

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

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**MINUTES  
Board Meeting  
August 19, 2021**

The Alabama Drycleaning Environmental Trust Fund Advisory Board met on Thursday, August 19, 2021, at the Board's office located at 2777 Zelda Road, Montgomery, Alabama, to conduct regular business of the Board. Due to the COVID 19 State of Emergency, the meeting was conducted virtually. Board members in attendance virtually were Mr. Jason Windham (Board Chair), Mr. Steve McKinnon (Board Vice Chair), Mr. Jim Massey, III (member) and Mr. Cary Spiegel (member). Board members absent were Mr. Thomas Bass (member), Mr. Quincey Banks (member) and Mr. Steve Taylor (member). Also participating in the call onsite at the Board's office was Ms. Renee' Reames (recording secretary). Others on the call were Mr. Zack Wilson of the Attorney General's office(stand-in for Robert Tambling, Board Legal Counsel), Mrs. Ashley Cousins (Consulting Engineer), Ms. Ashley Powell and Mr. Richard Hamner with ADEM and Ms. Nichelle Norris with the Revenue Department.

Public notice of this regularly scheduled 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.drycleaningtrustfund.alabama.gov](http://www.drycleaningtrustfund.alabama.gov).

**CALL TO ORDER AND ROLL CALL**

Chairman Windham called the meeting to order at 10:01 a.m. and Ms. Reames called Board roll, reporting that a quorum of the members was present to conduct business of the Board.

**APPROVAL OF MINUTES**

The Board reviewed the minutes from May 20, 2021 regular meeting. A copy of the minutes was provided to the members prior to the meeting for their review. Mr. McKinnon made a motion to approve the May meeting minutes as presented. The motion was seconded by Mr. Massey and unanimously approved by the Board.

**ADEM'S REPORT**

Ms. Ashley Powell, with ADEM, reviewed the DERTF list of active participants in the fund, along with a list of delinquent accounts and list of current prioritization of active accounts.

**REVENUE DEPARTMENT'S REPORT**

Ms. Nichelle Norris, with the Department of Revenue, reported on the participating accounts and the status of payments into the Fund, along with a list of delinquent accounts, and she reported a cash balance of \$77,279.50 as of August 2, 2021.

Ms. Reames reported that letters will be sent by Administration to the delinquent accounts regarding continued participation in the Fund.

## CONSULTING ENGINEER'S REPORT

Mrs. Cousins presented a historical record of funding approved by the Board that reflected a total amount in payment requests and approved cost proposals per site. The Payment Requests approved by the Board for all sites totaled \$3,814,340.43.

Mrs. Cousins reviewed quarterly contributions into the Fund, for a comparative period of the second quarter of FY 2016 through the third quarter of FY 2021.

Mrs. Cousins also reviewed on the Fund's operating account cash balance, with a projected deficit of \$52,295 as of the beginning of FY 2021 fourth quarter. She also reported that assuming 100% funding of all outstanding Cost Proposal obligations, the Fund had a projected deficit of \$142,214 overall. Mrs. Cousins reported an Investment Account balance of \$1,675,783 as of July 31, 2021.

Ms. Cousins reminded the members that Cost Proposals were valid for one year, unless a request for an extension was approved. Following a further review, Mr. Spiegel made the motion to transfer \$150,000 from the Investment Account into the Fund's Operating Account. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

The Board discussed the Investment Account balance and the \$1 million minimum required. Mr. McKinnon made the motion to request an Opinion from the Attorney General's office about limitations and suspension of the operations of the Board until the Investment Fund is built back up. The motion was seconded by Mr. Massey and unanimously approved by the Board.

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 \$27,719.14. She reported on the proposed work of the six individual sites. Mr. McKinnon made the motion to approve the Cost Proposals as recommended by Mrs. Cousins. The motion was seconded by Mr. Spiegel and was unanimously approved by the Board.

Mrs. Cousins also presented the Payment Requests Report. She recommended an adjustment Payment Request amount for four (4) sites totaling \$25,232.96. Mr. McKinnon made a motion to approve the Payment Request as recommended by Mrs. Cousins. The motion was seconded by Mr. Massey and was unanimously approved by the Board.

