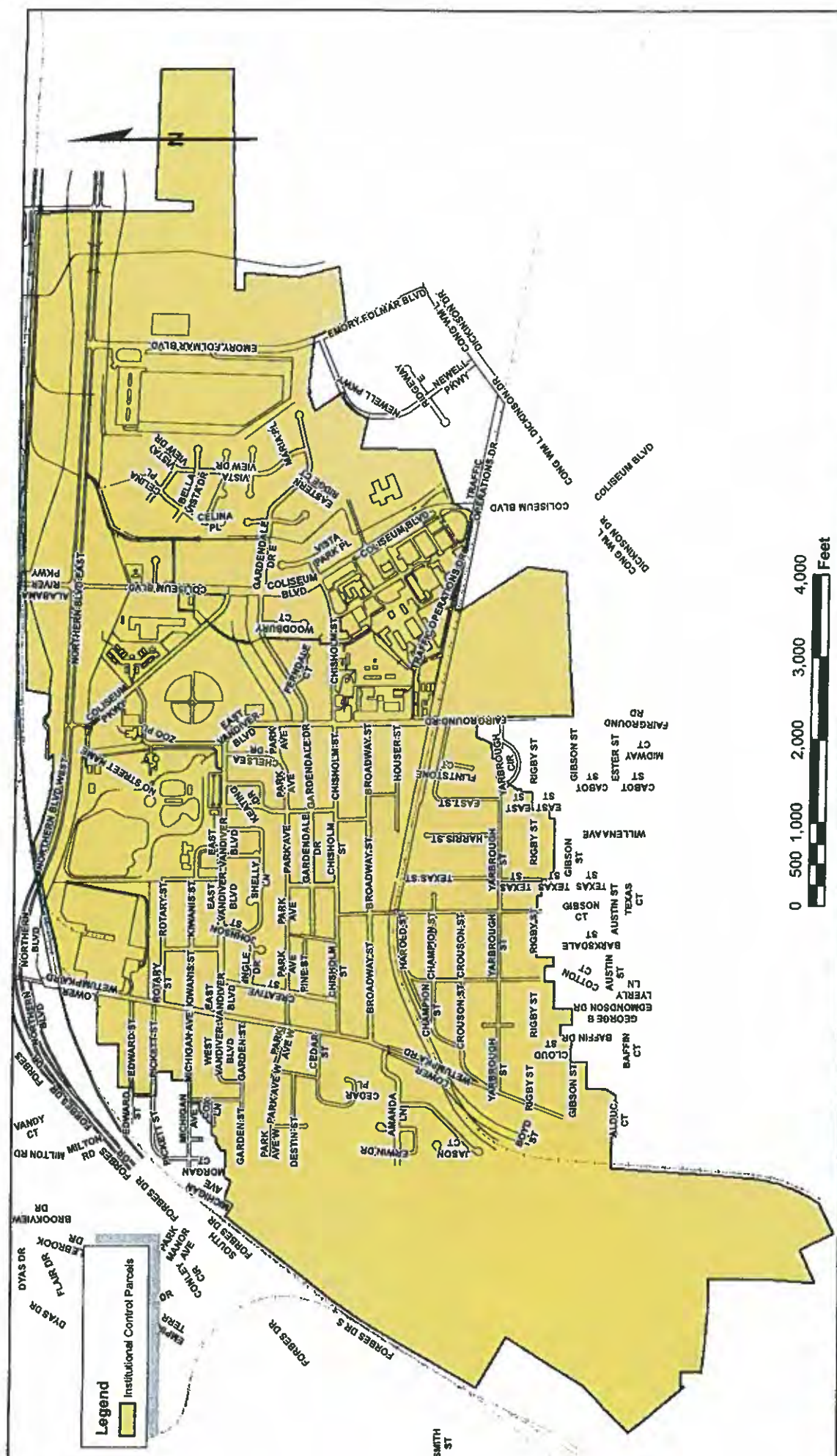
ADOPTED this the 17th day of May, 2016.


BRENDA GALE BLALOCK, CITY CLERK

APPROVED: MAY 17 2016

TODD STRANGE, MAYOR

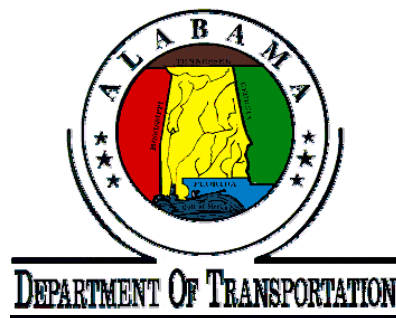
22-2016



Organization Contacts

Institutional Control Program

**COLISEUM BOULEVARD PLUME SITE
MONTGOMERY, ALABAMA**



APPENDIX B

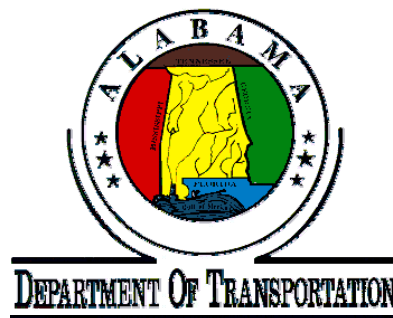
Coliseum Boulevard Plume Institutional Control Program

