



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

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**MINUTES  
Board Meeting  
Tuesday, August 30, 2016**

The meeting of the Drycleaning Environmental Trust Fund Advisory Board met on Tuesday, August 30, 2016 at 10:00 a.m. at the Board Office located at 2777 Zelda Road, Montgomery, Alabama, to conduct business of the Board. The meeting was called to order at 10:15 a.m. Board members in attendance were as follows: Mr. Jason Windham (Chair), Mr. Jim Massey, III (Vice Chair), Mr. Larry Bryant and Mr. Steve McKinnon. Board members absent were Mr. Quincey Banks, Mr. Thomas Bass and Mr. Steve Taylor. Also in attendance were Mr. Keith Warren (Administrator), Mr. Robert Tambling (Board Counsel), Mrs. Ashley Cousins (Board Engineer), and Ms. Renee' Reames (Executive Secretary to Mr. Warren and serving as recording secretary at this meeting).

Public notice of this rescheduled meeting was published on the Secretary of State's web site, [www.sos.alabama.gov](http://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](http://www.drycleaningtrustboard.alabama.gov).

The Board reviewed the minutes from the May 23, 2016 meeting. A copy of the minutes was provided to the Board members in advance of the meeting for their review. Mr. Massey made a motion to approve the May minutes as presented. The motion was seconded by Mr. Bryant and unanimously approved by the Board.

Mr. Tambling presented the Legal Counsel's Report. He reported on Springhill Village Shopping Center that joined the fund in 2008. There are two drycleaning facilities: at the shopping center; former One-Hr Martinizing, which is an abandoned drycleaning facility and Hilltop Cleaners Dry Store, which was also reported as an impacted third party because it was an abandoned drycleaning facility. In 2016, the Hilltop Cleaners site was identified as an active drycleaning facility because it is a drop-off/pick up store, which meets the definition of a drycleaning facility, which is required to pay 2% of gross revenue. The shopping center was sold in 2014 and the new owners believed they were eligible for reimbursement through the Fund as an abandoned facility. After it was discovered that it wasn't an abandoned facility, eligibility was unclear. Legal Counsel for the Springhill Village Shopping Center presented evidence that Hilltop Cleaners was formerly owned by KCM, Inc. The Board discussed eligibility to participate in the Fund and discussed whether there was evidence that there was a break in operations such that the former owner of Hilltop Cleaners could meet the definition of an abandoned facility according to the regulations. The Board reviewed the statute § 22-30D-6(m) and discussed that the facility had been registered incorrectly and this resulted in

the site not being eligible as an impacted third party. Mr. McKinnon made a motion to allow KCM, Inc. dba Hilltop Cleaners to come into the Fund as an abandoned site. The motion was seconded by Mr. Massey and the motion was approved with one opposing vote. Mr. Tambling clarified that this motion did not include the One-Hr Martinizing facility.

Mr. Windham called a 5 minute break at 11:10 a.m.

Mr. Windham reconvened the meeting at 11:15 a.m.

Ms. Amber Hartley with the Department of Finance reported on A1 Products and presented a letter requesting that the Board allow the Department of Revenue to remove the delinquent status from their account as they had decided to opt out of the fund. She reported on their last Tax Return date and payments. The Board discussed voluntary participation and their actions to opt out of the Fund. Mr. McKinnon made a motion to accept A1 Products as opting out of the Fund based on their last 2011 filing period. The motion was seconded by Mr. Bryant and unanimously approved by the Board. It was the consensus of the Board to consider these matters on a case-by-case basis.

Ms. Bonnie Temple with ADEM presented information on the number of DERTF participants, along with delinquent accounts. She also presented the prioritization of active accounts (category ranking), that included weighted ranking of these accounts. She reported that ADEM had published a Fact Sheet (July 2016) regarding the Fund and the Board unanimously agreed that the Fact Sheet would be published on the Board's website.

Mr. Thomas Sims with the Alabama Department of Revenue (ADR) provided the finance report concerning accounts that had filed a Tax Return and payments and reviewed a list of delinquent accounts as of August 1, 2016. He reported a cash Fund balance of \$97,446.32 as of this meeting date versus a balance of \$103,455.30 on August 1, 2016 reporting period. He introduced Ms. Amy Jordan who would be representing ADR at future Board meetings.

Ms. Cousins presented a historical summary of quarterly contribution collected into the Fund from the 2<sup>nd</sup> quarter of 2008 to the present reporting period, along with a summary of approved cost reports and payments by account name.

Ms. Cousins reported on the contributions into the fund and commented on the voluntary nature of the Fund, which would not provide sustainability for the Fund. She reminded the Board about the policy to only spend 80% of the average quarterly fund income and reminded the Board that the spending amount would be reset at their next Board meeting to manage the quarterly authorizations.

Ms. Cousin also presented the projected operating account cash balance as of August 25, 2016. The balance sheet consisted of expenses and outstanding obligations and she reported a \$47,393 deficit for 3<sup>rd</sup> quarter assuming 100% funding of all outstanding cost proposals. She also reported an Investment Account balance of \$2,048,461.

Mrs. Cousins presented recommendations for Cost Proposals for the Board's approval. She recommended a total of \$20,830.14 be approved, which consisted of 2 active sites and 1 abandoned site. Mr. Massey made the motion to approve the Cost Proposals as recommended by Mrs. Cousins. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

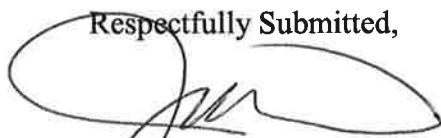
Mrs. Cousins presented Payment Requests for the Board's approval. She recommended that 2 active and 2 abandoned sites be approved for a total of \$58,441.79. Mr. McKinnon made the motion to approve a total of \$58,441.79 for 4 projects. The motion was seconded by Mr. Bryant and unanimously approved by the Board.

Ms. Cousins recommended an extension for Master Cleaners-Saraland, reporting that the site was current with their fees. Mr. Massey made a motion to approve the extension. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

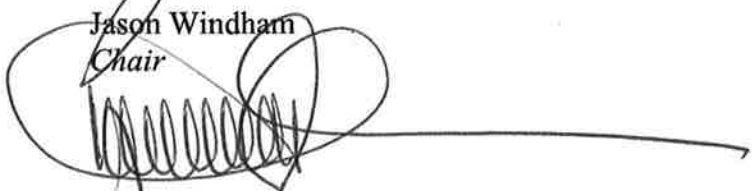
The next meeting of the Alabama Drycleaning Environmental Trust Fund Advisory Board is scheduled Thursday, November 10, 2016 at 10:00 a.m.

There being no further business, Mr. Massey made a motion to adjourn the meeting. The motion was seconded by Mr. McKinnon and unanimously approved. Mr. Windham adjourned the meeting at 11:47 a.m.

Respectfully Submitted,



Jason Windham  
*Chair*



Keith E. Warren  
*Administrator*

/rr