



**THE ALABAMA DRYCLEANING
ENVIRONMENTAL RESPONSE TRUST FUND BOARD**

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**MINUTES
Board Meeting
February 27, 2020**

The Alabama Drycleaning Environmental Trust Fund Advisory Board met on Thursday, February 27, 2020, at the Board Office located at 2777 Zelda Road, Montgomery, Alabama, to conduct regular business of the Board. Board members in attendance were Mr. Jason Windham (Board Chair), Mr. Steve McKinnon (Board Vice Chair), Mr. Thomas Bass (member) and Mr. Jim Massey, III (member). Board members absent were Mr. Cary Spiegel (member), Mr. Quincey Banks (member) and Mr. Steve Taylor (member). Also in attendance were Mr. Keith Warren (Executive Director), Mr. Randy Barrows (Board Administrator), Mr. Zack Wilson (Assistant Attorney General), Mrs. Ashley Cousins (Consulting Engineer), Mr. Mike Weeks (Legislative Affairs) and Ms. Renee' Reames (recording secretary). Other guests were also present at the meeting. Chairman Windham called the meeting to order at 10:26 a.m. when a quorum of the members was present to conduct business of the Board.

Public notice of this scheduled 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. The meeting was scheduled at 10:00 a.m.

The Board reviewed the minutes from the November 21, 2019 regular meeting, the January 9, 2020 special/called meeting, the February 3, 2020 special/called meeting and the amended minutes from the February 13, 2019 meeting. A copy of these minutes was provided to the members prior to the meeting for their review. The February 13, 2019 minutes were amended to reflect a correction in roll call of members. Mr. Massey made a motion to approve the four sets of meeting minutes as presented. The motion was seconded by Mr. Bass and unanimously approved by the Board.

Chairman Windham introduced members of the ADEM staff attending the meeting: Mr. Arnold Mayberry, Ms. Shani Smith and Mr. Richard Hamner. He announced that Ms. Ashley Powell with ADEM was not able to attend but would be attending future Board meetings. Mr. Hamner presented information on the number of DERTF active participants in the Fund, along with delinquent accounts. Also presented was the current prioritization of active accounts and he reported on recent activities at the site concerning these accounts.

Ms. Nichelle Norris, with the Revenue Department, reported on the participating accounts and the status of filed Returns and payment into the Fund. She reviewed the list of delinquent accounts and indicated that the list had not changed significantly since the November Board meeting. She reported a cash balance of \$6,002.14 as of January 27, 2020. Mr. Warren reported that Funds from the investment account were transferred to the operating account on January 28, 2020.

Mrs. Cousins reviewed the status of the projected operating account, indicating a projected Fund balance of a \$54,412 deficit, as of January 31, 2020, which assumed a 100% funding of all outstanding Cost Proposal obligations. A fourth quarter comparison (as of October 31, 2019) was also provided. The Board discussed the investment account balance of \$1,760,961 as of January 31, 2020, which reflected the transfer of funds into the operating account.

Mrs. Cousins presented a graph indicating quarterly contributions into the Fund as of the first quarter of FY 2015 through the first quarter of FY 2020, noting a decline in first quarter 2020. An annual summary from FY 2008 through FY 2020 was also provided. The Board considered transferring funds again from the investment account into the operating account.

Mrs. Cousins presented a historical record of funding approved by individual accounts, which included the total amount in payment requests per site and approved cost proposals.

Mrs. Cousins presented the Cost Proposals report for the Board's review and approval. She presented a Cost Proposal recommendation for six (6) sites with an adjustment total cost of \$40,432.24. She indicated that this recommendation was under the quarterly minimum payout. Mr. McKinnon made the motion to approve the Cost Proposals as recommended by Mrs. Cousins. The motion was seconded by Mr. Bass. The motion was approved by the majority of the Board, with Mr. Massey abstaining from the vote.

Mrs. Cousins also presented the Payment Requests Report. She recommended an adjustment Payment Request amount of \$38,943.22 for eleven (11) sites. Mr. McKinnon made a motion to approve the Payment Requests as recommended by Mrs. Cousins. The motion was seconded by Mr. Bass. The motion was approved by the majority of the Board, with Mr. Massey abstaining from the vote.

Mrs. Cousins recommended approval of one extension request received by Master Cleaners (Springhill). Mr. Massey made the motion to approve the extension as recommended by Mrs. Cousins. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

Mrs. Cousins recommended the denial of the Cost Proposal (CP) from Waugh Property. She explained that they were in the process of seeking an environmental covenant and the CP request was received in advance of ADEM's approval. Mr. McKinnon made the motion to deny the cost proposal request as recommended by Mrs. Cousins. The motion was seconded by Mr. Bass and unanimously approved by the Board.

Mrs. Cousins presented for the Board's approval a list of Drycleaning Environmental Consultants. She indicated that all had reapplied in 2020 and included in this list. Mr. Massey made a motion to approve the 2020 consultant list as presented by Mrs. Cousins. The motion was seconded by Mr. McKinnon and unanimously approved by the Board. Mrs. Cousins reported that the list of consultants would be posted on the Board's website.

Mr. Weeks presented an update on legislative activities. The Board discussed identifying legislative sponsors whose drycleaning business owner constituents were members of the Drycleaning Fund and aware of the Fund's benefits. Mr. Warren indicated that he would work with Mr. Weeks to schedule meetings with legislators to review the proposed bill and prepare a summary of talking points about the bill and the environmental affects resulting from the loss of

the Trust Fund. The Board discussed the negative impact on the environment from old environmental exposures that may not be discovered until after the Trust Fund no longer existed and these funds were no longer available to assist with remediation. Mr. John Neu with EnviroForensics asked to speak with the Board about how the Trust Fund could be preserved by identifying prior insurance coverage, as a benefit to the drycleaning business owners as well. Mr. Neu offered to prepare language to add to the proposed legislative bill for the Board's consideration, outlining how the former insurance coverage and subsequent funds would benefit the Trust Fund. The Board agreed to review the proposed language.

The Board continued discussions from previous meetings about identifying persons to serve on the Board that brings diversity in the composition of the Board.

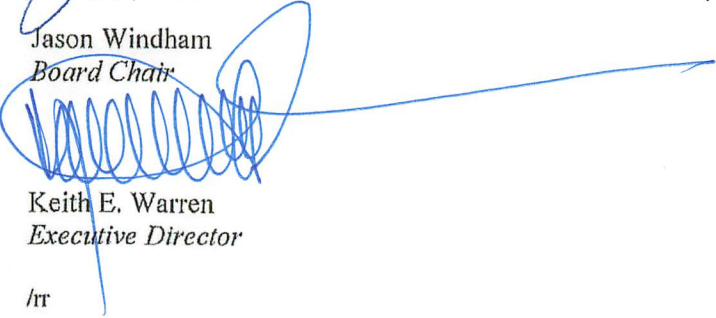
Chairman Windham reminded the members that the next meeting of the Board was scheduled May 28, 2020 at 10:00 a.m.

There being no further business of the Board, Mr. McKinnon made a motion to adjourn the meeting. The motion was seconded by Mr. Bass and unanimously approved by the Board. Mr. McKinnon adjourned the meeting at 11:31 a.m.

Respectfully Submitted,



Jason Windham
Board Chair



Keith E. Warren
Executive Director

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