

SB321 ENROLLED



1 SB321
2 MS4Z6W1-2
3 By Senator Singleton
4 RFD: County and Municipal Government
5 First Read: 09-Apr-25



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1 Enrolled, An Act,

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3 Relating to the Alabama Drycleaning Environmental
4 Response Trust Fund Advisory Board; to amend Sections 22-30D-4
5 and 22-30D-7, Code of Alabama 1975, to delete the requirement
6 that the Alabama Department of Environmental Management
7 prevent the involvement of other units of federal, state, and
8 local governments in contamination problems; and to reduce the
9 required minimum balance to be maintained in the Alabama
10 Drycleaning Environmental Response Trust Fund from one million
11 to two hundred fifty thousand dollars.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Sections 22-30D-4 and 22-30D-7 of the Code
14 of Alabama 1975, are amended to read as follows:

15 "§22-30D-4

16 (a) (1) All owners and operators and all wholesale
17 distributors shall elect by May 24, 2001, to be covered or not
18 to be covered by this chapter and shall do so by notifying the
19 department in writing that ~~such~~ the owner or operator or
20 wholesale distributor elects to be covered or not to be
21 covered by this chapter. Following May 24, 2001, any owner or
22 operator or wholesale distributor who may have initially
23 elected not to be covered by this chapter or who may have
24 inadvertently failed to notify the department may notify the
25 department that ~~such~~ the owner or operator or wholesale
26 distributor has reconsidered and desires to be covered by the
27 fund, but any such owner or operator or wholesale distributor
28 ~~shall~~, with its notice of request for coverage, shall be



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29 required to pay to the Department of Revenue the registration
30 fees ~~which~~ that would otherwise have been due to the fund had
31 ~~such~~ the owner or operator or wholesale distributor elected to
32 be covered by this chapter prior to May 24, 2001. Coverage by
33 this chapter shall be effective on the date that a written
34 notice of an election to be covered is received by the
35 department. The department shall maintain a listing of all
36 owners or operators or wholesale distributors who shall have
37 elected to be covered or not to be covered by this chapter and
38 shall advise the board from time to time of the names of those
39 persons.

40 (2) Any owner or operator or wholesale distributor who
41 ~~shall elect~~ elects not to be covered by this chapter or ~~shall~~
42 ~~fail~~ fails to notify the department that it has determined to
43 reconsider within the times set forth ~~above~~ in subdivision (1)
44 shall be relieved of any of the obligations imposed on owners
45 or operators or wholesale distributors under this chapter,
46 including any obligation to register or pay registration fees.

47 (3) Notwithstanding any provisions of this chapter to
48 the contrary, any owner or operator or wholesale distributor
49 who ~~shall so elect~~ elects not to be covered by this chapter ~~or~~
50 ~~shall fail~~ fails to notify the department that it has
51 determined to reconsider within the times set forth ~~above~~ in
52 subdivision (1) shall thereafter permanently and irrevocably
53 waive and relinquish any benefit, coverage, protection,
54 payment, or waiver of liability otherwise afforded by this
55 chapter. An election not to be covered by the fund or a
56 failure to reconsider by any owner or operator or wholesale



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57 distributor who ~~shall be~~ is an individual, shall include and
58 bind any relative by blood within the third degree of
59 consanguinity or by marriage, and in the case of a corporation
60 or other legal entity, any current or former subsidiary,
61 division, stockholder, parent company, partner, member,
62 successor or assign, or any predecessor-in-title or
63 successor-in-title.

64 (4) If on May 31, 2002, the registration fees collected
65 by the Department of Revenue from owners or operators and
66 wholesale distributors who ~~shall~~ have elected to be covered by
67 this chapter ~~shall not~~ have not generated total receipts in
68 excess of one million dollars (\$1,000,000), ~~then in such event~~
69 the fund shall terminate, the board shall refund to all owners
70 or operators or wholesale distributors who ~~shall~~ have paid
71 into the fund the pro rata portion of payments to ~~such~~ that
72 date, less expense of charges against the fund, and thereafter
73 ~~the provisions of~~ this chapter shall be ~~null and~~ void and of
74 no further force or effect of law.