Name	Organization	Department	Address	Telephone	Email
James Dailey	Alabama Department of Environmental Management	Well Driller Licensing	1400 Coliseum Blvd. Montgomery, AL 36110	334-394-4371 334-271-7700	jwd@adem.state.al.us
Cindy Thompson	City of Montgomery	Plumbing, Mechanical and Gas Permits	103 North Perry Street Montgomery, AL 36104	334-241-2088	cthompson@montgomeryal.gov
Brooke McCraney	City of Montgomery	Chief Plumbing, Mechanical and Gas Inspector	103 North Perry Street Montgomery, AL 36104	334 -241-3156	
Blakeney Gillett	Geological Survey of Alabama	Water Information	420 Hackberry Lane Tuscaloosa, Alabama 35486	205-247-3693	bgillett@gsa.state.al.us
Irene Burgess	Geological Survey of Alabama	Water Information	420 Hackberry Lane Tuscaloosa, Alabama 35486	205-247-3677	ithompson.gsa.state.al.us
Adam Anderson	Alabama Department of Transportation	Env. Analysis & Compliance Engineer	3700 Fairgrounds Rd. 36110	334-206-2278	andersona@dot.state.al.us
Tina Creel	Alabama One Call	Membership	P.O.Box 1476 Birmingham, AL 35201-1476	205-414-1840	tcreel@al1call.com
Operator	Alabama One Call	Locate Requests		800-292-8525	NA
Meg Sacks	CSX Railroad	Media Relations		904-366-2949	

Community Outreach and Involvement

Institutional Control Program

**COLISEUM BOULEVARD PLUME SITE
MONTGOMERY, ALABAMA**



APPENDIX C

Coliseum Boulevard Plume Community Outreach and Involvement 2001- Present (Revised: 10-15-14)

I. Community Outreach Group (COG)

The COG was formed in November 2001 and is a 9-member panel of residents who live on properties within the ICB. The purpose of the panel is to facilitate open dialog among citizens within the ICB, ALDOT project representatives, and ADEM. Panel meetings are held at the request of COG members or by notification of the ALDOT to maintain timely updates of project activities. Members of the COG are listed on ALDOT's CBP web site at: <http://www.coliseumboulevardplume.com>.

2002 COG Meeting Dates:

- March 25
- April 4
- April 23
- May 2
- May 24
- August 1
- September 19
- November 7

2003 COG Meeting Dates:

- January 9
- March 6
- March 27
- April 29
- June 5
- June 17
- July 24
- August 7
- November 25

2004 COG Meeting Dates:

- February 24
- April 27
- May 18
- June 22
- September 14

2005 COG Meeting Dates:

- February 22
- May 5
- September 8
- September 20
- November 10

2006 COG Meeting Dates:

- June 1
- April 25
- May 25
- November 30

2007 COG Meeting Dates:

- February 22
- June 19
- July 17
- November 15

2008 COG Meeting Dates:

- April 21
- August 19
- October 21
- November 25 – COG Membership Information & Recruiting Meeting (Gathering of 7 Community Churches)

2009 COG Meeting Dates:

- April 7
- May 6
- August 4
- September 1
- November 3
- December 14

2010 COG Meeting Dates:

- May 20
- September 28

2011 COG Meeting Dates:

- June 21
- September 6

2012 COG Meeting Dates:

- April 23
- November 15

2013 COG Meeting Dates

- July 11
- November 5

2014 COG Meeting Dates

- March 19
- November 4

II. Comprehensive Site-Wide Public Meetings

ALDOT has conducted and will continue to conduct comprehensive public meetings at project milestones. Public meetings are video taped and copies of the tapes are available at the CBP Public Repository, which is described below. The dates and purpose of the public meetings that have been held, to date, are:

November 6, 2001 – Announce the formation of the COG and forum for the public to pose questions to ALDOT, ADEM, ADPH and ALDOT consultants. Advertised via printed and TV media and neighborhood signage.

May 23, 2002 – Introduction of the COG and comprehensive project overview with explanation of upcoming soil-vapor and ambient-air testing within the CBP. Attended by local elected officials and provided forum for representatives from ADEM and the Montgomery Water Works & Sanitary Sewer Board to respond to citizen concerns. Advertised via printed and TV media, neighborhood signage, and door hangers.

August 1, 2002 – Presentation of interim findings of the soil-vapor and ambient-air monitoring. Provided forum for citizens to pose health-related questions or concerns to medical doctor and to a PhD toxicologist, ADEM, and a representative of the Montgomery Water and Sewer Board (also, a presenter). Advertised via printed and electronic media, neighborhood signage, and door hangers.

