



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

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**MINUTES
Board Meeting
September 8, 2022**

The Alabama Drycleaning Environmental Trust Fund Advisory Board met on Thursday, September 8, 2022, at the Board's office located at 2777 Zelda Road, Montgomery, Alabama, to conduct regular business of the Board. The following members were in attendance: Mr. Jason Windham (Board Chair), Mr. Steve McKinnon (Board Vice Chair), Mr. Jim Massey, III (member), Ms. Bonnie Temple (member) and Mr. Cary Spiegel (member attending virtually). Board member absent was Mr. Steve Taylor (member). Also participating was Ms. Tina Hammonds (Assistant Attorney General), Mrs. Ashley Cousins (Consulting Engineer), Ms. Ashley Powell and Mr. Richard Hamner with ADEM, Ms. Nichelle Norris with Department of Revenue and Ms. Renee' Reames (recording secretary).

Public notice of this regular business 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.

CALL TO ORDER AND ROLL CALL

Chairman Windham called the meeting to order at 10:10 a.m. and Mr. Warren called Board roll, reporting that a quorum of the members was present to conduct business of the Board. Chairman Windham welcomed members and guests.

APPROVAL OF MINUTES

The Board reviewed the minutes from the May 23, 2022 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 February 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 prioritizations of active accounts. She reported that 10 of the 13 accounts on the ADEM delinquent list have no permits and had not asked for work at their site. She reported that several accounts had been added to the delinquent list. She reported that two accounts on the delinquent list have environmental covenants and have received conditional letters of occurrence. She also reported that GWTI had been added to the prioritization list. Mr. Hamner explained that work at sites on the delinquent list would be eligible to be transferred to another department to seek authorization of continued work at those sites.

REVENUE DEPARTMENT'S REPORT

Ms. Norris, with the Revenue Department, reported on the participating accounts and the status of payments into the Fund. She reviewed adjustments to the report since some payments were

received late after the report had been prepared. She reported that GWIT was added as the responsible party for the Former Northington Cleaners site and the Theodore Cleaners site had an ownership name change from Trust to Family. She reviewed the delinquent accounts and reported a cash balance of \$77,730.58 as of July 25, 2022.

CONSULTING ENGINEER'S REPORT

Mrs. Cousins presented a historical record of payment requests and approved cost proposals per site. She reviewed the status of these accounts by identifying delinquent accounts, former closed accounts, and accounts that had resigned from the Trust. The Payment Requests approved by the Board for all sites totaled \$3,919,026.49.

Mrs. Cousins reviewed the quarterly contributions into the Fund, for a comparative period of the second quarter of FY 2016 through fourth quarter FY 2022. She reported a decline in funds in current year compared to prior year and reminded the members that Board spending was less due to the less money available in the Fund.

Mrs. Cousins also reported on the Fund's operating account cash balance, with a projected balance of \$93,459 for fourth quarter of FY 2022, which did not include the outstanding payments to ADEM and Revenue. She also reported that, assuming 100% funding of all outstanding Cost Proposal obligations, the Fund had a projected deficit of \$97,002 overall. Mrs. Cousins also reported an Investment Account balance of \$1,480,389 as of September 6, 2022. The Board discussed transferring funds into the operating account. Mr. Massey made a motion to authorize the Executive Director to transfer up to \$150,000, only if it became necessary, from the Investment account into the operating account. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

Mrs. Cousins reported on a Cost Proposal from Former Mountain Brook Cleaners for air sampling and installation of a vapor system without ADEM knowledge. Mr. McKinnon made the motion to deny approval of the Cost Proposal request from Former Mountain Brook Cleaners. 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 of 5 sites for an adjusted total of \$38,921.90, noting a deductible for one site under a new owner. Mr. McKinnon made the motion to approve the Cost Proposals as recommended by Mrs. Cousins. The motion was seconded by Mr. Massey and was unanimously approved by the Board.

Mrs. Cousins presented Payment Requests from 2 sites and recommended an adjusted Payment Request amount for the two sites totaling \$12,446.17. Mr. Massey made a motion to approve the Payment Requests as recommended by Mrs. Cousins. The motion was seconded by Ms. Temple and unanimously approved by the Board.

Mrs. Cousins reported on the rolling totals for approved work included in her report for Cost Proposals and Payment Requests.

Mrs. Cousins reported that ADEM had approved an increase in project personnel rates. The Board discussed the potential effects on project work by not increasing the rate. Mr. Massey made a motion to approve the ADEM personnel rates. The motion was seconded by Ms. Temple and

unanimously approved by the Board. The Board concurred that the change in rates would become effective October 1, 2022, and project approved prior to that date would be paid at the old rate.

Ms. Cousins reported that in the maximum allowable (reimbursable) rates, drilling was paid at a fixed rate and if drilling could not be performed at that rate, three (3) quotes were required. Following a review of the ADERTF maximum allowable rates, Mr. McKinnon made a motion to accept the changes in reimbursable rate. The motion was seconded by Mr. Massey and unanimously approved by the Board.

Mrs. Cousins presented an updated list of Approved Alabama Drycleaning Environmental Consultants, with the addition of Bullock Environmental, LLC. Mr. McKinnon made the motion to approve the updated list of ADEC as of September 2022. The motion was seconded by Mr. Massey and unanimously approved by the Board.

2023 PROPOSED LEGISLATION

The Board discussed presenting proposed changes to the Board's statute during the 2023 Legislative Session and pursuing communications with those who may be in opposition to the changes. Mr. Massey and Mr. McKinnon agreed to work with Mr. Warren in developing a plan and to identify key contacts within potential opposing groups.

BOARD TERMS AND RECOMMENDATIONS

Mr. Warren reminded the members about the Board vacancy for a drycleaner employing less than 10 employees. He also explained to the Board about changes in the Open Meetings Act and changes in establishing a quorum.

CONSULTING ENGINEER CONTRACT

Mr. Warren presented a copy of the consulting engineer proposal from one vendor who responded to the Request for Proposals. He indicated that the one proposal was from Mrs. Ashley Cousins. Following a review of the proposal, Mr. Massey made the motion to approve the proposal from Ashley Cousins for consulting engineer services, with no change in rate and the addition of an assistant, if needed. The motion was seconded by Mr. McKinnon and unanimously approved by the Board.

ANNOUNCEMENTS

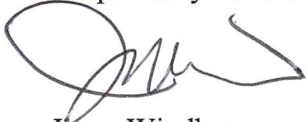
The Board continued to discuss the proposed 2023 legislative bill and Mr. McKinnon made the motion to adjust the dates in the proposed bill with an effective date of January 2024. The motion was seconded by Ms. Temple and unanimously approved by the Board.

Chairman Windham reminded the members that the next regular meeting of the Board was scheduled November 10, 2022.

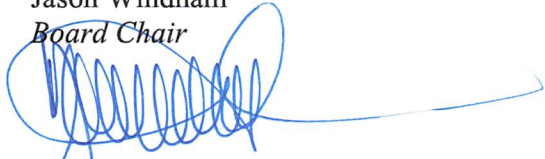
ADJOURNMENT

There being no further business of the Board, Mr. Massey made a motion to adjourn the meeting. The motion was seconded by Ms. Temple and unanimously approved by the Board. Chairman Windham adjourned the meeting at 11:38 a.m.

Respectfully Submitted,



Jason Windham
Board Chair



Keith E. Warren
Executive Director

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