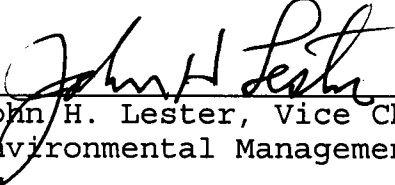


6/28/10

**Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059
May 6, 2010**

This is to certify that the Minutes contained herein are a true and accurate account of actions taken by the Alabama Environmental Management Commission on May 6, 2010.



John H. Lester, Vice Chair
Environmental Management Commission

Certified this 25th day of June 2010.

Minutes
Environmental Management Commission Meeting
Alabama Department of Environmental Management Building
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2059
May 6, 2010

Convened: 11:30 a.m.
Adjourned: 11:50 a.m.

Part A

Transcript

Part B

Attachment Index

Attachments 1 – 2

Part A

AEMC COMMISSION MEETING - 5/6/2010

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION MEETING</p> <p>Alabama Department of Environmental Management Building Alabama Room (Main Hearing Room) 1400 Coliseum Boulevard Montgomery, Alabama</p> <p>May 6, 2010 11:30 a.m.</p>	<p style="text-align: right;">Page 3</p> <p>1 PROCEEDINGS 2 3 THE CHAIR: I'd like to call this 4 Commission meeting to order. I'd like to 5 recognize the fact that we do have a quorum 6 present today. 7 The purpose for this emergency 8 meeting of the Environmental Management 9 Commission is relating to ratification of the 10 effective date -- the employment effective date 11 of Mr. Lance LeFleur that was selected by this 12 commission at its previous commission meeting 13 back in April. 14 The reason -- what brought us here 15 today is on Friday, while I was out traveling, I 16 received a phone call from the governor's -- 17 Governor Bob Riley's legal advisor, informing me 18 of the situation that's going on with the oil 19 spill; that the government was going to declare 20 a state of emergency and that -- that they had 21 been in conversation with the State Personnel 22 Department. That basically Mr. LeFleur is an 23 employee of the Alabama Department of</p>
<p style="text-align: right;">Page 2</p> <p>1 COMMISSION MEMBERS PRESENT: 2 ANITA ARCHIE, CHAIR 3 DR. JOHN H. LESTER, VICE-CHAIR 4 SAM H. WAINWRIGHT, P.E. 5 W. SCOTT PHILLIPS (not present) 6 DR. J. CONRAD PIERCE 7 H. LANIER BROWN, II, ESQ. 8 9 ALSO PRESENT: 10 TORI ADAMS, EMC LEGAL COUNSEL 11 12 13 14 15 16 17 18 19 20 21 22 23</p>	<p style="text-align: right;">Page 4</p> <p>1 Environmental Management. However, it was just 2 a formality of going through the process of 3 state board approval. 4 And that because of this emergency 5 that they are willing to go ahead and consider 6 this appointment for May 1st because of the 7 state of emergency that was going to be declared 8 by Governor Bob Riley. 9 After numerous conversations with 10 the Governor's Office, as well as talking with 11 legal counsel for the board, trying to have 12 conversation with Commissioners and here with 13 the Department, conversation going on with our 14 HR and the State Personnel Department, I did 15 sign a letter making Mr. LeFleur's effective 16 date as of May 1st. 17 Upon advice of counsel -- and I'd 18 like to thank Ms. Olivia Jenkins as being a part 19 of that discussion as well. We are having this 20 meeting today to ratify that action that took 21 place on Friday. 22 So at this time, I will entertain 23 a motion.</p>