75 (b) It is the intent of the Legislature that the monies
76 in the fund will only be utilized to address contamination
77 that is caused by drycleaning agents occurring at or on
78 drycleaning facilities, abandoned drycleaning facilities,
79 wholesale distribution facilities, or real property of
80 impacted third parties or adjacent landowners, whether ~~such~~
81 the contamination occurred or was discovered before or after
82 May 24, 2000; provided, that monies in the fund shall be used
83 only for payment for costs of investigation, assessment, or
84 remediation ~~that~~ which are incurred after May 24, 2000; and



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85 further provided, that this chapter and the fund created
86 ~~hereby~~ by this chapter shall benefit only those owners or
87 operators, wholesale distributors, or persons owning abandoned
88 drycleaning facilities who ~~shall~~ have elected to be covered by
89 this chapter and impacted third parties and adjacent
90 landowners impacted or adjacent to drycleaning facilities or
91 wholesale distribution facilities of ~~such~~ the owners or
92 operators or wholesale distributors. The board and the
93 department shall jointly administer this chapter under the
94 following criteria:

95 (1) The department shall allow owners or operators,
96 persons owning abandoned drycleaning facilities, wholesale
97 distributors, impacted third parties, and adjacent landowners,
98 and their engineers and contractors to ~~deal with~~ address
99 contamination under the oversight of the department utilizing
100 monies in the fund under the oversight of the board, including
101 costs incurred for initial investigations in determining that
102 contamination has actually occurred. The fund shall not be
103 used to ~~deal with~~ address contamination at any facilities
104 other than drycleaning facilities, abandoned drycleaning
105 facilities, wholesale distribution facilities, or the real
106 property of impacted third parties or adjacent landowners.

107 (2) If the response actions to releases are conducted
108 pursuant to 40 C.F.R. Part 300 or pursuant to regulations
109 adopted by the department under subsection (c), the department
110 shall not require any owner or operator, person owning any
111 abandoned drycleaning facility, wholesale distributor,
112 impacted third party, or adjacent landowner to: (i) Obtain any



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113 state permit or engage in closure, post-closure, or corrective
114 action pursuant to AHWMMMA; (ii) establish or maintain any
115 financial assurance or other financial requirement; or (iii)
116 otherwise become obligated to pay for any costs, except for
117 the deductible set forth in Section 22-30D-7, in connection
118 with contamination occurring at any drycleaning facility,
119 abandoned drycleaning facility, wholesale distribution
120 facility, or at the real property of impacted third parties or
121 adjacent landowners which may have failed to operate as a
122 permitted treatment, storage, or disposal facility as defined
123 under AHWMMMA.

124 ~~(3) To the fullest extent allowed by law, the~~
125 ~~department shall provide its oversight in such a manner that~~
126 ~~other units of federal, state, and local government, including~~
127 ~~the United States Environmental Protection Agency, do not~~
128 ~~become involved in contamination problems resulting from~~
129 ~~drycleaning facilities, abandoned drycleaning facilities, or~~
130 ~~wholesale distribution facilities.~~

131 ~~(4)~~ (3) To the fullest extent allowed by law, the
132 department shall make every reasonable effort to allow for
133 ~~such~~ interim action as may be necessary to keep sites where
134 contamination exists off of the national priorities list, as
135 defined in 40 C.F.R. § 300.5.

136 ~~(5)~~ (4) The department shall not seek out contamination
137 because of the existence of the fund or the other provisions
138 of this chapter. Monies shall be made available by the board
139 for the use as contamination is discovered, whether ~~such~~ the
140 discovery is made before or after May 24, 2000.



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141 ~~(6)~~ (5) Careful consideration shall be given by the
142 department to remedial activities which may result in an
143 overall reduction of risk to human health and the environment
144 and in reduction of total costs of remediation. ~~Such~~ The
145 remedial activities should receive consideration by the
146 department as a high priority.