June 19, 2003 – Presentation of and forum for public discussion of the final results of the year-long soil-vapor and ambient-air testing. Advertised via printed and electronic media, neighborhood signage, and door hangers.

May 13, 2004 – Presentation of and forum for the discussion of the results of the comprehensive site-wide investigation. Advertised via printed and electronic media, neighborhood signage, and door hangers.

May 7 – 9, 2009 – Public review of proposed Kilby Ditch Corrective Measures Implementation Plan and the Institutional Control Plan.

February 22, 2010 – Presentation of the Coliseum Boulevard Plume site activities; ALDOT Transportation Conference.

June 9, 2010 – Presentation of the Coliseum Boulevard Plume site activities; ADEM Groundwater Conference (outreach to consultants and well drillers).

June 24, 2010 – ALDOT provided a tour of the constructed wetlands to representatives of the City of Montgomery.

September 27, 2010 - ALDOT provided a tour of the constructed wetlands to The Montgomery Advertiser.

November 18, 2010 – Stakeholder’s meeting with officials from the City of Montgomery to provide updates on the CBP and Institutional Control Program.

June 2011 – ALDOT provided a tour of the constructed wetlands and the southwest treatment area to the ADEM Public Information Office and Alabama Department of Public Health Toxicologist.

August 5, 2011 – Presentation of the Coliseum Boulevard Plume site activities relative to recently adopted environmental covenants; Air and Waste Management Association Meeting.

September 18, 2013 – ALDOT conducted an overview of the CBP and status update program for interested members of the public at the Coliseum Boulevard Public library

III. Public Meetings and Outreach Activities

ALDOT has conducted and will continue to conduct public meetings to inform interested parties about CBP activities. A particularly pertinent aspect of such public involvement has been the completion of focus-group and public-information meetings to invite participation in the Institutional Control Program whereby property owners agree to a restrictive covenant to prevent use of and contact with groundwater. The property owners are compensated financially in exchange for signing the Restrictive Covenant.

Meetings have been held at local facilities so that property owners, realtors, appraisers, mortgage lenders, title insurers, and closing attorneys can be informed of CBP activities and get answers to CBP-related questions. The dates of those that have been held, to date, are as follows:

- Outreach to
 - Property Owners
 - December 12, 2006 – Focus Group; Restrictive Covenant; Residential/Commercial Property Owners
 - January 23, 2007 – Focus Group; restrictive Covenant; Residential/Commercial Property Owners
 - Public Forum; Restrictive Covenant
 - March 5, 2007
 - March 7, 2007
 - March 14, 2007
 - March 15, 2007
 - June 20, 2007
 - June 21, 2007
 - August 2, 2007
 - August 3, 2007
 - August 11, 2007
 - September 7, 2007
 - September 8, 2007

- Information meetings: Groundwater Restriction Program for Property not yet in the Institutional Control Program:
 - October 23, 2008
 - October 24, 2008
 - November 8, 2008
- **Meeting with Alabama 1 Call**
 - October 18, 2010
- **Realtors/Appraisers/Mortgage Lenders/Title Insurers/Closing Attorneys**
 - June 22, 2005
 - July 14, 2005
 - July 15, 2005
 - May 21, 2007
 - June 19, 2007
 - July 17, 2007
 - August 22, 2007
 - August 23, 2007
 - August 24, 2007
 - September 14, 2007
 - March 1, 2011
 - November 15, 2012
 - December 11, 2013

IV. Public Outreach

ALDOT has and will continue to inform church leaders, elected officials, the news media, and other interested or affected parties about CBP activities.

- Church leaders - Involved through membership on the COG, presence of or presentations by an ALDOT representative(s) at local church activities and gatherings.
- Elected officials – Involved through project updates by ALDOT representatives through formal meetings and invitations to the officials to attend and be recognized at site-wide public meetings.
- News media - ALDOT sustains an open and proactive relationship with area news media through news conferences, interview/photo ops, briefings, invitations to public meetings, and scheduled meetings with members of the editorial board of The Montgomery Advertiser newspaper. ALDOT meets with the Public Information Officer of ADEM so that the Agency is aware of ALDOT’s media activities.
- Individuals – Involved by being made aware of CBP activities, as necessary, through door-to-door or telephone contacts to obtain permission for property access, acquire Restrictive Covenants, or response to questions posed on the ALDOT 24-hour information line.

V. Public Information Platforms

- **Public Repository:** Coliseum Boulevard Branch of the Montgomery Public Library. Copies of project documents and videos of site-wide public meetings.
- **24-Hour Information Line:** Telephone Number 334-353-6635 that is monitored daily during the business week. Callers can hear update of weekly project activities and leaves questions or comments for follow up. ALDOT sends a copy of the Weekly Project Update that is posted on the Information Line to each COG member, ADEM, and the Mayor's office.
- **ALDOT/CBP Web Site:** Accessed at:
<http://www.coliseumboulevardplume.com>.

This Web Site provides postings of upcoming public meetings, names of COG members, a project overview, recent Project Updates, and relevant project documents.