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<p style="text-align: right;">Page 5</p> <p>1 COMMISSIONER PIERCE: Madam 2 Chairman, I move to ratify the Chair's action, 3 making the effective date of Mr. Lance LeFleur's 4 employment to May 1, 2010. 5 THE CHAIR: Do I have a second? 6 COMMISSIONER BROWN: Second. 7 THE CHAIR: Any discussion? 8 (No response.) 9 THE CHAIR: All in favor, say 10 "aye." 11 ALL: Aye. 12 THE CHAIR: Those opposed? 13 (No response.) 14 THE CHAIR: The motion carries. 15 Item number two on the agenda is 16 an update on the situation with the oil spill. 17 But before I turn this over to our 18 new director, I would like to say this. ADEM's 19 staff has been phenomenal through this whole, 20 entire situation in the Gulf, and all the credit 21 goes to the employees here who have worked 22 extremely hard in trying to deal with this 23 crisis in -- crisis in the Gulf. They have been</p>	<p style="text-align: right;">Page 7</p> <p>1 Also, Mr. Hagood, who has been for 2 the last six months -- who has made sure that 3 everything sticks together, is not with us 4 today. He has a very important matter with his 5 daughter today, and we understand family comes 6 first. But we would like to also say that we 7 appreciate his hard work and dedication that he 8 has done to help us through this process for the 9 last six months. We could not have done this 10 without his guidance, his support in keeping 11 this ship running effectively. 12 I'd like to at the same time thank 13 Marilyn -- Marilyn Elliott, who's always a 14 champion when it comes down to being a dedicated 15 employee -- employee here with the Department 16 and all the other divisions. 17 And, Olivia, we're going to miss 18 you. So I want to say that you have been a 19 joy. So I just -- just want -- you know, I 20 think you're not going to be here at our next 21 meeting. You made mint juleps. So -- but we 22 really appreciate you and just want to let you 23 know that you are a very, very credible, honest,</p>
<p style="text-align: right;">Page 6</p> <p>1 working overtime. They are tired. They are 2 trying to make sure that they are covering all 3 the action. 4 In particular, you know, I 5 recognize Steve Jenkins especially, in light -- 6 he has some personal issues going on in his life 7 right now. He's over ER. 8 Phillip Woods, I think -- I think 9 I said it correctly. His work as well. Good 10 legal advice coming from the department. And 11 I'd just like to take my hats off to you. The 12 Commission -- the Chair really appreciates your 13 due diligence and your hard work, and we want to 14 recognize you for that. So I just want to say 15 that. 16 As well -- I want to also say that 17 Robert Tambling is not here with us today. I'd 18 like to recognize Ms. Tori Adams, who's sitting 19 in here -- sitting in today as our counsel. And 20 welcome -- 21 MS. ADAMS: Thank you. 22 THE CHAIR: -- to the 23 Environmental Management Commission.</p>	<p style="text-align: right;">Page 8</p> <p>1 and effective person in your job. And the 2 Department is going to be at a great loss for 3 you not being here anymore. 4 So at this time, I'll turn -- and, 5 also, I have to say this too. Mr. LeFleur, for 6 somebody who has -- I think you went four days 7 without any change of clothes, and you have been 8 down on that Gulf. He has -- I have to 9 recognize the fact that he -- I said to him, are 10 you crazy? You want to go ahead and jump in 11 this right now? And he has been there on the 12 ground. And that's what the Commission wants 13 you to do, to make sure you're the -- you're the 14 face of this department and working closer with 15 your staff. And you have done it. 16 So at this time, I turn it over to 17 you for an update. 18 MR. LEFLEUR: Thank you, Madam 19 Chair. I apologize for my informality, but I do 20 look better than I did the other day, after 21 being in the same clothes for several days. 22 The quick -- a quick hats off to 23 some additional people down there. I want to</p>

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AEMC COMMISSION MEETING - 5/6/2010