147 ~~(7)~~ (6) The department, in its discretion, may allow the
148 use of innovative technology to perform remedial activities.

149 (c) In addition to the powers and duties specified in
150 this chapter and in Sections 22-22A-1 to 22-22A-16, inclusive,
151 the department shall adopt rules ~~and regulations~~ necessary to
152 administer and enforce this chapter, it being the intent of
153 the Legislature that contamination caused by drycleaning
154 agents shall be managed solely in accordance with this chapter
155 and the rules ~~and regulations~~ to be adopted. Consistent with
156 these purposes, ~~such~~ the rules ~~and regulations~~ shall, at a
157 minimum, shall establish or adopt the following standards,
158 schedule, and criteria:

159 (1) Establishing performance standards for drycleaning
160 facilities and wholesale distribution facilities first brought
161 into use on or after the effective date of ~~regulations~~ rules
162 authorized by this subsection. ~~Such~~ The performance standards
163 shall be effective when the rules ~~and regulations~~ adopted
164 become final. The performance standards for new drycleaning
165 facilities and wholesale distribution facilities shall allow
166 the use of new technology as it becomes available and ~~shall~~,
167 at a minimum, shall include provisions which are at least as
168 protective of human health and the environment as each of the



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169 following standards:

170 a. A requirement that, notwithstanding any contrary
171 provision of law, any person who generates a regulated waste
172 at a drycleaning facility or wholesale distribution facility
173 and which wastes contain any regulated quantity of drycleaning
174 agent, shall ensure delivery of all ~~such~~ wastes to a facility
175 that is legally authorized to manage or recycle wastes that
176 contain drycleaning agents.

177 b. A prohibition of the release of wastewater
178 containing any quantity of drycleaning agent from drycleaning
179 facilities to any sanitary sewer or septic tank, any land or
180 ground application thereof, or any discharge to the waters of
181 this state.

182 c. A requirement of compliance with the national
183 emission standards for hazardous air pollutants for
184 perchloroethylene drycleaning facilities ~~promulgated~~ adopted
185 by the United States Environmental Protection Agency on
186 September 22, 1993, including revisions and applicable
187 regulations thereto.

188 d. A requirement that all drycleaning agents or wastes
189 containing drycleaning agents be stored in appropriate closed
190 containers and handled so as to minimize the risk of spills or
191 leaks.

192 e. A requirement that dikes or other containment
193 structures be installed around each drycleaning machine and
194 each drycleaning agent or waste storage area, which structures
195 shall be capable of containing a release of drycleaning agent.

196 f. A requirement that those portions of all diked floor



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197 surfaces upon which any drycleaning agent may leak, spill, or
198 otherwise be released be material impervious to drycleaning
199 agents.

200 g. A requirement that all drycleaning agents be
201 delivered to each drycleaning machine or other storage
202 container located within a drycleaning facility by means of
203 closed, direct-coupled delivery systems, but only after ~~such~~
204 the systems become generally available.

205 h. A requirement for reporting of releases of a
206 reportable quantity outside of containment of drycleaning
207 agent occurring after May 24, 2000.

208 (2) Adopting a schedule requiring the retrofitting of
209 drycleaning facilities and wholesale distribution facilities
210 in existence on or before May 24, 2000, in order to conform
211 the drycleaning facility to the rules ~~and regulations~~
212 authorized by subdivision (1) and to implement the performance
213 standards established pursuant to subdivision (1). The
214 schedule may phase in the standards authorized by this
215 subdivision at different times but shall make all ~~such~~
216 standards effective no later than May 24, 2005. This
217 subdivision requiring retrofitting shall not require an owner
218 or operator of a drycleaning facility existing on or before
219 May 24, 2000, to replace an existing drycleaning unit unless
220 required to do so by federal laws or ~~rules and~~ regulations
221 ~~promulgated~~ adopted by the Environmental Protection Agency.

