



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

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**MINUTES
Board Meeting
February 28, 2019**

The meeting of the Alabama Drycleaning Environmental Trust Fund Advisory Board met on Thursday, February 28, 2019, at the Board Office located at 2777 Zelda Road, Montgomery, Alabama, to conduct business of the Board. Board members in attendance were Mr. Jason Windham (Chair), Mr. Steve McKinnon (Vice Chair), Mr. Jim Massey, III (member), Mr. Cary Spiegel (member) and Mr. Thomas Bass (member, arrived at 10:21 a.m.). Board members absent were Mr. Quincey Banks and Mr. Steve Taylor. Also in attendance were Mr. Keith Warren (Executive Director), Mr. Robert Tambling (Board Counsel), Mrs. Ashley Cousins (Board Engineer) and Ms. Renee' Reames (recording secretary). Other guests were present at the meeting. The meeting was called to order at 10:11 a.m. by the Board Chairman, Mr. Jason Windham, and a quorum of the members were present.

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.drycleaningtrustfund.alabama.gov.

The Board reviewed the minutes from the November 29, 2018 regular meeting and the February 13, 2019 special/called meeting of the Board. Mr. McKinnon made a motion to approve the November and February minutes as presented. The motion was seconded by Mr. Spiegel and unanimously approved by the Board.

Ms. Bonnie Temple, with ADEM, presented information on the number of DERTF active participants in the Fund. She reported on the current prioritization of active accounts and indicated that several sites were prioritized at the same level.

Ms. Nichelle Norris with the Revenue Department, reported on the participating accounts that had submitted Returns and paid into the Fund, and she also reported on the accounts that were delinquent. She reported a cash balance of \$110,100.89 as of February 4, 2019 and indicated that two accounts were being reimbursed due to overpayment.

Mr. Bass arrived at 10:21 a.m.

Mrs. Cousins presented a graph indicating quarterly contributions into the Fund since FY 2008 through January 2019. Included with this report was a 4-year comparison, by quarters, of contributions into the Fund.

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

Mrs. Cousins reported a projected Fund balance of \$115,127 as of January 31, 2019. She indicated that, assuming all outstanding Cost Proposal obligations, a negative balance of (-) \$18,763 was projected. The Board discussed past transfers from the Investment Fund to the Operating Account, while retaining \$1 million in the Investment Account. She reported that with pending revenue from abandoned site fees, it was projected that an additional transfer would not be required at this time. Mrs. Cousins reported an Investment Fund balance of \$1,796,492 as of January 31, 2019.

Mrs. Cousins presented the Cost Proposals for the Board's approval and recommended an adjusted total of \$45,478.43 for eight (8) sites. Following a discussion of the sites, Mr. Spiegel made the motion to approve the Cost Proposals as recommended by Mrs. Cousins. The motion was seconded by Mr. Massey and approved by the Board.

Mrs. Cousins presented the Payment Requests for the Board's approval. She recommended \$13,589.03 be approved for four (4) sites, where were less in total than the Approved Cost Proposals. Following a discussion of the sites, Mr. McKinnon made the motion to approve the Payment Requests as recommended by Mrs. Cousins. The motion was seconded by Mr. Massey and unanimously approved by the Board.

Mrs. Cousins recommended an extension for Newman Cleaners. Mr. McKinnon made a motion to grant the extensions. The motion was seconded by Mr. Massey and unanimously approved by the Board.

Mrs. Cousins presented an updated list of Alabama Drycleaning Environmental Consultants, to include one new company, EnviroForensics, for the Board's approval. Mr. Massey made the motion to approve the updated list of ADEC. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

Chairman Windham commented on EnviroForensic's insurance archeology division, which assisted Drycleaners in identifying prior insurance coverage as a financial resources to cover costs associated with contamination. The Board discussed utilizing this service to evaluate requests before the expenditure of funds. It was the consensus of the Board to invite a representative from EnviroForensics to the next meeting or future Board meeting. Chairman Windham indicated that he would extend an invitation to them.

Mr. Tambling, Board Legal Counsel, presented changes to the Board statute, based on discussion at the Board's special/called meeting in February (outline available in Official Book of Minutes). Following a review and discussion of changes to the statute, Mr. McKinnon made a motion to approve the changes to § 22-30D-4 through § 22-30D-7 as discussed and to authorize Mr. Tambling to finalize and submit to LRA for a Bill to be drafted. The motion was seconded by Mr. Massey and unanimously approved by the Board.

Mrs. Cousins presented Policies and Procedures, as previously agreed upon in Board discussions, for the following: Consideration of Cost Proposals and Payment Requests, Reasonable Rates and Reimbursement, Eligible Personnel, Investigation of Derived Waste, ADEM Guidance regarding Management of Investigation Derived Waste, Board Policy on Environmental Covenants, and Board Policy on UIC Permit Monitoring Cost Proposal Approval. The Policies were unanimously approved by the Board.

Mr. Warren presented for the Board's approval the annual renewal of the Administrative Management Services Contract with Warren & Company, Inc. Mr. Massey made a motion to approve the Contract with Warren & Company for another year with no changes. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

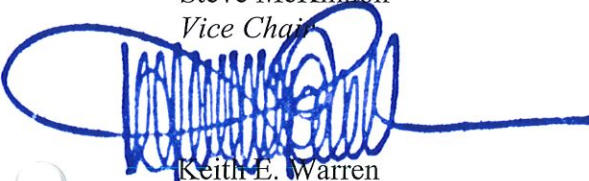
Mr. Windham announced that the next regularly scheduled meeting of the Alabama Drycleaning Environmental Trust Fund Advisory Board was scheduled May 30, 2019 at 10:00 a.m.

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

Respectfully Submitted,



Steve McKinnon
Vice Chair



Keith E. Warren
Executive Director

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