<p style="text-align: right;">Page 9</p> <p>1 assure the Commission and the people of Alabama 2 that all of the people that are necessary from 3 state government are on the scene, including the 4 Governor. The Governor has been down there 5 every day having briefings. Our Senators have 6 been briefed down there on several occasions. 7 Congressman Joe Bonner has been briefed down 8 there also. The local elected officials -- 9 mayors, council people. We have had tremendous 10 interest and tremendous participation. 11 Your state government is working 12 well. And I am four days in state government, 13 but I have a lot of years not in state 14 government. So as a private citizen, I can 15 appreciate all that they're doing. 16 I will attempt to give a very 17 quick update. The first piece of information 18 is, there's no impact to our shoreline at this 19 time, and there's no impact anticipated in the 20 projection period that we have available. 21 And I have these charts up here 22 for a reason. These are -- these are old 23 charts. They're a day old. They come out every</p>	<p style="text-align: right;">Page 11</p> <p>1 at the shoreline to lay out boom. But the other 2 side of that coin has been that the heavy wave 3 action has actually dissipated a lot of the 4 slick. So we are actually better off even 5 though we have less boom out, because we've been 6 accumulating assets. And the weather has had a 7 very beneficial effect on this slick. 8 The battle plan out here is 9 injecting dispersants at the well head. A new 10 technique. Very effective. They have 11 ocean-going skimmers that are pulling off the 12 heavier grades of oil that are on the surface. 13 We have surface dispersion. We have in situ 14 burning that's been approved. Many, many assets 15 are being put on this. They're also trying 16 several things. 17 There's an attempt today to try to 18 cut off one of the leaks on a well casing. The 19 well casing -- the well is one mile, 5,000 feet 20 below the surface of the ocean. 21 When the rig burned and collapsed, 22 a thousand -- a 1,500 foot piece of casing was 23 attached to the blowout prevention device, and</p>
<p style="text-align: right;">Page 10</p> <p>1 single day. They're prepared twice a day, 2 actually. And this -- these are the charts that 3 we used for some of our presentations to various 4 citizen groups down there -- tourism group, 5 shrimpers, charter boat captains. We've briefed 6 about 1,500, 2,000 people so far. 7 These look out three days. This 8 was the projection for the day after these were 9 made. This was made on a Tuesday for 10 Wednesday. This is the oil slick. The light 11 blue is what's called the sheen field. That's 12 the low concentration. The darker the color, 13 the heavier the concentration. Plus, it's right 14 next to the well bed. You can see the 15 transition over time is not very great. It 16 tends to -- it's tending to spread apart. 17 The battle plan on this is to 18 attack this out to sea. We want to put 19 everything we can possibly put to this while 20 it's out to sea. Keep it from ever reaching the 21 shoreline. 22 We've had some very bad weather 23 lately, and it has interfered with our efforts</p>	<p style="text-align: right;">Page 12</p> <p>1 that 1,500 foot piece of well casing fell and 2 fell in a configuration that had three leaks in 3 it -- the one at the very end exiting the well, 4 one shortly before that, and then one about 5 1,500 feet down where it actually bent from the 6 blowout protection -- blowout preventer valve. 7 Today they will be attempting to 8 put a dome over the end leak. The dome will 9 have an opening in it and an umbilical will come 10 to the surface, with the idea being that it will 11 then take the oil that's coming from there and 12 directly put it into a tanker. It's 13 experimental at this depth, but it has worked in 14 other situations. 15 COMMISSIONER PIERCE: Lance, we're 16 talking about at the very end of the riser where 17 they're putting this dome, not over the -- 18 MR. LEFLEUR: Correct. Correct. 19 The blowout prevention mechanism 20 is a very large piece of equipment designed for 21 safety on this well. We were describing -- it's 22 a 60 foot piece of equipment that weighs 450 23 tons and has three methods of trying to close</p>

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1 off the well -- a ball valve, a crimp mechanism,
2 and then finally a guillotine. And all of those
3 have failed. They're continuing to try to get
4 that to work with remote-operated vehicles down
5 at the bottom. Have not been able to do that
6 yet.

7 There are several other
8 strategies. Some of them were higher risk. But
9 they are continuing to work on that.

10 The size of the slick has been
11 kept in check by the weather, the skimming, the
12 dispersants, many activities which has helped us
13 very much.

14 This is the line of uncertainty in
15 the projection that's been provided by NOAA.
16 This line of uncertainty was right on Dauphin
17 Island on Friday. So it has dropped by this
18 scale, about 40 miles -- 35, 40 miles from where
19 it was, and the distance to the first sheen area
20 is in the end range of 50 to 55 miles. So we
21 are -- we have been very fortunate in this slick
22 and its containment and the weather conditions
23 that have helped it.

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1 Now, many things can still happen
2 at this well head. We can have free flow. We
3 don't have free flow now. There's some
4 constricted flowing. Right now it's flowing
5 between 1,000 and 5,000 barrels per day. That's
6 between 40,000 and 200,000 gallons per day flow
7 rate. And they can't judge it precisely because
8 of the way that it sits.

