



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

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**MINUTES
Board Meeting
Wednesday, November 13, 2013**

A meeting of the Alabama Drycleaning Environmental Trust Fund Advisory Board was called to order at 10:06 a.m. on Wednesday, November 13, 2013, at the Board Office located at 2777 Zelda Road, Montgomery, Alabama. Board members in attendance were as follows: Mr. Jim Massey, III, Mr. William Allinder, Mr. Steve Taylor, Mr. Jason Windham and Mr. Quincy Banks. Members not in attendance were Mr. Tripp Clements and Mr. Matt Hall. Also in attendance were Mr. Keith Warren, Executive Director, Mr. Robert Tambling (Board Counsel), Mr. Randy Barrows (Executive Assistant), Mrs. Ashley Cousins (Board Engineer) and Ms. Renee' Reames (Executive Secretary to Mr. Warren). A quorum was present to conduct business.

Public notice of this rescheduled 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.drycleaningtrustboard.alabama.gov.

The Board reviewed the minutes from the August 15, 2013 and September 19, 2013 meetings. Mr. Allinder made a motion to approve the minutes as presented. The motion was seconded by Mr. Windham and unanimously approved by the Board.

Ms. Amber Hartley, with the Alabama Department of Revenue, presented financial information to the Board and reported a balance of \$105,841.68 as of October 31, 2013. She reported that there were 49 accounts, of which 30 were active and 19 were abandoned/inactive. She reported on the revenue history and collection of quarterly payments into the Fund, which reflected more expenses and reduction in the Fund balance.

Ms. Bonnie Temple, with ADEM, reported that the DERTF list had been modify to distinguish active accounts from abandoned sites. She presented a list of sites that were ineligible for coverage that did not technically close the account and that some of these owners had indicated interest in being in the Fund; however, no funds were paid into the Fund. She reported that letters had been sent to these ineligible site owners, and these sites were not in the 49 sites reported earlier by Ms. Hartley. She indicated that some of the mailing addresses were no longer valid. It was the consensus of the Board to send a letter to the owners of the ineligible sites, indicating that upon closing of the facility, they are eligible to catch up and get back into the Fund. Ms. Temple agreed to work on validating the addresses. Ms. Temple reported on the status of DERTF accounts, along with active,

delinquent and prioritization of accounts. She reported that Copeland-Huntsville site was still being worked on as green space for the hospital.

Mrs. Ashley Cousins presented the approved cost proposal summary as a historical record of payouts to sites. She reported that as of August 15, 2013, the Board had authorized \$1,648,790.56 in Cost Proposals, and paid a total of \$2,429,639.04 in Payment Requests.

Mrs. Cousins presented a report on active and abandoned sites. She indicated that more abandoned sites (13) were using the Fund than active sites (8). Also the abandoned sites were using more funds than the amount of revenue coming into the Fund.

She also presented a quarterly contribution bar graph which showed collections into the Fund, from 2nd quarter 2008 through 4th quarter of 2013.

Ms. Cousins reviewed the Fund balance sheet report through 4th quarter 2013 and reported a projected negative balance based on the obligated funds the Board had approved. The Board discussed their concern over the trend in expenses that affected the balance of the Fund.

Mr. Windham made a motion to establish a committee comprised of industry Board members, Board attorney, Board Engineer Consultant and Revenue Department representative to recommend changes in the statute concerning revenue sources to the Fund. The motion was seconded by Mr. Taylor and unanimously approved by the Board.

Mr. Allinder made a motion to move \$300,000 from the Investment account to the Fund. The Board discussed allowing a financial cushion for projected expenditures. Mr. Allinder amended his motion to move \$500,000 from the Investment account to the Fund. The amended motion was seconded by Mr. Windham and unanimously approved by the Board.

Ms. Cousins presented recommendations for Cost Proposals and Payment Requests for the Board's approval. She presented 10 cost proposal; two of which had deductibles to meet. She recommended the Board authorize cost proposals in the amount of \$129,268.37. Mr. Banks made a motion to approve the cost proposals as recommended by Mrs. Cousins. The motion was seconded by Mr. Windham and unanimously approved by the Board.

The Board discussed implementing the priority system based on the effect to the Fund. Mr. Tambling indicated that he would review the APA on emergency rules by Boards and report at the next Board meeting.

Mrs. Cousins reported on the Payment Requests and recommended \$72,254.87 be approved. Mr. Taylor made a motion to approve the Payment Requests as recommended by Mrs. Cousins. The motion was seconded by Mr. Allinder and unanimously approved by the Board.

Also recommended by Mrs. Cousins was to withhold the requested funds from former Foley Cleaners and Laundry until ADEM could make changes to the Risk Report, and to allow a one-month extension to Master Cleaners-Sage. Mr. Allinder made a motion to approve the

recommendations presented by Mrs. Cousins. The motion was seconded by Mr. Taylor and unanimously approved by the Board.

Ms. Cousins stated that she has received a request to allow the engineering consultants to team with general contractors to be approved for remediation services (because the engineering consultants don't have a General Contractor's license.). Mr. Warren reported that subcontracted services to meet the General Contractors license requirement were not allowable because there was no binding agreement between the Engineering consultant and the General Contractor.

Mr. Warren reported on the Board terms and reported that Mr. Bryant had been recommended to replace Mr. Allinder.

Mr. Massey asked for comments or questions from the guest present at the meeting and there were none.

The Board reviewed the proposed dates to meet in the 2014 and Mr. Windham made a motion to approve the proposed meeting dates. The motion was seconded by Mr. Banks and unanimously approved by the Board.

The next meeting of the Board is scheduled February 13, 2014.

There being no further business before the Board, Mr. Massey adjourned the meeting at 11:47 a.m.

Respectfully Submitted,



Jim Massey, III

Chair

Keith E. Warren

Executive Director