



THE ALABAMA DRYCLEANING ENVIRONMENTAL RESPONSE TRUST FUND BOARD

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MINUTES Board Meeting May 31, 2023

The Alabama Drycleaning Environmental Trust Fund Advisory Board met on Wednesday, May 31, 2023, at the Board's office located at 2777 Zelda Road, Montgomery, Alabama, to conduct regular business of the Board. The following members were in attendance: Mr. Jason Windham (Board Chair), Mr. Steve McKinnon (Board Vice Chair attending virtually), Mr. Jim Massey, III (member), Ms. Bonnie Temple (member), and Mr. Cary Spiegel (member). Board member absent was Mr. Steve Taylor (member). Also participating were Mr. Keith Warren (Executive Director), Ms. Lindsay Dawson (Assistant Attorney General attending virtually), Mrs. Ashley Cousins (Consulting Engineer), Ms. Ashley Powell and Mr. Steve Cape with ADEM, Ms. Nichelle Norris with the Department of Revenue and Ms. Renee' Reames (recording secretary) and public guest.

Public notice of this regular business meeting was published on the Secretary of State's web site, www.sos.alabama.gov, in accordance with the Alabama Open Meetings Act, and advertised on the Board's web site at www.drycleaningtrustfund.alabama.gov.

CALL TO ORDER AND ROLL CALL

Chairman Windham called the meeting to order at 10:05 a.m. and Mr. Warren called Board roll, reporting that a quorum of the members was present to conduct business of the Board. Chairman Windham welcomed members and guests.

APPROVAL OF MINUTES

The Board reviewed the minutes from the February 22, 2023, regular meeting. A copy of the minutes was provided to the members prior to the meeting for their review. Mr. Massey made a motion to approve the November meeting minutes with the correction on page 2, paragraph 4, to read "without ADEM knowledge". The motion was seconded by Ms. Temple and unanimously approved by the Board.

ADEM'S REPORT

Ms. Powell reviewed the ADEM reports which included the DERTF list of active participants in the Fund, a list of delinquent accounts and a list of prioritizations of active accounts. She commented on some active accounts that would be moved to the delinquent accounts. She commented on the process for delinquent accounts to be removed and referred to RCRA.

REVENUE DEPARTMENT'S REPORT

Ms. Norris with the Revenue Department reported on the participating accounts and the status of payments to the Fund. She reviewed the delinquent accounts, along with closed accounts and new accounts.

CONSULTING ENGINEER'S REPORT

Mrs. Cousins presented a historical record of payment requests and approved cost proposals per site. She reported that the Payment Requests approved by the Board for all sites totaled \$3,957,433.56, a significant amount to assess and remediate the environment.

Mrs. Cousins reviewed the quarterly contributions to the Fund, for a comparative period of the second quarter of FY 2016 through third quarter of FY 2023, and the contributions received annually.

Mrs. Cousins reported on the Fund's operating account cash balance, with a projected balance of \$95,975.00 for the third quarter of FY 2023. She indicated that, assuming 100% funding of all outstanding Cost Proposal obligations, the Fund had a projected balance of \$62,578. She reported that the format of the report had been adjusted to better indicate the expenses and payments. She reported an Investment Account balance of \$1,340,836 as of April 30, 2023.

Ms. Cousins presented Cost Proposals on four (4) sites and recommended an adjusted Cost proposal amount for three (3) sites totaling \$14,711.29, excluding the Westminister Shopping Center proposal. Mr. Spiegle made the motion to approve the Cost Proposals for the 3 sites as recommended by Mrs. Cousins. The motion was seconded by Mr. McKinnon and was unanimously approved by the Board.

Ms. Cousins presented Cost Proposal for the Westminister Shopping Center site and recommended an adjusted cost proposal amount totaling \$12,585.95. Mr. McKinnon made the motion to approve the Cost Proposal as recommended by Mrs. Cousins. The motion was seconded by Mr. Spiegle and was unanimously approved by the Board, with Mr. Massey abstaining from voting.

Mrs. Cousins presented Payment Requests on five (5) sites and recommended an adjusted Payment Request amount totaling \$21,427.52. She reported that 8410 Whitesburg had been removed because of delinquent status. Ms. Temple made a motion to approve the Payment Requests as recommended by Mrs. Cousins. The motion was seconded by Mr. Massey and unanimously approved by the Board.

Mr. McKinnon made the motion to defer 8410 Whitesburg Payment Request and resubmit the Payment Request. The motion was seconded by Mr. Massey and unanimously approved by the Board.

Ms. Cousins reported on two prior approvals for former Mountain Brook Cleaners, CP20 and CP 21, that the work had not been completed. Mr. Massey made the motion to void CP 20 and CP 21. The motion was seconded by Mr. Spiegle and unanimously approved by the Board.

Mr. Warren introduced legal counsel, Ms. Lindsay Dawson, Assistant Attorney General, who was attending the meeting (virtually) since the Board's Legal Counsel, Mr. Robert Tambling, could not attend.

BOARD TERMS

Mr. Warren reported that a list of Board members had been submitted to Governor Ivey for appointment/reappointments, and was awaiting Senate confirmation of the six nominees, noting that one position for a drycleaner employing less than 10 employees remained vacant. The Board members discussed the difficulty in identifying person to fill this vacant position.

2023 PROPOSED LEGISLATION

Mr. Warren reported that he had spoken with Representative Moore about supporting the Board's Drycleaning Bill and the Board discussed other support in the Legislature to pass this Bill, which would result in increased participation in the Drycleaning Fund. The Board discussed coordinating a meeting with the Montgomery delegation and other key members of the legislature to attend the August Board meeting and the legislative meeting would be held after the Board's business meeting.

ANNOUNCEMENTS AND NEXT MEETING:

Chairman Windham announced that the next meeting of the Board was scheduled August 17, 2023, at 10:00 a.m.

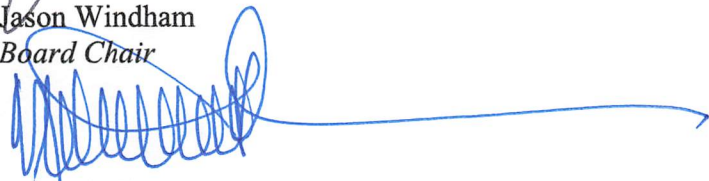
ADJOURNMENT

There being no further business of the Board, Mr. McKinnon made a motion to adjourn the meeting. The motion was seconded by Ms. Massey and unanimously approved by the Board. Chairman Windham adjourned the meeting at 11:00 a.m.

Respectfully Submitted,



Jason Windham
Board Chair



Keith E. Warren
Executive Director

/rr