9 The largest wells and the most
10 productive wells in the Gulf area have a maximum
11 production rate of about 24,000, 28,000 barrels
12 per day. This one was an exploratory well in a
13 new area. They don't know what the maximum flow
14 rate is. Average wells in that area flow at
15 about ten to 15,000 barrels per day.

16 The place -- stopping as I said is
17 at sea. We are -- we will have the entire area
18 from -- well, from the state line with
19 Mississippi to the state line with Florida will
20 receive boom to prevent oil hitting the beach.

21 Mobile Bay is being closed off
22 with a double booming set up. It required some
23 adjustment to the contingency plan. Pilings are

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1 being driven into the area on the land side and
2 the seaward side of the entrance to the bay in a
3 convex and concave pattern that will allow the
4 boom to be held there. There's very strong
5 hydraulic pressures there, and it takes a lot of
6 support to be able to keep those booms in
7 place.

8 It will be a two-stage boom
9 arrangement. The Port of Mobile will not be
10 closed. It will be -- it will continue to
11 operate. Ships that come in will be
12 decontaminated in the area between the two boom
13 lines, and activity will continue in the port.

14 The oyster beds and the estuarial
15 areas, the grass flats are being protected by
16 boom. And we're doing an experimental form of
17 barrier that we'll be putting up there. It's a
18 barrier that's been used in other applications,
19 but we're trying to use it in this one also. It
20 will protect this area of Dauphin Island also.
21 As I said, the entire area for us. Same
22 arrangement over at Perdido.

23 The strategy is that if it can be

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1 stopped here, then we protect the entire bay
2 area. We don't have to have every place within
3 Mobile Bay protected. We do have -- we have
4 double protection here. We will also have an
5 additional line of protection in those most
6 sensitive areas of Mobile Bay -- Gaillard Island
7 and Weeks Bay and some of those areas over
8 there.

9 The program, as I said, was slow
10 to begin with. Things were very disorganized,
11 as might be expected.

12 The project is being managed by
13 what's called a unified command. The -- since
14 this is an incident that involves four states,
15 it becomes a federal -- federally run program.
16 The top federal agencies -- the coast guard,
17 beneath the coast guard we have BP -- who has
18 raised their hand as the responsible party --
19 and then each state has their environmental and
20 other state agencies that are responding to
21 this. ADEM is the lead agency for the state,
22 working with EMA, Department of Health, six or
23 seven other agencies.

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1 And that's the very quick, very
2 brief summary. If there's any questions, I'll
3 be pleased to answer those.
4 THE CHAIR: Any questions from
5 Commissioners?
6 (No response.)
7 THE CHAIR: Mr. LeFleur, thank you
8 for your hard work. And, staff, continue to do
9 your hard work.
10 I entertain a motion to adjourn.
11 VICE CHAIR LESTER: So moved.
12 MR. WAINWRIGHT: So moved.
13 THE CHAIR: We're adjourned.
14 VICE CHAIR LESTER: Now, before we
15 leave, though, I'd like to say I talked to Debi
16 while ago. And you know her son ten days --
17 about two weeks ago got run over by -- on a
18 bicycle by a vehicle on campus at the University
19 of Alabama. Been in the hospital the day before
20 yesterday. He's out now at the house she has
21 rented over there. Will get to graduate
22 Saturday from the university and be in a
23 wheelchair. But they've made arrangements with

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1 the school to take care of that. So just to let
2 her know we're all thinking about her.
3 Thank you.
4 THE CHAIR: We are. And we love
5 Debi. Thank you.
6 We adjourn.
7 (End of proceedings.)
8
9 FURTHER DEPONENT SAITH NOT
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1 CERTIFICATE
2 STATE OF ALABAMA)
3 MONTGOMERY COUNTY)
4 I hereby certify that the above and
5 foregoing deposition was taken down by me in
6 stenotype, and the questions and answers thereto
7 were transcribed by means of computer-aided
8 transcription, and that the foregoing represents
9 a true and correct transcript of the deposition
10 given by said witness upon said hearing.
11 I further certify that I am neither of
12 counsel nor of kin to the parties to the action,
13 nor am I in anywise interested in the result of
14 said cause.
15 I further certify that I am duly licensed
16 by the Alabama Board of Court Reporting as a
17 Certified Court Reporter as evidenced by the
18 ACCR number following my name below.
19
20 GWENDOLYN P. TIMBIE, CCR
21 Certificate No: AL-CCR-172
22
23 My commission expires March 10, 2013.