Mrs. Cousins recommended the denial of three (3) Cost Proposals resulting from the work not required by ADEM. Mr. Spiegel made a motion to approve the denial of the cost proposals as presented by Mrs. Cousins. The motion was seconded by Mr. Massey and unanimously approved by the Board.

Mrs. Cousins recommended that one (1) Cost Proposals be voided as a result of no current injections and ADEM had requested an updated CAP. Mr. McKinnon made a motion that the cost proposal be voided as presented by Mrs. Cousins. The motion was seconded by Mr. Spiegel and unanimously approved by the Board.

## AUTHORIZATION FOR EXECUTIVE DIRECTOR TO SIGN APPLICATIONS AND BOARD WAIVER OF NOTARY PUBLIC SIGNATURE

The Board discussed authorizing the Executive Director to sign applications during the COVID 19 State of Emergency and to waive the requirement for a Notary Public on applications submitted to the Board. Mr. Massey made the motion to authorize the Executive Director to sign applications approved by the Board during the COVID 19 State of Emergency and to waive the requirement for a Notary signature. The motion was seconded by Mr. McKinnon. Following further discussion, Mr. Massey amended his motion to only reflect that the Board authorize the Executive Director to sign applications approved by the Board during the COVID 19 State of Emergency. Mr. McKinnon seconded the amended motion and was unanimously approved by the Board.

## SPECIAL REPORT

Ms. Cousins reported that ADEM had required a corrective action plan for two Master Cleaners sites in Mobile County. Ms. Cousins reported that the engineers on the projects had asked to appear before the Board following a recommendation from ADEM to discuss funding their proposal with the Board; however, they did not have a proposal ready in time for the Board meeting. No additional information was available, in writing, on the technology proposed to be used by the engineers. Ms. Cousins had asked ADEM to present a summary of historical results and effectiveness of past remediation at the two sites as background for the Board.

Ms. Powell with ADEM reported that the Department (ADEM) had prepared an overview of two sites in Mobile County, at the request of the Board's consultant, Ms. Cousins. She reported that the information in the summary was available to the public and may be found on the ADEM website. She reported that until the Department received and reviewed any proposed plans, no further recommendations would be made at this time. She indicated that if the Board had further questions, they may submit them to her (Ashley Powell), as the ADEM DERFT program manager. She introduced Mr. Richard Hamner, as the technical support for these sites, and indicated that he would provide the details of the overview (outline of Mr. Hamner's report available in the official Book of Minutes).

## BOARD EXPENSES AND PAYMENT SCHEDULE

Ms. Cousins reported on the year-to-date expenses of the Board (report available in the official Book of Minutes) and Board, again, advocated for a change in legislation to increase the contributions into the Fund.

## APPROVAL OF EMERGENCY CONTRACT FOR CONSULTING ENGINEER SERVICES

Ms. Reames reported that the Consulting Engineer Contract was scheduled to expire in September and she indicated that the Board's Executive Director recommended the approval of an emergency contract for one year with Ms. Ashley Cousins, until the RFP process had been completed. Mr. Spiegel made the motion to approve an emergency contract for Consulting Engineer Services, with Ms. Cousins for one year until the RFP process was complete. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

## UPDATE ON BOARD TERMS

The Board continued to discuss the expiration of term for members actively serving on the Board. At this time, the current members had agreed to continue to serve until new and reappointments had been made by Governor Ivey.


Chairman Windham reminded the members that the next regular meeting of the Board was scheduled November 18, 2021 at 10:00 a.m. Ms. Reames reported that the Executive Director would keep the members advised about whether the Board would be required to meet in-person when the State of Emergency was lifted.

There being no further business of the Board, Mr. McKinnon made a motion to adjourn the meeting. The motion was seconded by Mr. Massey and unanimously approved by the Board. Chairman Windham adjourned the meeting at 11:01 a.m.

Respectfully Submitted,



Jason Windham  
*Board Chair*



Keith E. Warren  
*Executive Director*

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