



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

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**MINUTES
Board Meeting
May 23, 2024**

The Alabama Drycleaning Environmental Trust Fund Advisory Board met on Thursday, May 23, 2024, 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), Ms. Bonnie Temple (member joining at 10:15 a.m.), Mr. Dan Cooper (new member), and Mr. Bubba Dean (new member). Also participating were Mr. Keith Warren (Executive Director), Mr. Robert Tambling (Board Legal Counsel), Mrs. Ashley Cousins (Consulting Engineer), Ms. Ashley Powell and Mr. Steve Cape with ADEM, Ms. Nichelle Norris with the Department of Revenue, Mr. Brannon Littleton (Chief Financial Officer) 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 10:04 a.m. Mr. Warren administered the oath of office to new Board members, Mr. Dan Cooper and Mr. Bubba Dean, and the new members were welcomed by the Board. Mr. Warren called the Board member roll, reporting that a quorum of the members was present to conduct business of the Board. Chairman Windham welcomed everyone attending the meeting.

APPROVAL OF MINUTES

The Board reviewed the minutes from the February 22, 2024, 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. Dean and unanimously approved by the Board.

Ms. Bonnie Temple joined the meeting at 10:15 a.m.

ADEM'S REPORT

Ms. Powell reviewed the ADEM reports which included the DERTF list of active participants in the Fund, a list of delinquent accounts, and a list of prioritizations of active accounts. She reported that Riverchase Shopping, on the delinquent list of accounts, was under a covenant, and it was undetermined if the account would return to the Fund.

REVENUE DEPARTMENT'S REPORT

Ms. Norris with the Revenue Department reported on the Fund's cash as of May 15, 2024. She reported on participating accounts and the status of payments to the Fund. The Board discussed payments into the Fund and the requirement to keep payments current, specifically, on active sites

where work was performed. She reviewed the list of delinquent accounts and reported that Modern Cleaners had been reported as closed. Other closed accounts were also presented.

CONSULTING ENGINEER'S REPORT

Mrs. Cousins presented a list of cost proposals and approved payment requests as a historical record per site. She reported that over \$4,037,091 had been paid out of the Fund for work performed at sites. Mrs. Cousins reviewed from the list the (1) accounts that had been closed and later reopened as new accounts, (2) delinquent accounts, and (3) accounts that had resigned from the Fund.

Mrs. Cousins also reviewed the quarterly contributions to the Fund, for a comparative period of the second quarter of FY 2016 through a partial third quarter of FY 2024. Also provided was a graph indicating contributions received annually for this same period.

Mrs. Cousins reported on the Fund's operating account cash balance, with a projected balance of \$84,980 for the third quarter of FY 2024. She indicated that, assuming 100% funding of all outstanding Cost Proposal obligations, the Fund had a projected balance of \$43,098. She reported an Investment Account balance of \$1,280,060 as of April 30, 2024.

Mrs. Cousins presented Cost Proposals on two (2) sites. She recommended an adjusted Cost Proposal amount totaling \$7,127.93 for the two sites. She reported that another Cost Proposal had been moved to the deferred list awaiting ADEM action.

MOTION: Mr. McKinnon made the motion to approve the adjusted Cost Proposals for the two sites as recommended by Mrs. Cousins. The motion was seconded by Ms. Temple and was unanimously approved by the Board.

Mrs. Cousins presented Payment Requests on two (2) sites. She recommended an adjusted Payment Request amount totaling \$13,533.31 for the two sites. She reported that another Payment Request had been moved to the deferred list due to lack of signature and notary.

MOTION: Mr. Dean made the motion to approve the adjusted Payment Requests for the two sites as recommended by Mrs. Cousins. The motion was seconded by Ms. Temple and approved by the Board, with Mr. Cooper recused from voting.

Mrs. Cousins reviewed the two proposals previously mentioned as deferred.

MOTION: Mr. McKinnon made the motion to approve the deferral of the two requests as recommended by Mrs. Cousins and authorize a letter sent to the Former Mountain Brook Cleaners about pending ADEM approval. The motion was seconded by Ms. Temple and was unanimously approved by the Board.

UPDATE ON BOARD'S PROPOSED LEGISLATION AND OVERVIEW OF LEGISLATIVE ACTIVITIES

Mr. Warren reported that Mr. Steve Cobb with ADEM had submitted notes concerning the Board's proposed legislation (copy available in official Book of Minutes). Mr. Tambling commented on the Board's proposed legislation to ensure the survival of the Fund by proposing a mandatory 1% fee on gross revenue of drycleaning facilities and wholesaler distributors vs. voluntary participation. The Board discussed the proposed changes presented by Mr. Cobb to the legislation to be considered for the 2025 legislative session, to include some minor changes and conflicting language in some sections, along with concerns about limiting the ability of ADEM to require clean-up, protect human health and the environment, etc.

The Board asked Mr. Tambling and Mrs. Cousins to work with ADEM on the modifications to the proposed legislation.

The Board discussed strategy for continuing to pursue legislation as the Fund continued to be depleted or to transition the 19 active sites due to the lack of legislative support and aversion, in the current political climate, to imposing additional fees. The Board considered a variation of programs through taxable products, etc. similar to the Florida and Tennessee state-funded drycleaning clean-up programs.

The Board discussed establishing legislative support in the upcoming session and Mr. Warren indicated that he would provide a list of legislative committee members to the Board members and discussion of the matter would be continued at the next Board meeting.

CONSULTING ENGINEER SERVICES

Mr. Warren reported that the consulting engineer services contract was scheduled to expire September 30, 2024.

MOTION: Mr. McKinnon made the motion to renew the language in the current contract specifications for consultant services and begin the RFP process. The motion was seconded by Mr. Dean and unanimously approved by the Board.

NEXT MEETING:

Chairman Windham reminded the members that the next meeting of the Board was scheduled for August 22, 2024. It was the consensus of the Board to change the next meeting date to August 15, 2024.

ADJOURNMENT:

Chairman Windham called for other business of the Board and there were none.

MOTION: Mr. McKinnon made the motion to adjourn the meeting. The motion was seconded by Ms. Temple, and Chairman Windham adjourned the meeting at 11:55 a.m.

Respectfully Submitted,

Jason Windham
Board Chair

Keith E. Warren
Executive Director

Approved by the Board on _____/rr_____