



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

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MINUTES

**Board Meeting – Special/Called
Wednesday, February 13, 2019 - Amended**

The special/called meeting of the Alabama Drycleaning Environmental Trust Fund Advisory Board met on Wednesday, February 13, 2019 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., when a quorum was present. Board members in attendance were as follows: Mr. Jason Windham (Chair), Mr. Jim Massey, III (Vice Chair), Mr. Steve McKinnon and Mr. Cary Spiegel. 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 (recording secretary).

Public notice of this special/called 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.

Chairman Windham reported that changes to the Board's statute had been discussed that included requiring participation into the Fund by all or by some as it pertains to their use of petroleum or perchloroethylene (PERC) and effects on the environment. The Board discussed establishing a method of identifying the two types of solution users under that criteria and allowing them to buy into the Fund and opt-out under environmentally-proven qualifying factors.

The Board also discussed Fund participation for abandoned sites by current and future owners and if current-owner participation was required prior to a future owner of the site being allowed to join the Fund.

Other criteria for Fund participation was discussed by the Board: participation rate based on gross receipts, environmental fees, initial or occurrence registration fees, annual and/or per occurrence deductible amounts and/or deductibles based on user's type of solvents, sliding-fee scale for type of project (investigation and/or remediation, etc.) and surcharge fees based on type of solvents and volume used, as it pertains to environmental factors. Also discussed was allowing for inflation by creating a tiered deductible per occurrence.

In consideration of the discussions to propose legislative changes, the Board discussed obtaining legislative sponsors of the Bill prior to the beginning of the 2019 legislative session,

potential issues and ADEM support. The Board agreed to review the Definition section in the statute, so that it was in-agreement with proposed legislative changes.

The Board tentatively agreed to mandatory participation by all drycleaners, each drycleaner required to pay 1% of gross revenue into the Fund, a \$5,000 fee per fiscal year for abandoned cleaners, a tiered deductible per site per occurrence – \$25,000 for active sites and \$50,000 for abandoned sites, a cap of \$250,000 per owner per fiscal year, statute Definitions modified to reflect these changes and modify the Fund limit from \$1 million to \$500,000. Mr. McKinnon made the motion to approve the changes as discussed and ask the Legislative Services Agency to draft the proposed Bill. The motion was seconded by Mr. Massey and unanimously approved by the Board.

Mr. Massey made the motion to add an administrative fee of \$5000 per year for current owners/company of an abandoned site to remain in the Fund, if they are in good standing when they sell the site to another owner. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

Mr. McKinnon made the motion to add a lifetime maximum cap of \$1 million per site from effective date of the Legislative Act. The motion was seconded by Mr. Massey and unanimously approved by the Board.


Chairman Windham reminded the members that the next meeting of the Board was scheduled February 28, 2019 at 10:00 a.m.

There was no further business before the Board and Mr. McKinnon made the motion to adjourn the meeting. The motion was seconded by Mr. Spiegel and unanimously approved by the Board. Mr. Windham adjourned the meeting at 12:37 p.m.

Respectfully Submitted,



Jason Windham
Chair



Keith E. Warren
Administrator

/rr