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1 C E R T I F I C A T E

2 STATE OF ALABAMA)

3 MONTGOMERY COUNTY)

4 I hereby certify that the above and
5 foregoing deposition was taken down by me in
6 stenotype, and the questions and answers thereto
7 were transcribed by means of computer-aided
8 transcription, and that the foregoing represents
9 a true and correct transcript of the deposition
10 given by said witness upon said hearing.

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17 Certified Court Reporter as evidenced by the
18 ACCR number following my name below.

19 *Gwendolyn P. Timbie /ca*

20 GWENDOLYN P. TIMBIE, CCR

21 Certificate No: AL-CCR-172

22

23 My commission expires March 10, 2013.

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Part B

Attachment Index

Attachment 1	Agenda
Attachment 2	Order ratifying the Chair's action making the effective date of Mr. Lance LeFleur's employment May 1, 2010
	(Agenda Item 1 – Amend the effective date of Lance LeFleur's appointment)

Attachment 1

AGENDA*
MEETING OF THE
ALABAMA ENVIRONMENTAL MANAGEMENT COMMISSION

DATE: May 6, 2010

TIME: 11:30 a.m.

LOCATION: Alabama Department of Environmental Management (ADEM) Building
Alabama Room (Main Hearing Room)
1400 Coliseum Boulevard
Montgomery, Alabama 36110-2400

ITEM

1. Amend the effective date of Lance LeFleur's appointment
2. Commission Chair Archie to brief the Commission on the situation in the Gulf of Mexico

*The agenda for this meeting will be available on the ADEM website, www.adem.alabama.gov, under EMC Information and Calendar of Events.

Attachment 2

BEFORE THE
ENVIRONMENTAL MANAGEMENT COMMISSION
OF THE
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

MOTION

Ratify the Chair's action making the effective date of
Mr. Lance LeFleur's employment May 1, 2010

ORDER

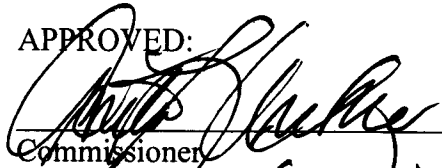
This cause having come before the Environmental Management Commission pursuant to the above motion, and having considered the same, the Commission hereby ORDERS, ADJUDGES, and DECREES as follows:

1. That the above motion is hereby adopted; and
2. That this action has been taken and this Order shall be deemed rendered effective as of the date shown below.

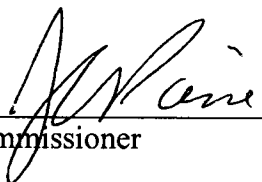
Environmental Management Commission Order
Page 2

ISSUED this 6th day of May 2010.

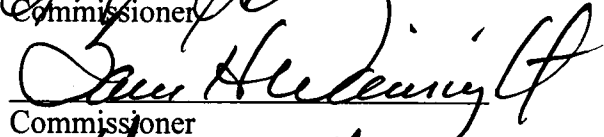
APPROVED:



Commissioner



Commissioner



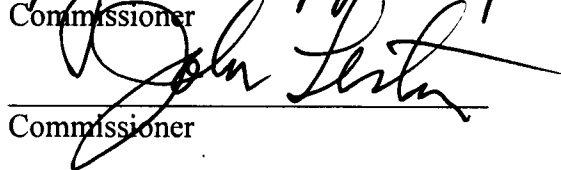
Commissioner

Commissioner



Commissioner

Commissioner



Commissioner

DISAPPROVED:

Commissioner

Commissioner

Commissioner

ABSTAINED:

Commissioner

Commissioner

Commissioner