222 (3) Establishing criteria for prompt reporting of
223 suspected contamination or the discovery of contamination at
224 drycleaning facilities, abandoned drycleaning facilities,



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225 wholesale distribution facilities, or on real property of
226 impacted third parties or adjacent landowners, whether
227 discovered before or after May 24, 2000, and procedures for
228 initial investigation of ~~such~~ the contamination, if any, and
229 determination of possible effects on or risk to human health
230 or the environment and necessary or appropriate emergency
231 action, to assure that human health or safety is not
232 threatened by ~~such~~ the contamination.

233 (4) Establishing criteria to prioritize those sites at
234 which contamination is reported to the department and which
235 may require investigation, assessment, and, if necessary,
236 remediation. The criteria shall include consideration of each
237 of the following factors:

238 a. The degree to which human health and the environment
239 are actually affected by exposure to the contamination.

240 b. The future risk to human health or the environment
241 resulting from the contamination.

242 c. The benefit to be derived from remediation compared
243 to the cost of conducting ~~such~~ the remediation.

244 d. The present and future use of an affected aquifer or
245 surface water.

246 e. The possibility of no further action.

247 f. The effect that interim or immediate remedial
248 measures will have on future costs.

249 g. The amount of monies available in the fund.

250 h. ~~Such additional~~ Additional factors as the director
251 considers relevant or as required by other provisions of this
252 chapter.



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253 (5) Establishing requirements for investigation,
254 assessment, and, if necessary, remediation of contamination in
255 the order of priority established by the department.

256 (6) Establishing criteria under which a determination
257 may be made by the department of the extent of contamination
258 at which: (i) no remediation is required at the site~~;~~ or (ii)
259 if remediation is necessary, the extent to which remediation
260 shall be deemed completed~~;~~ and (iii) that no further action
261 is required. Criteria for determining completion of
262 remediation shall include the factors set forth in subdivision
263 (4). If contamination has or is suspected to have migrated
264 from the site to real property of an adjacent landowner,
265 investigation, assessment, and, if necessary, remediation of
266 contamination will be determined under these criteria."

267 "§22-30D-7

268 (a) Prior to the approval of an expenditure of any
269 ~~funds~~ monies under this chapter with respect to payment for
270 costs incurred for investigation, assessment, and, if
271 necessary, remediation at a particular site, every owner or
272 operator covered by this chapter, person owning any abandoned
273 drycleaning facility eligible for coverage by this chapter, or
274 impacted third party filing a request with the board for
275 payment, shall accept responsibility for the first ten
276 thousand dollars (\$10,000), as a deductible amount, of the
277 actual costs to be incurred with that particular site. Each
278 wholesale distributor covered by this chapter shall accept
279 responsibility for the first fifty thousand dollars (\$50,000),
280 as a deductible amount~~;~~ of the actual cost to be incurred with



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281 a wholesale distribution facility. An adjacent landowner shall
282 not be required to accept responsibility for any costs
283 incurred at a site.

284 (b) Payments from the fund may be obtained from the
285 board by complying with the following procedure:

286 (1) An owner or operator covered by this chapter, a
287 person owning any abandoned drycleaning facility eligible for
288 coverage by this chapter, or a wholesale distributor covered
289 by this chapter may request payment from the fund for cost of
290 investigation, assessment, and remediation above the
291 applicable deductible set forth in subsection (a) incurred in
292 connection with a contamination discovered before or after May
293 24, 2000, that has been reported to the board and the
294 department by filing a request for reimbursement pursuant to
295 the procedures established by the board; ~~provided, however~~
296 ~~that no.~~ No payment shall be made from the fund for cost of
297 investigation, assessment, and remediation incurred prior to
298 May 24, 2000. An impacted third party or adjacent landowner
299 may seek payment from the fund for cost of investigation,
300 assessment, or remediation above the applicable ~~deductible(s)~~
301 deductible or deductibles set forth in subsection (a) incurred
302 in connection with contamination by filing a request for
303 payment pursuant to the procedures established by the board;
304 ~~provided the.~~ The board shall determine that: (i) the owner or
305 operator covered by this chapter, person owning any abandoned
306 drycleaning facility eligible for coverage by this chapter, or
307 wholesale distributor covered by this chapter has failed or
308 refused to engage in investigation, assessment, or remediation



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309 in connection with the contamination^{r,i}; and (ii) that the
310 director has made an initial determination that the impact to
311 the impacted third party or adjacent landowner poses a threat
312 to the environment or the public health, safety, or welfare
313 which warrants investigation, assessment, or remedial action
314 in accordance with criteria established by this chapter and
315 the rules ~~and regulations~~ adopted by the director.

316 (2) The board shall not obligate the expenditure of
317 funds from the fund in the amount in excess of two hundred
318 fifty thousand dollars (\$250,000) per fiscal year of the fund
319 for costs of investigation, assessment, and remediation of
320 contamination at any particular site, unless upon request by
321 any party, including the department, the board first
322 determines that ~~such~~ the excess expenditure is required to
323 avoid an imminent and substantial endangerment to human health
324 or the environment.

325 (3) The board shall not obligate a distribution of
326 monies from the fund that at any time would result in the
327 diminution of the fund below a balance of ~~one million dollars~~
328 ~~(\$1,000,000)~~ two hundred fifty thousand dollars (\$250,000)
329 unless an emergency exists that the board has determined
330 constitutes an imminent and substantial endangerment to human
331 health or the environment. In the event of an emergency as
332 described herein, the board shall approve the payment of
333 reasonable response costs to remove the imminent and
334 substantial endangerment to human health or the environment.

335 (4) The board shall not authorize distribution of fund
336 monies to any of the following sites or facilities:



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337 a. Sites that are contaminated by drycleaning agents
338 where the contamination at ~~such~~ the sites did not result from
339 the operation of a drycleaning facility, abandoned drycleaning
340 facility, or wholesale distribution facility.

341 b. Sites that are not drycleaning facilities, abandoned
342 drycleaning facilities, wholesale distribution facilities, or
343 the real property of impacted third parties or adjacent
344 landowners, but are contaminated by a release that resulted
345 from drycleaning agents being transported to or from a
346 drycleaning facility, abandoned drycleaning facility, or
347 wholesale distribution facility.

348 c. Any drycleaning facility, abandoned drycleaning
349 facility, wholesale distribution facility, or any property of
350 any impacted third party or adjacent landowner that has been,
351 or is in the future, identified by the United States
352 Environmental Protection Agency as a federal superfund site
353 pursuant to 40 C.F.R. Part 300 et seq.

354 d. Any drycleaning facility, abandoned drycleaning
355 facility, wholesale distribution facility, or any real
356 property of any impacted third party or adjacent landowner
357 which has obtained a treatment, storage, or disposal permit
358 pursuant to the federal Resource Conservation and Recovery Act
359 (RCRA) or AHWMMMA regulations.

360 e. Any drycleaning facility, abandoned drycleaning
361 facility, wholesale distribution facility, or any real
362 property owned or leased by any owner or operator or wholesale
363 distributor who ~~shall elect~~ elects not to be covered by ~~the~~
364 ~~provisions of~~ this chapter within the ~~time(s)~~ time or times



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365 required by this chapter or any real property of any impacted
366 third party or adjacent landowner impacted by or adjacent to
367 any ~~such~~ owner or operator or wholesale distributor.

368 f. Any owner or operator, wholesale distributor, owner
369 of any abandoned drycleaning facility, or impacted third party
370 who ~~shall fail~~ fails to pay or be delinquent in payment of the
371 registration fees required by ~~the provisions of~~ this chapter."

372 Section 2. This act shall become effective on October
373 1, 2025.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB321
Senate 24-Apr-25
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 06-May-25

By: Senator Singleton